

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN BENITO COUNTY)
BOARD OF SUPERVISORS ESTABLISHING)
CANNABIS BUSINESS PERMIT APPLICATION) RESOLUTION NO. 2019-____
FEE, ZONING VERIFICATION FEE,)
BACKGROUND CHECK FEE, AND APPEAL FEE)**

WHEREAS, on December 12, 2018, the San Benito County Board of Supervisors adopted Ordinance No. 974 regulating cannabis businesses by amending Chapter 7.02 of the San Benito County Code;

WHEREAS, pursuant to San Benito County Code §§7.02.051 and 7.02.110, subd. (L), a fee to cover all costs incurred by the County in the application process, including the cost of conducting a background investigation, may be established by resolution of the Board of Supervisors;

WHEREAS, consistent with Government Code §§66016, 66018, and other applicable law, the Board of Supervisors of the County of San Benito, may establish and amend certain fees or service charges based on the cost of providing various services, subject to legal requirements; and

WHEREAS, the fee and fee deposit as proposed are not subject to the provisions of California Constitution Articles XIII A and XIII C, also known as Proposition 26, approved by the voters of California on November 2, 2010; and

WHEREAS, the proposed fee and fee deposit as determined by the fee analysis, attached hereto and incorporated herein as Exhibit A, has previously been determined by the Auditor-Controller not to exceed the cost of providing the actual specific County services, or enforcing the regulation for which the fee is levied, including fees imposed pursuant to Government Code §66014, subd. (a); and

WHEREAS, any fee deposit received by the County in accordance with Chapter 7.02 shall be held in a non-interest-bearing account; and

WHEREAS, any fee deposit received by the County in accordance with Chapter 7.02 shall only be held by the County for a period of up to eighteen (18) months, unless a written request to extend for a period of time up to six (6) months is received and approved by the County; and

WHEREAS, in the event the County attempts to return any portion of any fee deposit received by the County in accordance with Chapter 7.02, and the depositor is unable to be located, the County shall cause the disposition of the deposit, or part thereof, in accordance with state and local law; and

WHEREAS, no person filed a request with the Clerk of the Board for mailed notice of the meeting on this matter, and therefore no notices were mailed pursuant to Government Code §66019; and

WHEREAS, the public hearing notice was published in accordance with Government Code §6062a; and

WHEREAS, data pertaining to the costs of providing the services or enforcing the regulations for which the proposed fees are levied, as well as data pertaining to the revenue sources anticipated to provide those services, has been made available to the public at least ten (10) days prior to the public meeting in advance in accordance with Government Code § 66016; and

WHEREAS, pursuant to Title 14, §15273, subd. (a)(1), of the California Code of Regulations, the modification of, and adoption of, said fee is found to be exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, consistent with Government Code §66019, and unless otherwise required by law, the proposed fees will become effective sixty (60) days following adoption of this Resolution; and

NOW, THEREFORE BE IT RESOLVED, by the San Benito County Board of Supervisors that the Board of Supervisors has determined to exercise its authority by adopting the proposed fee (actual cost) and corresponding fee deposit as referenced in the supporting documents, to be effective sixty (60) days after execution of this Resolution.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

Date: _____

By: _____
Mark Medina, Chairman

ATTEST:
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM:
Barbara Thompson, County Counsel

By: _____

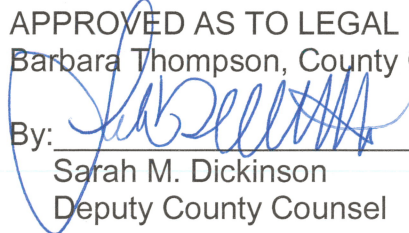
By:  1/30/19
Sarah M. Dickinson
Deputy County Counsel

EXHIBIT A

Cannabis Business Permit Application Fees			
CBRP Application Fee Cost Summary			
Service	HOURS	PER APPLICATION	
Zoning Verification	2.00	\$279.16	
Background/LiveScan	3.00	\$354.49	
Appeal	22.15	\$3,453.99	
Estimated Number of Applications:			35
Service	HOURS (TOTAL)	COST (TOTAL)	PER APPLICATION
Phase 1	807.00	\$117,521.63	\$3,357.76
Phase 2	712.00	\$156,527.88	\$4,472.23
Phase 3	436.00	\$71,264.83	\$2,036.14
Phase 4	187.00	\$29,109.28	\$831.69
TOTAL	2142.00	\$374,423.62	\$10,697.82
PROPOSED FEE DEPOSIT			\$10,650.00

