

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 AN ORDINANCE OF THE SAN BENITO COUNTY)
3 BOARD OF SUPERVISORS, AMENDING CERTAIN)
4 SECTIONS OF THE SAN BENITO COUNTY CODE,)
5 TO ADOPT THE "SAN BENITO COUNTY MASTER)
6 FEES SCHEDULE", AND TO ADOPT INCREASES)
AND REDUCTIONS IN CERTAIN COUNTY FEES)

ORDINANCE NO. _____

7 The Board of Supervisors of the County of San Benito hereby ordains as follows:

8 **SECTION 1.** This Ordinance and future amendments thereto shall be referred to and known as the
9 "San Benito County Master Fee Schedule Ordinance."

10 **SECTION 2.** Title 5, Chapter 5.01 of the San Benito County Code is hereby amended to add
11 Section 5.01.000 to read as follows:

12 **5.01.000 SAN BENITO COUNTY MASTER FEE SCHEDULE**

13 (A) Intent And Purpose. In adopting the San Benito County Master Fee Schedule, the
14 Board of Supervisors intends to provide one document that lists all fees for services
15 authorized by the Board of Supervisors. The purpose is to facilitate review and
16 update of the Master Fee Schedule at reasonable and timely intervals, to provide for
17 ease of use and access to fees for County services, and to promote a better
understanding by the public of all fees charged by the County of San Benito.
Such fees shall not exceed the actual cost of providing the service in compliance
with Article XIIB, Section 8(c) of the California Constitution.

18 (B) Findings. The Board of Supervisors hereby adopts the following findings:

- 19 1) Prior to adopting the San Benito County Master Fee Schedule, the Board of
20 Supervisors held at least one public hearing, at which oral or written
21 presentations could be made, as a part of a regularly scheduled meeting, and that
22 notice of the time and place of the meeting, including a general explanation of
23 the matter to be considered, was published in accordance with Government Code
24 section 6062a, that at least ten (10) days prior to adoption, this Board made
25 available to the public data indicating the amount of the costs, or estimated costs,
26 required to provide the services for which the fees are levied;
- 27 2) The Board of Supervisors is authorized to adopt and increase fees in an amount
28 reasonably necessary to recover costs of providing any product or service,
including indirect costs, pursuant to California Government Code section 54985;
- 3) The Board of Supervisors desires to recover the full cost of providing the
services specified in the San Benito County Master Fee Schedule, from the
parties receiving the services, and the fees reflected in the Master Fee Schedule
shall be used to recover the costs of providing such services;

- 1 4) Fees to be adopted or increased herein are based on fee studies that present a
2 reasonable estimate of the costs of providing the applicable services, and
3 demonstrate the proposed fees do not exceed the reasonable estimate of the costs
4 of providing the services for which they are charged, and represent reasonable
5 fees necessary to meet the County's operating expenses pertaining to providing
6 the specified services;
- 7 5) The fees and charges specified by this Ordinance do not exceed the cost of
8 providing the product or service or enforcing the regulation for which the fee or
9 charge is levied; and
- 10 6) The fees set forth in the San Benito County Master Fee Schedule are charges
11 imposed for specific governmental services provided directly to the payor of the
12 fee, and such services will not be provided to those that are not charged, and only
13 those individuals voluntarily requesting the specified services will be charged the
14 proposed fees.

15 (C) Master Fee Schedule. The fees and charges set forth in the San Benito County
16 Master Fee Schedule, attached hereto and incorporated herein by reference as
17 Exhibit A, as if set forth in full, are hereby established for the following county
18 departments and divisions thereof:

19 Animal Control
20 Agriculture-Weights and Measures
21 Assessor Office
22 Clerk of the Board of Supervisors
23 County Clerk-Recorder-Registrar of Voters
24 County Counsel
25 Emergency Medical Services
26 Environmental Health
27 Geographic Information Systems
28 Library
Mental Health
Public Health
Probation
Resource Management Agency
Sheriff
Tax Collector

(D) Codified Fees and Charges. The fees and charges adopted herein and included in the
San Benito County Master Fee Schedule shall supersede and replace the fees or
charges of the same type, that are specified in Title 5, Chapter 5.01 of the San Benito
County Code, or in any other section of the San Benito County Code, or in any
Resolution of the Board of Supervisors. However, in the event a fee or charge that is
specified in Title 5, Chapter 5.01 of the San Benito County Code, or in any other
section of the San Benito County Code, or in any Resolution of the Board of
Supervisors, is not expressly included in the San Benito County Master Fee
Schedule, that fee or charge shall remain in full force and effect, and the Master Fee
Schedule shall not be deemed to supercede or replace it.

