

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # 9:10 a.m. (c)

Urgent

Routine

AGENDA DATE April 27, 2010

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Adopt a Fee Schedule and Increase Existing Fees Collected By the Sheriff's Department for Carry Concealed Weapons Permits and Livescan/Fingerprint Fees

STAFF RECOMMENDATIONS:

Introduce and waive the first reading of an ordinance to adopt a Fee Schedule and increase existing fees collected by the Sheriff's Department for Carry Concealed Weapons permits and Livescan/Fingerprint fees.

FISCAL IMPACT:

The increase in revenue that would result from the approval of the fee proposal is expected to partially offset direct costs related to the processing and issuance of Carry Concealed Weapon (CCW) Permits and Livescan/Fingerprint processing. It is anticipated that with the fee schedule as proposed, revenues to the Sheriff's Department could potentially increase by \$32,250. Approximately \$23,550 of this estimated revenue increase is for CCW permit fees and approximately \$8,700 for Livescan/Fingerprint fees. This number could decrease significantly if fewer applications are received as a result of the new fee structure.

BOARD ACTION AS FOLLOWS:

No. 2010-252

On motion of Supervisor See Below, Seconded by Supervisor See Below and approved by the following vote,

Ayes: Supervisors: _____

Noes: Supervisors: _____

Excused or Absent: Supervisors: _____

Abstaining: Supervisor: _____

X Approved as amended

MOTION: Amended Item to take two votes:

First Vote: O'Brien/Chiesa (4-1)(DeMartini opposed) Introduced and waived the first reading of Ordinance C.S.1077 to increase existing fees collected by the Sheriff's Department for Carry Concealed Weapons permits

Second Vote: Chiesa/O'Brien unan. Introduced and waived the first reading of Ordinance C.S. 1087 to increase existing fees collected by the Sheriff's Department for Livescan/Fingerprint fees

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-L-10

DISCUSSION:

The Sheriff's Department continues to review business practices to achieve efficiencies and eliminate redundancies. This past year, the Department reviewed various programs where fees are charged for the services. For many of the items fees had not been formally established and evolved over time as statutes changed.

As the County faces unprecedented fiscal challenges, it is important to continue to review processes and recover costs where appropriate. The following fees were reviewed this year:

- 1) Carry Concealed Weapon (CCW) Permit
- 2) Livescan/Fingerprint

Carry Concealed Weapon (CCW)

Pursuant to Penal Code 12050 the Sheriff has the discretion to authorize the issuance of a Carry Concealed Weapon (CCW) permit to residents of Stanislaus County. The Sheriff's Department has seen an increase in applications over the past 4 years.

Year	New	Renewal	Total
2006	58	103	161
2007	94	162	256
2008	185	86	271
2009	232	182	414

The following chart is a comparison of CCW fees for nine counties. Each county was contacted and information gathered regarding fees. The fee listed below does not include the Department of Justice (DOJ) fee of \$76 and the Federal Bureau of Investigation (FBI) fee of \$19.

Two Year Resident	Fee for New Permit	Fee for Renewal of Permit
Alameda County	\$200.00	\$200.00
Calaveras County	\$50.00	\$5.00
Fresno County	\$115.00	\$25.00
Mariposa County	\$10.00	\$25.00
Merced County	\$50.00	\$30.00
Sacramento County	\$100.00	\$25.00
San Joaquin County	\$95.00	\$25.00
Santa Clara County	\$720.00	\$325.00
Tuolumne County	\$82.50	\$19.00
Average	\$158.06	\$75.44
Stanislaus – Existing	\$13.00	\$6.75
Stanislaus – Proposed	\$100.00	\$25.00

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The Sheriff's Department conducts a background investigation on every applicant, new and renewal, to ensure the individual meets the criteria set forth in the Penal Code. Department staff did a full review of the time it takes to process new and renewal applications. The cost to process a CCW application is detailed below.

