

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF ADOPTING FEES FOR)
THE TOBACCO RETAILER LICENSING)
PROGRAM PURSUANT TO CHAPTER 37A)
OF THE SANTA BARBARA COUNTY CODE)
AND THE CALIFORNIA HEALTH AND)
SAFETY CODE §101325.)**

RESOLUTION NO. _____

WHEREAS, in November of 2001, Chapter 37A of the Santa Barbara County Code was enacted to establish a Tobacco Retailer Licensing program, which includes a Tobacco Retailer License Fee (Sec. 37A-7(a)) for the unincorporated area of the County. Chapter 37A requires a retailer to obtain a tobacco retailer license before selling tobacco products. The purpose behind the tobacco retailer license is to reduce the sale of tobacco products to minors, by imposing sanctions on tobacco retailers who violate the laws prohibiting the sale of tobacco products to minors; and

WHEREAS, in 2012, the Public Health Department conducted an updated Fee Study, attached as Exhibit B and incorporated by reference, which quantified, analyzed, and reviewed the annual costs for all functions necessary to administer and enforce the Tobacco Retailer Licensing program in the unincorporated areas of the county and established grounds for amending (reducing) the annual tobacco retailer license fee from \$435 to \$409. The Fee Study has been certified by the County Auditor Controller; and

WHEREAS, the 2012 Fee Study also quantified, analyzed, and reviewed the annual costs for having the County Public Health Department administer and enforce the Tobacco Retailer Licensing program in cities that elect to contract for these County services and set that fee at \$379; and

WHEREAS, the California Health and Safety Code §101325 provides that the Board of Supervisors may adopt a resolution prescribing fees to pay the reasonable expenses of the health officer incurred in the enforcement of any statute or regulation relating to public health; and

WHEREAS, the Board of Supervisors has amended Chapter 37A, Sec. 37A-7(a) to allow for the Tobacco Retailer License fee to be adopted by resolution and the effective date of that amendment is January 11, 2013; and

WHEREAS, beginning January 11, 2013 the tobacco retailer license fee for the unincorporated area of the County shall be set by this resolution. Further, if an incorporated city elects to utilize the County to administer and enforce a Tobacco Retailer Licensing program in its incorporated city, then that city shall abide by the fee set forth by this resolution for the County's services. Each incorporated city would be responsible for issuing the tobacco retailer license and collecting that license fee in their jurisdiction; and

WHEREAS, the tobacco retailer license fees established by the Fee Study (Exhibit B) cover the actual costs of administering and enforcing the licensing program. The fees provide for full cost recovery, but do not exceed the actual regulatory costs of administering and enforcing the Tobacco Retailer License program; and

WHEREAS, the County of Santa Barbara has, in connection with the above fees, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code §6062a; and

WHEREAS, the fees may be revised as needed by the Santa Barbara County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, as follows:

1. The tobacco retailer license fee imposed by Chapter 37A Sec. 37A-7(a) of the Santa Barbara County Code for the unincorporated area of the county is set forth in the attached Fee Schedule, Exhibit A.
2. The tobacco retailer license fee for incorporated cities who elect to have their Tobacco Retailer Licensing program administered and enforced by the County is set forth in the attached Fee Schedule, Exhibit A.
3. That this resolution shall become effective January 11, 2013.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

 DOREEN FARR
 Chair, Board of Supervisors

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
ROBERT W GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy

APPROVED
HARRY E. HAGEN, CPA
TREASURER-TAX COLLECTOR

APPROVED
BILL BROWN
SHERIFF

By: _____

By: _____

EXHIBIT A

TOBACCO RETAILER LICENSE FEE SCHEDULE
PURSUANT TO CHAPTER 37A OF THE SANTA BARBARA COUNTY CODE
FOR THE UNINCORPORATED AREA OF THE COUNTY
AND PURSUANT TO CONTRACT IN INCORPORATED AREAS OF THE COUNTY

Unincorporated Areas of Santa Barbara County

Initial fee or renewal fee for a tobacco retailer license in year 2013 and subsequent years.....\$409

The initial or renewal fee shall be paid to the Santa Barbara County Tax-Treasurer as the licensing agent when a Tobacco Retailer License application is submitted. The fee shall be allocated between the licensing agent and the Public Health Department: \$30 will be apportioned to the licensing agent for processing the licenses and the balance will be apportioned to the Public Health Department for administration and enforcement of the Tobacco Retailer Licensure program under Chapter 37 of the Santa Barbara County Code.

Incorporated Areas of Santa Barbara County

Initial fee or renewal fee for the administration and enforcement of a Tobacco Retailer Licensing program\$379

The initial or renewal fee shall be paid to the Public Health Department by an incorporated city that contracts to have the County provide the administration and enforcement of tobacco retailer licensing laws within the city's jurisdiction.

An incorporated city shall be responsible for issuing tobacco retailer licenses to businesses in their jurisdiction per the city's ordinance relating to tobacco retailer licensing.

