

ORDINANCE NO. 3477

**ORDINANCE AMENDING COUNTY FEE SCHEDULE TO UPDATE
DEPARTMENT OF PLANNING AND BUILDING AND SHERIFF-CORONER CANNABIS 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 the County of San Luis Obispo's Cannabis 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 Cannabis services; and,

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

WHEREAS, County Staff has reviewed the fee recommendations and concurs with the recommended changes.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, 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 16, 2021, Ordinance No. 3463 and on December 14, 2021, Ordinance No. 3466 were adopted establishing or reaffirming all county fees. Said ordinances, 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 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 "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 "B" as "proposed fees" are hereby approved and shall be effective October 13, 2022.

SECTION 3: All departmental managers and divisional managers whose services are listed in said Schedule "B" are hereby directed to amend their fees for services to the rate shown in 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 the 23rd day of August, 2022, and **PASSED and ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 13th day of September 2022, by the following roll call vote, to wit:

AYES: Supervisors Debbie Arnold, John Peschong, Debbie Ortiz-Legg and
Chairperson Bruce S. Gibson

NOES: None

ABSENT: Supervisor Lynn Compton

ABSTAINING: None



Bruce S. Gibson
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By:  _____
Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM AND EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Brian J. Stack _____
Deputy County Counsel


Dated: August 15, 2022

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on October 24, 2022.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors

By:  _____
Deputy Clerk

ATTACHMENT 2

Department Name: Auditor-Controller-Treasurer-Tax Collector-Public Administrator (ACTTCPA)
 Fund Center: 117

Fee Indicator #		Fee Detail			FY 2022-23 FEE SCHEDULE		FY 2021-22 UNAPPORTIONED FEE SCHEDULE		DIFFERENCE	Comments
Fee Category	Fee Description	Board Discretion Type	Authority	Fee Amount	Unit Desc.	Fee Amount	Unit Desc.	\$ Difference from Prior Year	Comments	
4200	Deleted California Cannabis Authority	partial	BL Ord. 6.00.005 & 6.12.04 & 6.90	\$280.00	each	\$0.00	each	(\$280.00)	Footnote #1	
4201	New Cannabis Tax Compliance Program	partial	BL Ord. 6.00.005 & 6.12.04 & 6.90	\$0.00	each	\$3,918.00	each		Footnote #1	

Fee Statistics	
Fee Category	1 New 0 Decreased 0 Increased 0 Unchanged 1 Deleted 2 Total
Board Discretion Type	0 Full 2 Partial 0 None 2 Total

ATTACHMENT 3

Department Name: Planning and Building (Cannabis Program Fee Changes Only)
 Fund Center: 142

Fee Indicator #	Fee Category	Fee Detail			FY 2022-23 FEE SCHEDULE APPROVED		REVISED FY 2022-23 FEE SCHEDULE PROPOSAL		DIFFERENCE	Comments
		Fee Description	Board Discretion Type	Authority	Fee Amount	Unit Desc.	Fee Amount	Unit Desc.		
2000	Deleted	Associated with Building Permits (Cannabis Fees)								
2013	Deleted	Cannabis Monitoring - Tier I	Full		\$602.00	Per Business	\$0.00		(\$602.00)	
2012	Deleted	Cannabis Monitoring - Tier II	Full		\$1,113.00	Per Business	\$0.00		(\$1,113.00)	
2010	Deleted	Cannabis Monitoring - Tier III	Full		\$2,256.00	Per Business	\$0.00		(\$2,256.00)	
14001	Deleted	A. Code Enforcement								
14003	Deleted	Code Enforcement Violation Fee - minor - "Cannabis"	Full		\$751.00		\$0.00		(\$751.00)	
14005	Deleted	Code Enforcement Violation Fee - major - "Cannabis"	Full		\$2,146.00		\$0.00		(\$2,146.00)	
14007	Deleted	Investigation - Building Violation - "Cannabis"	Full		\$133.00	per hour	\$0.00		(\$133.00)	
14009	Deleted	Investigation - Land Use Violation (Non-permit cases) - "Cannabis"	Full		\$142.00	per hour	\$0.00		(\$142.00)	
14011	Deleted	Release of Notice of Nuisance - "Cannabis"	Full		\$591.00	plus noticing costs	\$0.00		(\$591.00)	
26014		C. Special Services								
25022	New	Cannabis Hearing Docket Fee	Full		\$0.00	Per Hearing Docket	\$365.00	Per Hearing Docket		

Fee Statistics	
Fee Category	1 New
	0 Decreased
	0 Increased
	0 Unchanged
	8 Deleted
	\$ Total
Board Discretion Type	9 Full
	0 Partial
	0 None
	\$ Total

Fee Indicator #	Fee Category	Fee Detail			FY 2022-23 FEE SCHEDULE APPROVED		REVISED FY 2022/23 FEE SCHEDULE PROPOSAL		DIFFERENCE	Comments
		Fee Description	Board Discretion Type	Authority	Fee Amount	Unit Desc.	Fee Amount	Unit Desc.		
7000		Cannabis Fees								
7001	New	Cannabis Business License Background (Cultivation)	Full		\$0.00	Per application	\$24,630.00	Per application		
7002	New	Cannabis Business License Background (Non-Cultivation)	Full		\$0.00	Per application	\$23,591.00	Per application		
7003	New	First Year Site Visits (Cultivation)	Full		\$0.00	Per Business	\$11,570.00	Per Business		
7004	New	First Year Site Visits (Non-Cultivation)	Full		\$0.00	Per Business	\$9,423.00	Per Business		
7005	Increased	Cannabis Business License Background for Added Partner	Full		\$1,810.00	Per application	\$3,079.00	Per application	\$1,269.00	
7006	New	Annual License Renewal Background (Cultivation)	Full		\$0.00	Per application	\$18,702.00	Per application		
7007	New	Annual License Renewal Background (Non-Cultivation)	Full		\$0.00	Per application	\$15,441.00	Per application		
7008	New	New Location Background (Cultivation)	Full		\$0.00	Per application	\$16,804.00	Per application		
7009	New	New Location Background (Non-Cultivation)	Full		\$0.00	Per application	\$16,931.00	Per application		
7010	Increased	Cannabis Business Employee Background	Full		\$318.00	Per application	\$628.00	Per application	\$310.00	
7011	Increased	Cannabis Labor Contractor Background	Full		\$2,117.00	Per application	\$3,302.00	Per application	\$1,185.00	
7012	New	Major Violation	Full		\$0.00	Per Business	\$16,396.00	Per Business		
7013	New	Minor Violation	Full		\$0.00	Per Business	\$4,958.00	Per Business		
7014	New	Notice of Nuisance	Full		\$0.00	Per Notice	\$1,244.00	Per Notice		
7015	Deleted	Cannabis Business License Background	Full		\$10,672.00	Per application	\$0.00	Per application	(\$10,672.00)	
7016	Deleted	Cannabis Annual Business License Renewal Background	Full		\$3,830.00	Per application	\$0.00	Per application	(\$3,830.00)	
7017	Deleted	Cannabis Background (Pre-Existing Business) - New Location	Full		\$5,356.00	Per application	\$0.00	Per application	(\$5,356.00)	

FEE SCHEDULES	
Fee Category	11 New 0 Decreased 3 Increased 0 Unchanged 3 Deleted 17 Total
Board Discretion Type	17 Full 0 Partial 0 None 17 Total