



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: April 26, 2022 and May 10, 2022

31

TO: Board of Supervisors

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 Section 448.1 of the County Administrative Code and Sections 21.0102 and 21.1901 of the San Diego County Code of Regulatory Ordinances related to the San Diego County Sheriff's Department's (Sheriff's Department) fees charged for provided services. 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).

Today's recommended ordinance 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 proposed amendments to the County Administrative Code pertain to Section 448.1 (Detention Services User Fees) and cover two distinct services. One updates fees to reflect actual vendor costs associated with incarcerated persons' accounts and prepaid debit cards. The other seeks to offset fees associated with vendor costs put forth by the commissary service website. In addition to the County Administrative Code amendments, the Sheriff's Department reviewed its regulatory and licensing fees, resulting in 35 proposed regulations having 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 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 April 26, 2022, consider an Ordinance amending Section 448.1 of the County Administrative Code and Sections 21.102 and 21.1901 of the San Diego County Code of Regulatory Ordinances relating to the San Diego County Sheriff's

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

Department (first reading) so that it can be acted upon at the May 10, 2022 meeting (second reading) and waive B-29 for full cost recovery relating to 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 SECTION 448.1 TO ARTICLE XXV OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE AND 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 April 26, 2022, the Board takes action as recommended above, then on May 10, 2022:

1. ~~Consider and adopt the Ordinance to amend Section 448.1 of the San Diego County Administrative Code and amend Sections 21.102 and 21.1901 of the San Diego County Code of Regulatory Ordinances relating to Sheriff's Department fees (second reading).~~

(THIS ITEM HAS BEEN WITHDRAWN AT THE REQUEST OF THE CHIEF ADMINISTRATIVE OFFICER)

EQUITY IMPACT STATEMENT

The Sheriff's Department strives for equitable and positive outcomes in our communities, which means that services to our communities 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. The fees are meant for service cost recovery. These fees for prepaid debit cards and commissary website services are necessary for the operation of these services that bring convenience and accessibility to our clients. 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

Fees for Incarcerated Persons Pre-Paid Debit Cards (Attachments A and B)

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

There is no fiscal impact to the County. The fees assessed for this service are paid directly by the customer to the vendor and/or merchant for processing the transaction. There will be no change in net General Fund cost and no additional staff years.

Commissary Service Website Fee (Attachments A and B)

There is no fiscal impact to the County. To offset vendor service costs, transaction fees are proposed to increase by \$0.35 per transaction. If approved, the cost per transaction will go from \$3.25 to \$3.60 to support website hosting and processing online credit and debit card payments. There will be no change in net General Fund cost and no additional staff years.

Various Regulatory/Licensing Fees (Attachment D)

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) in order to pay for 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

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The San Diego County Sheriff's Department (Sheriff's Department) is committed to providing the highest quality public safety service to everyone in San Diego County. The Sheriff's Department routinely reflects on its operations to ensure it maintains a balanced approach to its service delivery. One aspect of this is through assessing services and respective costs of doing business that require the evaluation of fees to align with current costs. Pursuant to Board Policy B-29 (Fees, Grants, and Revenue Contracts— Department Responsibility for Cost Recovery) County of San Diego departments are required to ensure costs are fully recovered for services provided to agencies or individuals. The San Diego County Sheriff's Department has conducted a review of its fees and rates affirming that the methodologies used are consistent with Board Policy B-29 and in conformance with existing cost policies and procedures. Today's fee and rate adjustment requests pertain to the following program areas.

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

Amendments to Section 448.1 of the San Diego County Code of Administrative Ordinances

On June 6, 2017 (3), Section 448.1 was added to the San Diego County Code of Administrative Ordinances to include fees associated with issuing debit cards to incarcerated persons upon release from custody, in addition to establishing a fee associated with the Sheriff's Department commissary service website which provides the public with the opportunity to purchase gift packs for an incarcerated person or to deposit funds on an incarcerated person's account.

The charges associated with the Pre-Paid Debit Cards do not serve as a revenue source for the Sheriff's Department but instead offsets vendor costs for hosting and processing fees. The Sheriff's Department seeks to make a technical update (Attachment B) to the ordinance to mirror the most recent version of the vendor's fee chart which discloses that certain activities are not applicable or have no fees and that there is a \$0.95 charge for declining an international transaction.