Rounded to nearest \$150.00 increment

Cannabis Business Permit Application Fees

Zoning Verification, LiveScan/Background, and Appeal Fees

Staff/Agency/Consultant	RATE	ESTIMATED HOURS PER APPLICATION	TOTAL COST	OVERHEAD COSTS	WORK COMPLETED (i.e. inspections, meetings, counter call/permits, etc.)
Zoning Verification					
<i>Hourly</i>					
Chief Building Official	\$139.58	2.00	\$279.16	\$0.00	Zoning Verification Letter
Subtotal		2.00	\$279.16	\$0.00	
Total Per Zoning Verification Letter			\$279.16		
LiveScan/Background					
<i>Hourly</i>					
Deputy Sheriff	\$101.83	0.50	\$50.92	\$0.00	Conduct fingerprinting and submit
Deputy Sheriff	\$101.83	0.50	\$50.92	\$0.00	Review and validate live scan
Deputy Sheriff	\$101.83	1.00	\$101.83	\$0.00	Prepare summary report
Deputy Sheriff	\$101.83	1.00	\$101.83	\$0.00	Interview and follow-up clarification
DOJ/FBI CORI Background					
<i>Flat Fee</i>					
DOJ/FBI CORI	\$49.00	N/A	\$49.00	N/A	DOJ/FBI CORI fee
Subtotal		3.00	\$354.49	\$0.00	
Total Per LiveScan/Background			\$354.49		
Appeal					
<i>Hourly</i>					
County Administrative Officer	\$188.60	2.00	\$377.20	\$0.00	Review Appeal, Application, conduct hearing and provide final recommendation
Management Analyst	\$88.36	4.00	\$353.44	\$0.00	Review Appeal, Application, conduct hearing and provide final recommendation
Chief Building Official	\$139.58	4.00	\$558.32	\$0.00	Review Appeal, Application, conduct hearing and provide final recommendation
Asst County Counsel	\$114.07	2.00	\$228.14	\$0.00	Review Appeal, Application, conduct hearing and provide final recommendation
Deputy County Counsel	\$100.22	0.00	\$0.00	\$0.00	N/A
Sheriff	\$297.44	2.00	\$594.88	\$0.00	Review Appeal, Application, conduct hearing and provide final recommendation
Sheriff's Captain	\$172.31	4.00	\$689.24	\$0.00	Review Appeal, Application, conduct hearing and provide final recommendation
Agricultural Commissioner	\$161.29	4.00	\$645.16	\$0.00	Review Appeal, Application, conduct hearing and provide final recommendation
District Attorney	\$197.03	0.00	\$0.00	\$0.00	N/A
Treasurer Tax Collector	\$165.31	0.00	\$0.00	\$0.00	N/A
Accounting Technician	\$50.74	0.15	\$7.61	\$0.00	Collection of fees
Subtotal		22.15	\$3,453.99	\$0.00	
Total Per Appeal			\$3,453.99		

