

ORDINANCE NO. 3419

ORDINANCE AMENDING COUNTY FEE SCHEDULE

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 19, 2019, Ordinance No. 3399 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 2020 as set out in *Schedule "A" or in Fiscal Year 2020-21 as set forth in *Schedule "B" of this ordinance have been subject to review by the County Administrator and the County Auditor-Controller, which Schedules are incorporated herein by reference.

d. On March 6, 2020, San Luis Obispo County Public Health ("Department") initiated laboratory COVID-19 related testing. The reagents for performing molecular testing are provided by the Centers for Disease Control and Prevention (CDC) International Resource Reagent Repository (IRR). In consideration of the free testing materials and due to the need to amplify the amount of testing for purposes of disease surveillance and to eliminate barriers to testing, the Department has continued testing with no charge.

e. In addition to the accession of the IRR testing reagents, additional test kit components have become available for the SLO PHL to complete testing, increasing the staff time dedicated to the COVID-19 response.

f. It is in the public interest that the Department be authorized to collect the fees related to COVID-19 testing ("COVID-19 Testing Fees") as delineated on Exhibit "A" attached hereto be added to Schedule "B".

g. The COVID-19 Testing Fees to be added to Schedule "B" as shown on the attached Exhibit A reflect Board approved charges for providing any product or service, and do not exceed the estimated reasonable costs of those services for which the fees are charged.

h. By definition, these charges are not a "tax" and are exempt from voter approval pursuant to California Constitution, 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).

i. Public Notice has been given in accordance with Government Code Section 25124.

SECTION 2: The fee schedules are amended as follows:

Schedule B of the Fee Schedule is amended by adding the COVID-19 Testing Fees as set forth on the attached Exhibit "A." All other provisions of the Fee Schedule shall remain unchanged and in full force and effect. The COVID-19 Testing Fees shall become effective on August 7, 2020. The Department is authorized to begin charging the COVID Testing Fees on August 7, 2020.

SECTION 3: 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 June 16, 2020 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on July 7, 2020, by the following roll call vote, to wit:

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

NOES: None

ABSENT: Supervisor Adam Hill

ABSTAINING: None



Lynn Compton
Chairperson of the Board of Supervisors
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

Exhibit "A" to Schedule B

Department Name: Public Health - Laboratory
 Fund Center: 16010

					FY 2019-20 FEE SCHEDULE		FY 2020-21 FEE SCHEDULE		
Fee Indicator #	Fee Category	Fee Description	Board Discretion Type	Authority	Fee Amount	Unit Desc.	Fee Amount	Unit Desc.	
		LABORATORY DIVISION							
1000		Laboratory Fees		H&S Code 101150 & 101155					
	New	Coronavirus SARS-CoV2 RT_PCR.	Full				\$ 138.00	each	
	New	Coronavirus SARS-CoV2 Xpert RT_PCR.	Full				\$ 94.00	each	
	New	Coronavirus SARS-CoV2 AMPLIFICATION.	Full				\$ 63.00	each	