The annual vendor cost to maintain web hosting and processing fees for the commissary service website has increased over the past five years. Therefore, to become cost neutral, transaction fees are proposed to increase by \$0.35 per transaction. Today's request seeks to adjust the cost per transaction from \$3.25 to \$3.60 to offset vendor costs for website hosting and processing online credit and debit card payments.

Section 448.1 of the San Diego County Code of Administrative Ordinances is also updated to reflect Board action that took place on March 2, 2021 (3) and May 4, 2021 (2), to implement a communication services program that provides no-cost communication services for incarcerated persons.

Today's Board request seeks to adopt an ordinance (Attachments A and B) to amend Section 448.1 of the San Diego County Code of Administrative Ordinances to remove reference to telephone service charges based on the March 2, 2021 (3) and May 4, 2021 (2) Board action; update vendor fee information for incarcerated persons' prepaid debit cards; and revise the fee for the commissary service website from \$3.25 to \$3.60 per transaction to offset vendor costs and merchant fees.

Amendments to Sections 21.102 and 21.1901 of the San Diego County Code of Regulatory Ordinances

The San Diego Sheriff's Department Licensing & Registration Division is responsible for the regulation and enforcement of more than 40 regulatory ordinances and other state mandated licensing requirements within the unincorporated areas of San Diego County. The Sheriff's Department is authorized by Section 21.1901 of the San Diego County Code of Regulatory Ordinances to collect fees for the issuance of law enforcement regulated licenses and permits, in addition to collecting fees for copies of various documents and services.

Every year, to ensure full cost recovery pursuant to Board Policy B-29, the Sheriff's Department reviews its regulatory and licensing fees; June 27, 2017 (3) was the last time the Department came to the Board with a request to increase fees. This year, the Sheriff's Department reviewed its regulatory and licensing fees and identified 35 regulations requiring fee adjustments and ten

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

determinations to maintain existing fees (Attachments A, B, and D). One of the proposed fee increases, relating to Concealed Weapons License, is seeking a B-29 waiver. This fee does not capture full cost-recovery since it does not incorporate costs associated with background and investigation processing as well as supervisory staff time to review each application. The proposed increase is from \$63 to \$176 per application in order to recover processing costs. This new proposed amount is comparable to county agencies throughout the state, for example: Riverside charges \$100; San Bernadino charges \$153; Los Angeles charges \$150; Orange charges \$169; and Fresno charges \$124.

The ten existing fees remaining the same involve: Bingo License fees, which is governed by Penal Code 326.5; Concealed Weapons License Amendment fees, which is governed by Penal Code 26190; Massage Establishment License fees, which is governed by Business and Professions Code 4600; Charitable Solicitor Registration, Blaster's ID and permit have no associated fees; and the other unchanged service fees relate to copies of reports, records search/criminal history, evidence photos, and crime lab reports. Pursuant to previous Board action on November 17, 2020 (19) and April 6, 2021 (18), fees related to entertainment establishments, amusement parks, swap meets, casinos, and outdoor assemblies were waived through Fiscal Year 2021-22 in order to address disproportionalities affecting the events industry during the COVID-19 pandemic and to help facilitate economic recovery. Beginning in Fiscal Year 2022-23, those fees will be reinstated at the rates approved in today's requested Board action.

On October 6, 2021 (1) the Board took action to approve County ordinances to facilitate ongoing operations of five existing medical marijuana collective facilities in addition to providing economic access and equity to the cannabis industry. As referenced in that Board item, when issuing cannabis business licenses, or for the transfer of such business licenses, the Sheriff will charge new Operating Certificate applicants the cost for facilitating a license transfer. The Sheriff has performed a fee study to establish the costs of several types of Operating Certificate transfers. These types include processing an initial application; processing a renewal application; adding a new owner or changing the corporation name on an existing Operating Certificate; and adding new activities, such as cultivation or manufacturing, to an Operating Certificate. Attachment D highlights full cost recovery for the five existing cannabis facilities and will replace the Medical Marijuana Operation Certificate annual fee in the Regulatory Code, Sections 21.102 and 21.1901. Once the County of San Diego implements the new Socially Equitable Cannabis Program, a new fee study will be conducted.

