

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, APRIL 26, 2022**

MINUTE ORDER NO. 31

**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 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: 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).

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)

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

ACTION:

This item was withdrawn at the request of the Chief Administrative Officer.

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