Cannabis Business Permit Application Fees

Phase-1: Application Completeness Review

Staff/Agency/Consultant	RATE	ESTIMATED APPLICATIONS	ESTIMATED HOURS PER APPLICATION	TOTAL HOURS	TOTAL COST	OVERHEAD COSTS	WORK COMPLETED (i.e. inspections, meetings, counter call/permits, etc.)
CBRP Development/Establishment							
<i>Hourly</i>							
County Administrative Officer	\$188.60	N/A	N/A	40.00	\$7,544.00	\$0.00	Program Development Meeting and Document Review
Management Analyst	\$88.36	N/A	N/A	75.00	\$6,627.00	\$0.00	Program Development Meeting and Document Review
Chief Building Official	\$139.58	N/A	N/A	120.00	\$16,749.60	\$0.00	Program Development Meeting and Document Review
Asst County Counsel	\$114.07	N/A	N/A	120.00	\$13,688.40	\$0.00	Program Development Meeting and Document Review
Deputy County Counsel	\$100.22	N/A	N/A	75.00	\$7,516.50	\$0.00	Program Development Meeting and Document Review
Sheriff	\$297.44	N/A	N/A	40.00	\$11,897.60	\$0.00	Program Development Meeting and Document Review
Sheriff's Captain	\$172.31	N/A	N/A	40.00	\$6,892.40	\$0.00	Program Development Meeting and Document Review
Agricultural Commissioner	\$161.29	N/A	N/A	20.00	\$3,225.80	\$0.00	Program Development Meeting and Document Review
District Attorney	\$197.03	N/A	N/A	20.00	\$3,940.60	\$0.00	Program Development Meeting and Document Review
Treasurer Tax Collector	\$165.31	N/A	N/A	10.00	\$1,653.10	\$0.00	Program Development Meeting and Document Review
Accounting Technician	\$50.74	N/A	N/A	12.00	\$608.88	\$0.00	Addresses fee collections and cash handling
Consultant Services							
<i>Hourly</i>							
HdL Companies	\$250.00	N/A	N/A	40.00	\$10,000.00	\$0.00	CBRP Development - ordinance; Subject matter expertise and technical support
HdL Companies	\$250.00	N/A	N/A	10.00	\$2,500.00	\$0.00	CBRP Development - fees; Cost recovery fee analysis
HdL Companies	\$250.00	N/A	N/A	10.00	\$2,500.00	\$0.00	CBRP Development - forms; Application Development and Support
Zoning Verification							
<i>Hourly</i>							
Chief Building Official	\$139.58	35	2.00	70.00	\$9,770.60	\$0.00	Zoning Verification Letter
LiveScan/Background							
<i>Hourly</i>							
Deputy Sheriff	\$101.83	35	0.50	17.50	\$1,782.03	\$0.00	Conduct fingerprinting and submit
Deputy Sheriff	\$101.83	35	0.50	17.50	\$1,782.03	\$0.00	Review and validate live scan
Deputy Sheriff	\$101.83	35	1.00	35.00	\$3,564.05	\$0.00	Prepare summary report
Deputy Sheriff	\$101.83	35	1.00	35.00	\$3,564.05	\$0.00	Interview and follow-up clarification
DOJ/FBI CORI Background							
<i>Flat Fee</i>							
DOJ/FBI CORI	\$49.00	35	N/A	N/A	\$1,715.00	N/A	DOJ/FBI CORI fee
Subtotal				807.00	\$117,521.63	\$0.00	
Total						\$117,521.63	
Estimated Applications							35
Per applicant							\$3,357.76

Cannabis Business Permit Application Fees

Phase-2: Application Evaluation and Consenses Review

Staff/Agency/Consultant	RATE	ESTIMATED APPLICATIONS	ESTIMATED HOURS PER APPLICATION	TOTAL HOURS	TOTAL COST	OVERHEAD COSTS	WORK COMPLETED (i.e. inspections, meetings, counter call/permits, etc.)
Evaluation and Consensus Review							
<i>Hourly</i>							
County Administrative Officer	\$188.60	35	0.29	10.00	\$1,886.00	\$0.00	Attend internal meetings and consensus review meeting
Management Analyst	\$88.36	35	1.14	40.00	\$3,534.40	\$0.00	Attend internal meetings and consensus review meeting
Chief Building Official	\$139.58	35	1.14	40.00	\$5,583.20	\$0.00	Attend internal meetings and consensus review meeting
Asst County Counsel	\$114.07	35	0.29	10.00	\$1,140.70	\$0.00	Attend internal meetings and consensus review meeting
Deputy County Counsel	\$100.22	35	0.29	10.00	\$1,002.20	\$0.00	Attend internal meetings and consensus review meeting
Sheriff	\$297.44	35	0.29	10.00	\$2,974.40	\$0.00	Attend internal meetings and consensus review meeting
Sheriff's Captain	\$172.31	35	0.29	10.00	\$1,723.10	\$0.00	Attend internal meetings and consensus review meeting
Agricultural Commissioner	\$161.29	35	1.14	40.00	\$6,451.60	\$0.00	Attend internal meetings and consensus review meeting
District Attorney	\$197.03	35	0.29	10.00	\$1,970.30	\$0.00	Attend internal meetings and consensus review meeting
Treasurer Tax Collector	\$165.31	35	0.29	10.00	\$1,653.10	\$0.00	Attend internal meetings and consensus review meeting
Accounting Technician	\$50.74	35	0.34	12.00	\$608.88	\$0.00	Addresses fee collections and cash handling
Consultant Services							
<i>Hourly</i>							
Consultant	\$250.00	35	14.29	500.00	\$125,000.00	\$0.00	Application Review
Consultant	\$300.00	35	0.29	10.00	\$3,000.00	\$0.00	Subject Matter Expertise & Technical Support
Subtotal				712.00	\$156,527.88	\$0.00	
Total						\$156,527.88	
Estimated Applications						35	
Per applicant						\$4,472.23	