The overall cost recovery analysis results in the following recommendations (see Attachments B and D for additional details):

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

Fee - Increases (35)		Fee – No Change (10)
<ul style="list-style-type: none"> • Adult Entertainment Employee License • Adult Entertainment Establishment License • Amusement Devices/ Establishments • Amusement Rides • Bath House • Carnival or Circus License • Casino Party License • Cannabis Facility Operating Certificates • Cannabis Facility Operation Certificate Modification • Cannabis Facility Operation Certificate (Fee for Transfer of Staff/Corporation Name) • Concealed Weapons License • Entertainment Establishment License • Entertainment Establishment Manager Registration • Explosives Permit • Fingerprint Services • Firearms Dealer Permit • Fireworks Permit 	<ul style="list-style-type: none"> • Fortune Telling License • Junk Yards or Motor Vehicle Wrecking Yards License • Merchandise Coupon Distributor • Outdoor Assembly License • Outdoor Assembly Manager Registration • Pawnbroker or Secondhand Dealer License • Permanent Amusement Rides and Go-Cart Centers Permit • Police Clearance Letter • Public Dance License • Public Dance Manager Registration • Security Alarm Systems Permit • Solicitor’s License • Swap Meet License • Taxicabs and Taxicab Operators (Driver ID card) • Taxicabs and Taxicab Operators (Amendments/Changes Driver ID card) • Taxicabs and Taxicab Operators (Inspection) • Taxicabs and Taxicab Operators (Operators License) • Teenage Public Dances 	<ul style="list-style-type: none"> • Bingo • Blaster’s ID Card • Blaster’s Permit • Charitable Solicitor Registration • Concealed Weapons License Amendment • Copies of Crime Lab Reports • Copies of Evidence Photos • Copies of Reports • Massage Establishments • Records Searches

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

Resolution Relating to Fines Collected by the San Diego Sheriff's Department Regional Crime Laboratory to Conduct Chemical Testing Involving Driving Under the Influence/Driving Under the Influence of Drugs (DUI/DUID)

The San Diego Sheriff's Department Regional Crime Laboratory (Crime Lab) is responsible 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). Penal Code Section 1463.14(a) permits the collection of \$50 from each fine associated with Driving Under the Influence (DUI) or reckless driving convictions to pay for the cost of drug and/or alcohol testing performed by the Crime Lab. To help recoup costs associated with testing, Penal Code Section 1463.14(b) permits the Board of Supervisors to authorize an additional penalty upon defendants convicted of driving under the influence of alcohol and/or drugs, California Vehicle Code 23152 or 23153, of an amount equal to the cost of testing for these substances. This additional penalty is only in instances where the defendant has the ability to pay, and in no case shall any defendant be ordered to pay a penalty in excess of \$50.

Today's request seeks the Board's approval, via resolution (Attachment E), to impose the additional penalty of \$50 pursuant to Penal Code Section 1463.14(b) to help offset the costs of testing. The cost per test (excluding indirect and personnel costs) increased from \$113 in Fiscal Year 2019-20 to \$121 in Fiscal Year 2020-21 while revenues received were consistently less than costs incurred.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Sustainability Initiative in the County of San Diego's (County) 2022-2027 Strategic Plan by aligning the County's available resources with services to maintain fiscal stability and ensure long-term solvency. Several of the proposed fees have been set to ensure cost recovery on services provided to maintain fiscal stability. The proposed actions also align with the Equity Initiative of the County's Strategic Plan by balancing accessibility to services through reasonable fee amounts. In addition, these proposed actions support the Empower Initiative of the County's Strategic Plan by providing excellent customer service and implementing innovative best practices, such as prepaid debit cards and commissary web services. Periodically reviewing Sheriff's Department services and related fees ensures that the County has optimized its public safety service delivery systems to ensure efficiency, integration and innovation while maintaining fiscal stability.

Respectfully submitted,



ANTHONY C. RAY
Sheriff

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

ATTACHMENTS

Attachment A: Ordinance to Amend Fees (Clean)

Attachment B: Ordinance to Amend Fees (Informational)

Attachment C: Summary of Proposed Ordinance

Attachment D: Summary Comparison of Current and Proposed Fees

Attachment E: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
SAN DIEGO RELATING TO FINES FOR CHEMICAL TESTING FOR DRUG
AND ALCHOL SUBSTANCES