New Application (2 Year)

Position	Time Spent	Fully Burdened Hourly Rate	Total
Deputy-Custodial	1.00	\$30.01	\$30.01
Deputy Sheriff	3.00	\$33.11	\$99.33
Sergeant	0.35	\$62.00	\$21.70
Confidential Assistant IV	0.06	\$48.39	\$2.90
Legal Clerk	2.00	\$36.84	\$73.68
ID Card			\$1.50
			\$229.12

Renewal Application (2 Year)

Position	Time Spent	Fully Burdened Hourly Rate	Total
Deputy-Custodial	1.00	\$30.01	\$30.01
Deputy Sheriff	1.00	\$33.11	\$33.11
Sergeant	0.08	\$62.00	\$4.96
Confidential Assistant IV	0.06	\$48.39	\$2.90
Legal Clerk	1.3	\$36.84	\$47.89
ID Card			\$1.50
			\$120.37

The current fee of \$13 for a new application and \$6.50 for a renewal does not cover actual costs to issue a CCW. Staffing costs to process a new application is \$229.12 and to process a renewal application is \$120.37. Penal Code section 12054 limits the fee of processing applications to not exceed \$100.00 for a new application and \$25.00 for a renewal.

Based on this Penal Code section 12054, the Sheriff's Department recommends the fees be established at \$100 for a new application and \$25 for a renewal (see Exhibit A). Please note that this is a reduction from the \$115 and \$60 recommended in the March 16, 2010 agenda item setting the Public Hearing. This will allow the Department to recover approximately one-third of the actual cost to process applications. This level of increase is a first step toward cost recovery in this difficult economy. In addition, the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) levy their own fees, which the Sheriff's Department is responsible for collecting.

	Years Valid	County	DOJ	FBI	Grand Total
New	2	\$100	\$76	\$19	\$195
Renewal	2	\$25	\$52	-0-	\$77

At the current rates, an estimated \$4,200 per year is collected. The actual cost of processing the 414 applications was approximately \$75,000. The proposed fee structure would partially recover approximately one-third of the cost. Actual revenue is difficult to project as it is anticipated that the number of applications will decrease with the new fee structure.

FEE AUTHORITY:

Penal Code Section 12054(a): "Each applicant for a new license or for the renewal of a license shall pay at the time of filing his or her application a fee determined by the Department of Justice not to exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 12052. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget. The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice. The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100)....."

Livescan/Fingerprint

Over the past 10 years there has been a marked increase in the number of employers and agencies requiring members of the general public to be fingerprinted. These range from initial employment applications, to licensure, to work with children in schools and churches. The Sheriff's Department processes fingerprints for the public. In 2009 the Department submitted an average of 145 sets of prints per month to DOJ. These fingerprints are done on Livescan machines connected with the Department of Justice. Fingerprints are "rolled" onto a computer scanner and transmitted electronically. This requires trained staff to roll a complete set of prints. Each set takes approximately 20 minutes to input, roll and submit. Review and dissemination of the DOJ responses takes a Reserve Custodial Deputy in the Background Unit approximately 6 hours per month. Final reconciliation of the invoice from DOJ requires 8 hours per month of an Account Clerk's time.

The following chart is a fee comparison of thirteen Live Scan providers. Each county was contacted and information gathered regarding fees.

		Rolling Fee
Escalon	Escalon Police Department	\$19.00
Lodi	Lodi Police Department	\$15.00
Manteca	Manteca Police Department	\$20.00
Modesto	Modesto Police Department	\$10.00
Ripon	Ripon Police Department	\$10.00
Stockton	Lincoln Unified School District	\$20.00
Stockton	San Joaquin Office of Education	\$12.00
Stockton	Delta Protective Services	\$20.00

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Stockton	San Joaquin Delta College Police Department	\$15.00
Stockton	IBT Identify Solutions Company	\$18.00
Turlock	California State University, Stanislaus	\$25.00
Turlock	Turlock Police Services	\$25.00
Tracy	Tracy Police Department	\$10.00
	Average	\$16.85
Stanislaus County Sheriff's Department – Existing		\$10.00
Stanislaus County Sheriff's Department – Proposed		\$15.00

The current \$10.00 fee does not cover the actual processing cost. The Sheriff's Department recommends setting the Livescan fee at \$15.00 per transaction, excluding DOJ and FBI fees which vary based on the type of inquiry (see Exhibit A). This \$5 increase will generate approximately \$8,700 in revenue to partially offset the cost of processing the Live Scan.