Cannabis Business Permit Application Fees

Phase-3: Second Ranking-Interviews

Staff/Agency/Consultant	RATE	ESTIMATED APPLICATIONS	ESTIMATED HOURS PER APPLICATION	TOTAL HOURS	TOTAL COST	OVERHEAD COSTS	WORK COMPLETED (i.e. inspections, meetings, counter call/permits, etc.)
Second Ranking							
<i>Hourly</i>							
County Administrative Officer	\$188.60	35	0.29	10.00	\$1,886.00	\$0.00	Attend internal meetings and consensus review meeting
Management Analyst	\$88.36	35	0.57	20.00	\$1,767.20	\$0.00	Attend internal meetings and consensus review meeting
Chief Building Official	\$139.58	35	0.57	20.00	\$2,791.60	\$0.00	Attend internal meetings and consensus review meeting
Asst County Counsel	\$114.07	35	0.57	20.00	\$2,281.40	\$0.00	Attend internal meetings and consensus review meeting
Deputy County Counsel	\$100.22	35	0.29	10.00	\$1,002.20	\$0.00	Attend internal meetings and consensus review meeting
Sheriff	\$297.44	35	0.29	10.00	\$2,974.40	\$0.00	Attend internal meetings and consensus review meeting
Sheriff's Captain	\$172.31	35	0.29	10.00	\$1,723.10	\$0.00	Attend internal meetings and consensus review meeting
Agricultural Commissioner	\$161.29	35	0.57	20.00	\$3,225.80	\$0.00	Attend internal meetings and consensus review meeting
District Attorney	\$197.03	35	0.29	10.00	\$1,970.30	\$0.00	Attend internal meetings and consensus review meeting
Treasurer Tax Collector	\$165.31	35	0.29	10.00	\$1,653.10	\$0.00	Attend internal meetings and consensus review meeting
Accounting Technician	\$50.74	35	0.34	12.00	\$608.88	\$0.00	Addresses fee collections and cash handling
Interview Panel							
<i>Hourly</i>							
Agricultural Commissioner	\$161.29	35	1.50	52.50	\$8,467.73	\$0.00	
Chief Building Official	\$139.58	35	1.50	52.50	\$7,327.95	\$0.00	
Sheriff's Captain	\$172.31	35	1.50	52.50	\$9,046.28	\$0.00	
Management Analyst	\$88.36	35	1.50	52.50	\$4,638.90	\$0.00	
Consultant Services							
<i>Flat Fee</i>							
<i># Days</i>							
Consultant	\$600.00	N/A	N/A	4.00	\$2,400.00	\$0.00	Selection Panel Travel Cost
Consultant Services							
<i>Hourly</i>							
Consultant	\$250.00	35	2.00	70.00	\$17,500.00	\$0.00	Prepare and assist with interview process
				Subtotal	436.00	\$71,264.83	\$0.00
						Total	\$71,264.83
						Estimated Applications	35
						Per applicant	\$2,036.14

Cannabis Business Permit Application Fees

Phase-4: Final Recommendations

Staff/Agency/Consultant	RATE	ESTIMATED APPLICATIONS	ESTIMATED HOURS PER APPLICATION	TOTAL HOURS	TOTAL COST	OVERHEAD COSTS	WORK COMPLETED (i.e. inspections, meetings, counter call/permits, etc.)
Final Recommendation							
<i>Hourly</i>							
County Administrative Officer	\$188.60	35	0.29	10.00	\$1,886.00	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Management Analyst	\$88.36	35	0.57	20.00	\$1,767.20	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Chief Building Official	\$139.58	35	0.57	20.00	\$2,791.60	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Asst County Counsel	\$114.07	35	0.57	20.00	\$2,281.40	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Deputy County Counsel	\$100.22	35	0.57	20.00	\$2,004.40	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Sheriff	\$297.44	35	0.29	10.00	\$2,974.40	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Sheriff's Captain	\$172.31	35	0.57	20.00	\$3,446.20	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Agricultural Commisioner	\$161.29	35	0.57	20.00	\$3,225.80	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
District Attorney	\$197.03	35	0.29	10.00	\$1,970.30	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Treasurer Tax Collector	\$165.31	35	0.29	10.00	\$1,653.10	\$0.00	Attend internal meetings, consensus review meeting and final recommendations
Accounting Technician	\$50.74	35	0.34	12.00	\$608.88	\$0.00	Addresses fee collections and cash handling
Consultant Services							
<i>Hourly</i>							
Consultant	\$300.00	N/A	N/A	15.00	\$4,500.00	\$0.00	Subject Matter Expertise & Technical Support - final recommendation & meeting
Subtotal				187.00	\$29,109.28	\$0.00	
Total						\$29,109.28	
Estimated Applications						35	
Per applicant						\$831.69	