1 (E) Adoption and Revisions to the Master Fee Schedule. Fees and charges for the
2 County departments listed in this Section and in any other County departments, may
3 be added, reduced, increased, or deleted from time to time, by amendments to the
4 San Benito County Master Fee Schedule Ordinance, in compliance with State law.
5 The Board may amend the Master Fee Schedule including, but not limited to, fee
6 type, fee amount and the department providing the service, by an Ordinance adopted
7 by the Board of Supervisors by majority vote, noticed pursuant to Government Code
8 Section 66016 et seq., during the annual budget process, and at other times of the
9 fiscal year as necessary, provided, however, such amendments may specify therein
10 their applicability, if any, to applications currently in the process of review.

11 To the extent allowed by law or regulation, fees shall be annually amended to reflect
12 increases in the cost of providing the service including, but not limited to, increases
13 resulting from changes in the Consumer Price Index (CPI) calculated using the
14 United States Department of Labor's Consumer Price Index for All Urban Customers
15 in the San Francisco/Oakland/San Jose, CA metropolitan area. Notwithstanding CPI
16 increases, fee increases shall be based upon and supported by cost studies that
17 provide reasonable substantiation of the cost of providing the service.

18 Portions of fees and charges in the Master Fee Schedule which are mandated by
19 State or Federal law may be automatically adjusted, without benefit of an Ordinance
20 amending the Master Fee Schedule when it is necessary to timely apply adjustments
21 to said fees and charges in order to maintain compliance with State or Federal law.
22 Individual fees and charges or portions thereof may be waived by the State or
23 Federal government if found to be in the public interest.

24 **SECTION 3. General Provisions**

25 A. Fee Study: The fee studies prepared in connection with the proposed San Benito County
26 Master Fee Schedule presents a reasonable estimate of the annual costs of services,
27 demonstrates that the proposed amended fees do not exceed the reasonable estimate of the
28 costs of providing the services, and represents reasonable fees necessary to meet the
County's operating expenses pertaining to providing such services;

B. Severability: If any section, subsection, sentence, clause, or phrase of this Ordinance is for
any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such
decision shall not affect the validity of the remaining portions of this Ordinance. The Board
of Supervisors hereby declares that it would have enacted this Ordinance and each section,
subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more
sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

C. Captions: The titles and headings to the sections hereunder are not part of this Ordinance
and shall have no effect upon the construction or interpretation of any part hereof.

D. Effective Date and Codification: Section two of this Ordinance shall be codified, together
with Exhibit A to this Ordinance. The remaining sections of this Ordinance shall remain un-
codified. This Ordinance shall take effect thirty (30) days after its adoption. The fees and
charges established hereby shall take effect upon the effective date of this Ordinance.

1 E. Publication: Before expiration of fifteen (15) days after passage of this Ordinance, the Clerk
2 of the Board of Supervisors shall cause a summary of this Ordinance to be published once,
3 pursuant to California Government Code 25124, with the names of the members of the
4 Board of Supervisors voting for and against the Ordinance, in a newspaper of general
circulation which is printed, published and circulated within the County of San Benito, State
of California.

5 Following a duly noticed public hearing, the foregoing Ordinance was introduced by the Board of
6 Supervisors of the County of San Benito, State of California, at a regular meeting of said Board held
7 on the 7th day of August, 2018, and was passed and adopted at a regular meeting of said Board held
on the 21st day of August, 2018, by the following vote:

8 AYES: Supervisor(s)
9 NOES: Supervisor(s)
10 ABSTAIN: Supervisor(s)
11 ABSENT: Supervisor(s)

12 By: _____
Anthony Botelho, Chair

13 **ATTEST:**
14 Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

15
16 By: _____

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

17 Date: _____

Date: Aug. 15, 2018