



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Executive
Office
Department No.: 012
For Agenda Of: June 5, 2018
Placement: Departmental
Estimated Time: 10 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Mona Miyasato, County Executive Officer
Contact Info: Michael Allen, Chief Deputy Clerk of the Board

SUBJECT: Fee Ordinance Establishing CEQA Documentary Handling Fee

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors (Board):

On June 5, 2018:

- a) Consider the introduction (First Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara establishing the California Environmental Quality Act (CEQA) Documentary Handling Fee;
- b) Read title: "An Ordinance Establishing the CEQA Documentary Handling Fee," and waive reading the Ordinance in full; and
- c) Set a hearing on the Administrative Agenda for June 19, 2018, to consider the adoption (Second Reading) of an Ordinance Establishing the CEQA Documentary Handling Fee; as follows:
 - i) Consider and approve the adoption (Second Reading) of an Ordinance Establishing the CEQA Documentary Handling Fee;
 - ii) Find that the adoption of the Ordinance to establish the CEQA Documentary Handling Fee is exempt from environmental review under CEQA pursuant to 14 CCR § 15378(b)(5), since the recommended actions are administrative activities of the County which will not result in direct or indirect physical changes in the environment, and 14 CCR § 15273 and Public Resources Code §21080(b)(8)(A) and (B), in that the fees will be used for operating expenses.

Summary Text:

Approval of the recommended action will assist the Clerk of the Board in recovering the costs of filing and processing Notices of Determination (Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports) and Notices of Exemption and remitting the applicable fees to the State. The adoption of this Fee Ordinance will enable the Clerk of the Board Office to charge a \$50.00 documentary handling fee for each type of environmental document filed with the Clerk.

The Clerk of the Board is authorized by Fish & Game Code § 711.4(e) to charge a “documentary handling fee” of fifty (\$50) per CEQA filing, in addition to the mandatory filing fees charged by the State Department of Fish and Wildlife (CDFW). While the CDFW does not charge a fee for projects that are exempt from CEQA, County Clerks are authorized to charge a \$50 handling fee for each type of environmental document filed with the Clerk, including Notices of Exemption for projects that are exempt from CEQA. (Fish & Game Code § 711.4; 14 CCR § 753.5).

Background:

The Clerk of the Board Office is responsible for accepting, providing receipts and posting environmental documents. In addition, the Clerk of the Board is responsible for the collection of the CEQA filing fee associated with each type of document and remitting those fees to the CDFW.

The Clerk of the Board is required to maintain a record both electronically and on paper of all environmental documents received, and that record is required to be available to CDFW for audit purposes during normal business hours. Each county is required to summarize and record the collected fees on a State of California TC-31 report and remit the amount collected to the State Treasurer. The County is required to submit all filing fees within 30 days of the month in which they are collected.

The following summarizes the Clerk of the Board CEQA Environmental filing responsibilities:

- A photocopy of the State of California TC-31 Report submitted to the State Treasurer is submitted to CDFW on a monthly basis along with the following documents:
- CDFW copies of all cash receipts including all voided receipts;
- Photocopies of all No Effect Determinations filed in lieu of the filing fee, attached to the appropriate receipt;
- Photocopies of all NODs, attached to the appropriate receipt;
- Photocopies of all previously paid cash receipts, attached to the appropriate NOD;
- Photocopies of all NOEs, attached to the appropriate receipt; and
- The name, address, and telephone number of all project applicants for which a NOD has been filed. If this information is contained on the cash receipt, no additional information is required.

In 2017, the Clerk of Board processed approximately 420 Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, Environmental Documents Pursuant to Certified regulatory Program, and Notices of Exemption. A survey of 20 comparable California Counties found that all of them currently charge a \$50 Documentary Handling Fee.

County Clerk “Documentary Handling Fee”

The State CDFW imposes and collects a CEQA filing fee to defray the costs of managing and protecting California’s fish and wildlife resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring programs.

A **Notice of Determination (NOD)** is a notice filed with the Clerk of the Board Office following project approval, which describes a project and identifies expected environmental impacts, if any. The type of environmental document is specified in the notice (**Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report**) and indicates if California Department of Fish and Wildlife fees are required.

A **Notice of Exemption (NOE)** is a brief notice filed at the Clerk of the Board Office, which states the Lead Agency has approved or will carry out a project that is exempt from the requirements of CEQA. The lead agency for a project that receives a Notice of Exemption will receive a “No Effect Determination” letter from the DOFW. The project proponent is responsible for payment of the filing fee (Fish & G. Code, § 711.4).

Filing Fees are due at the time a Notice of Determination is filed with the Clerk of the Board Office (local lead agency) for an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration.

The CDFW CEQA filing fee will be waived if the CDFW determines that the project will have “no effect” on fish and wildlife. Projects that are statutorily or categorically exempt from CEQA are not subject to CDFW filing fees and do not require a “no effect” determination by CDFW.

Performance Measure:

NA

Contract Renewals and Performance Outcomes:

NA

Fiscal and Facilities Impacts:

This Ordinance will allow the collection of fees to offset the cost of administrative duties related to the filing and processing of CEQA documents and collection and remittance of CEQA Filing Fee revenue to the State Department of Fish and Wildlife. In FY 2018-19, Clerk of the Board revenue collected pursuant to this Ordinance will be unanticipated and used to offset costs of administering the program. In FY 2019-20 these revenues will be incorporated into the Recommended Budget.

Fiscal Analysis:

Revenue for FY 2018-19 and ongoing is estimated at approximately \$20,000.

Key Contract Risks: NA

Staffing Impacts: NA

Legal Positions: **FTEs:**

Special Instructions:

Direct the Clerk of the Board to Publish notice of this hearing pursuant to Section 6066 of the Government Code in a newspaper of general circulation in Santa Barbara County 10 days prior to the hearing and again 5 days prior to the hearing. All associated material shall be made available as required per Section 54986 of the Government Code.

Attachments:

Attachment A – CEQA Documentary Handling Fee Ordinance

Authored by:

Mike Allen, Chief Deputy Clerk of the Board, 805-568-2240