Position	Time Spent	Hours	Fully Burdened Hourly Rate	Cost Per Transaction
Account Clerk III	8 hours per month, average 145 transactions	0.06	\$36.49	\$2.19
Reserve Custodial Deputy	6 hours per month for average 145 transactions	0.04	\$33.11	\$1.32
Legal Clerk III	20 minutes per transaction	0.30	\$36.84	\$11.05
				\$14.56

FEE AUTHORITY:

General Fee Authority

Government Code 54985. (a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be limited to those items that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

PUBLIC HEARING:

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Pursuant to Government code section 54985, the County is required to hold a scheduled public hearing prior to levying a new fee or increasing an existing fee.

POLICY ISSUES:

An ordinance of the Board of Supervisor's is required to increase or establish fees. The Board must decide the potential impacts on the community and whether the request will assist the Sheriff's Department in meeting the Board's priority of ensuring a safe community and efficient government operations.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT INFORMATION:

Captain Tim David, Administrative Division, (209) 525-7014.

ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING A FEE SCHEDULE AND INCREASING
EXISTING FEES COLLECTED BY THE SHERIFF'S DEPARTMENT FOR CARRY
CONCEALED WEAPONS PERMITS AND LIVESCAN/FINGERPRINT FEES**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Fees to be collected by the Sheriff's Department are adopted and amended as set forth in the Sheriff's Department Fee Schedule attached hereto as Exhibit A and incorporated by reference, a copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2010, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Deputy

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CONCEALED WEAPONS PERMITS AND LIVESCAN/FINGERPRINT FEES**

APPROVED AS TO FORM:
JOHN P. DOERING
County Counsel

By W. Dean Wright
W. Dean Wright
Deputy County Counsel

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EXHIBIT A

**Sheriff's Department Fee Schedule
2010**

Fee Description	Fee Authority	Current Amount	Proposed Amount
New - Carry Concealed Weapon (CCW) Permit	Penal Code §12054	\$13.00	\$100.00*
Renewal - Carry Concealed Weapon (CCW) Permit	Penal Code §12054	\$6.75	\$25.00*
Livescan/Fingerprint	Government Code §54985 Penal Code §13300	\$10.00	\$15.00*

* Excluding fees assessed and collected on behalf of the Federal Bureau of Investigation and Department of Justice.

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

May 05, 2010

**STANISLAUS COUNTY
NOTICE OF PROPOSED
ORDINANCES**

NOTICE IS HEREBY GIVEN that on May 18, 2010, at 6:30 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St, Modesto, CA, to consider waiving the second reading and the adoption of the following ordinances:

Ordinance C.S. 1074 amending existing fees to include a new fee to charge for the implementation of the Aboveground Petroleum Storage Act (APSA) Program (for further information, contact Sonya K. Harrigfeld, Director of Environmental Resources at 209-525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA).

Ordinance C.S. 1075 amending existing fees for Department of Public Works Engineering Division (for further information, contact Diane Haugh in the Public Works Department at 209-525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA).

Ordinance C.S. 1076 adopting a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriffs Department (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

Ordinance C.S. 1077 increasing existing fees collected by the Sheriffs Department for Carry Concealed Weapons Permits (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

Ordinance C.S. 1087 increasing existing fees collected by the Sheriffs Department for Fingerprint Processing (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinances are available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: April 27, 2010. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates May 5, 2010

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

May 5th, 2010

(Signature)

Marie Dieckmann