ORDINANCE NO. 2005-1449

AN ORDINANCE ADDING SECTION 11-110.19 AND AMENDING SECTIONS 11-110.4, 11-110.7 AND 11-111 TO THE SOLANO COUNTY CODE RELATING TO FEES FOR DISTRICT ATTORNEY'S SERVICES, DEPARTMENT OF RESOURCES MANAGEMENT, DEPARTMENT OF RESOURCES MANAGEMENT/PUBLIC WORKS AND MISCELLENANEOUS DEPARTMENTS AND OFFICES, RESPECTIVELY

Whereas, California Penal Code section 1203.4 allows the Board of Supervisors to establish a rate for County services rendered in connection with a probationer's petition for a change of plea and dismissal of charges after the termination of the period of probation, in an amount not to exceed $120.00; and

Whereas, California Penal Code section 1203.4a allows the Board of Supervisors to establish a rate for County services rendered in connection with a non-probationed misdemeanant's petition for a change of plea and dismissal of charges after the lapse of one year from the date of pronouncement of judgment, in an amount not to exceed $60.00; and

Whereas, a revision to the Solano County Code is necessary to allow for the recovery of costs to the Solano County District Attorney for services performed in connection with petitions filed under the provisions of California Penal Code sections 1203.4 and 1203.4a; and

Whereas, in furtherance of the Board of Supervisors' directive that 100% cost recovery be obtained wherever possible, a revision to the Solano County Code is necessary to provide departments without fee schedules the ability to charge an hourly rate for research; and

Whereas, other revisions to the County Code are necessary to eliminate terms made obsolete by changes in the names of certain County departments.

The Solano County Board of Supervisors ordains as follows:

Section 1. Section 11-110.19 of the Solano County Code is added to read:

Sec. 11-110.19. District Attorney

(a) Under the provisions of the Government Code, the Penal Code, and this ordinance, the District Attorney is authorized to establish the fees for the specific activities listed in the department's attached Exhibit "XVIII" and incorporated by this reference.
(b) This ordinance implements the provisions of sections 1203.4 and 1203.4a of the Penal Code, relating to the reimbursement of the District Attorney’s services.

(c) The rate for reimbursement to the County for services rendered in connection with a probationer’s petition for a change of plea and dismissal of charges is set at $120.00.

(d) The rate for reimbursement to the County for services rendered in connection with a non-probationed misdemeanant’s petition for a change of plea and dismissal of charges is set at $60.00.

(e) This fee schedule repeals all prior fee schedules adopted by the Board of Supervisors relating to District Attorney fees.

Section 2.

Section 11.110.4 of the Solano County Code is amended to read:

Sec. 11-110.4. Department of Resources Management/Environmental Management

(a) Under the provisions of the Government Code, the Health and Safety Code and this ordinance, the Director of Resources Management, on behalf of the Environmental Health Division and its Hazardous Materials section, is authorized to establish those fees for the specific services listed in the department’s attached Exhibit “III-A” and incorporated by this reference. This fee schedule repeals all prior fee schedules adopted by the Board of Supervisors relating to Environmental Health and Hazardous Materials fees.

(b) Under the provisions of the Government Code and this ordinance, the Director of Resources Management, on behalf of the Planning Division, is authorized to establish those fees for the specific services listed in the department’s attached Exhibit “III-B” and incorporated by this reference. This fee schedule repeals all prior fee schedules adopted by the Board of Supervisors relating to Environmental Planning fees.

(c) Under the provisions of the Government Code, the Health and Safety Code, the Public Resources Code and this ordinance, the Director of Resources Management, on behalf of the Building and Safety Division, is authorized to establish those fees for the specific services listed in the department’s attached Exhibit “III-C” and incorporated by this reference. This fee schedule repeals all prior fee schedules adopted by the Board of Supervisors relating to Environmental Building and Safety fees.

(d) Under the provision of the Business and Professions Code, the Government Code and this ordinance, the Director of Resources Management is authorized to establish those fees for the specific services listed in the department’s attached Exhibit “III-D” and incorporated by this reference. This fee schedule repeals all prior fee schedules adopted by the Board of Supervisors relating to business license fees. (Ord. No. 1644, §9)
Section 3.

Section 11-110.7 of the Solano County Code is amended to read:

Sec. 11-110.7. Department of Resources Management/Public Works

Under the provisions of the Government Code and this ordinance, the Director of Resources Management, on behalf of Public Works and the Surveyor function, is authorized to establish those fees for the specific services listed in the department’s attached Exhibit “VI” and incorporated by this reference. This fee schedule repeals all prior fee schedules adopted by the Board of Supervisors relating to Public Works (formerly Transportation Department) and Surveyor fees.

Section 4.

Section 11-111 of the Solano County Code is amended to read:

Sec. 11-111. Miscellaneous departments and offices

(a) Under the provisions of the Government Code and this ordinance, each county department or office not otherwise specifically granted photocopy cost recovery authority, is authorized to charge a fee for photocopies as set forth in the County Administrator’s fee schedule Exhibit “X.”

(b) Under the provisions of the Government Code and this ordinance, each county department or office not otherwise specifically authorized to charge an hourly rate for research is authorized to charge a fee for research as set forth in the Clerk of the Board of Supervisors’ fee schedule Exhibit VIII.

(c) Under the provisions of the Government Code and this ordinance, each county department or office not otherwise specifically granted authority to charge a fee for returned checks, is authorized to establish the fee for returned checks as set forth in the Treasurers/Tax Collectors/County Clerk’s fee schedule Exhibit “V”.

(d) Any county department or office granted specific authority by an a statute, ordinance or resolution for either of the fees in subdivisions (a) and (b) shall charge the amount for such fees as established by that specific authority, and not the fees set forth in this section.

Section 5.

This Ordinance will be effective thirty (30) days after its adoption and shall become operative on July 1, 2005.
Section 6.

A summary of this Ordinance will be published within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

Passed and adopted by the Solano County Board of Supervisors on June 7, 2005 by the following votes:

AYES: Supervisors Kromm, Reagan, Silva, Vasquez, and Chairwoman Kondylis

NOES: Supervisors None

EXCUSED: Supervisors None

Barbara R. Kondylis, Chairwoman
Solano County Board of Supervisors

ATTEST:
MICHAEL D. JOHNSON, Clerk
Solano County Board of Supervisors

By: Patty Cristenden, Chief Deputy Clerk

First reading: April 26, 2005
Adopted: May 10, 2005
Effective: June 9, 2005
Operative: July 1, 2005

* Additions indicated by italics
Deletions indicated by (-----)