EXHIBIT B FEE STUDY 2012

**Santa Barbara County Public Health Department
Tobacco Retailer Licensing Fee Study
Incorporated and Unincorporated Areas**

5/30/2012

Task	Description	Position Title	Frqncy of Task	Note 4		Note 4		Productive Hrly Rate	Annual Cost
				Time on Task (Hours)	Time Per Store (Hours)	Task Hours 397 Stores	Annual Hours 397 Stores		
Licensing (Annual)				75 stores					
Develop and/or update protocols and communications	Administrative oversight duties	Program Administrator	Monthly	1	0.01	5	63.52	78.17	4,838.32
Acquire list of retailers from Board of Equalization and/or Code Enforcement and verify	Verify list, check against database, update and share findings with BOE & law enforcement	Admin Office Pro II	Annual	3	0.04	16	15.88	48.45	789.39
Maintain database of tobacco retailers and run monthly reports	Run expiration list for license renewals and email to city/Treasurer monthly	Admin Office Pro II	Monthly	3	0.04	16	190.56	48.45	9,232.63
Monitor TRL expirations and send correspondence via certified mail to retailer	Issue past due/expired license letter to retailers with pertinent materials, copy to city	Admin Office Pro II	Monthly	3	0.04	16	190.56	48.45	9,232.63
Coordinate with issuing entity and verify tobacco retailer information	Review applications and update database (ownership, mailing address, etc)	Admin Office Pro II	Monthly	4	0.05	21	254.08	48.45	12,310.18
Review and sign applications	Approve applications	Program Administrator	Monthly	1	0.01	5	63.52	78.17	4,838.32
Enter & maintain licensing data in TRL database (copy of license received from city)	Data entry (license #, expiration date), Update records in TRL database and files	Admin Office Pro II	Monthly	3	0.04	16	190.56	48.45	9,232.63
Prepare reconciliation, communicate with City/County staff, provide reports to PHD fiscal	Coordinate with PHD fiscal and city	Admin Office Pro II	Monthly	2	0.03	11	127.04	48.45	6,155.09
Maintain financial records	Reconciliation by PHD fiscal, reports	Accountant I	Quarterly	2	0.03	11	42	52.38	2,218.12
TRL database development, maintenance, server hosting and system improvements	PHD IT development and maintenance of TRL database and reporting systems	EDP Sys & Prog Anlist II	Annual	25	0.34	133	133	77.89	10,398.15
Enforcement Operations				75 stores					
Education (On site for retailers)				75 stores					
Develop/update educational materials	Customize educational materials for the city/county ordinance	Program Administrator	Annual	0.7	0.01	3.5	3.5	78.17	288.80
Develop/update educational materials	Customize educational materials for the city/county ordinance	Health Educator	Annual	0.7	0.01	3.5	3.5	58.37	205.98
Schedule and confirm education presentations	Coordinate calendars, locations, attendees & confirm	Admin Office Pro II	Annual	0.7	0.01	3.5	3.5	48.45	170.97
Conduct site visits	Coordinate with City/County Code Enforcement staff, plan and execute the visits	Program Administrator	Annual	5.0	0.07	26.5	26.5	78.17	2,015.97
Conduct site visits	Coordinate with City/County Code Enforcement staff, plan and execute the visits	Health Educator	Annual	5.0	0.07	26.5	26.5	58.37	1,544.86
Provide follow up documentation	Literature, DVD's	Program Administrator	Annual	0.7	0.01	3.5	3.5	78.17	288.80
Provide follow up documentation	Literature, DVD's	Health Educator	Annual	0.7	0.01	3.5	3.5	58.37	205.98
Motor pool and mileage	Vehicle and mileage costs for educational site visits	motor pool/mileage	Annual	-	-	-	-	-	677.05
County Counsel costs	Technical review on law interpretation and new communication templates	Sr Deputy County Counsel	Annual	1.3	0.02	7.1	7.1	178.00	1,256.28
Preparation				261 shopped					
Develop and/or update protocols and communications	Coordinate with District Attorney, recruitment correspondence, Sheriff's MOU	Program Administrator	Annual	4	0.02	6.1	6.1	78.17	483.44
Recruit and train youth decoys and/or adult chaperones	South County	Program Administrator	Annual	6	0.02	9.1	9.1	78.17	695.16
Recruit and train youth decoys and/or adult chaperones	North County	Health Educator	Annual	6	0.02	9.1	9.1	58.37	532.71
Recruit and train youth decoys and/or adult chaperones	Maintain forms and documentation (data on youth, drivers)	Admin Office Pro II	Annual	3	0.01	4.6	4.6	48.45	221.09
Prepare data collections forms and buy routes, reserve vehicles	North and South County	Admin Office Pro II	Annual	14	0.05	21.3	21.3	48.45	1,031.74
Train and coordinate with law enforcement	Coordinate undercover operations	Program Administrator	Annual	5	0.02	7.6	7.6	78.17	579.30
Conducting the Operation									
Conduct undercover buy operations	Oversee operations, chaperones and staff	Program Administrator	Annual	10	0.04	15.2	15.2	78.17	1,158.80
Conduct undercover buy operations	Coordinate activities, chaperones and staff, record buys	Health Educator	Annual	10	0.04	15.2	15.2	58.37	887.85
Conduct undercover buy operations	Review documentation	Admin Office Pro II	Annual	5	0.02	7.6	7.6	48.45	388.48
Follow up									
Enter data for sales and suspensions, maintain records, etc	Data entry for all operations, verify completed data with deputies	Admin Office Pro II	Annual	25	0.10	38.0	38.0	48.45	1,842.40
Analyze findings and create graphs	Verify data accuracy, perform statistical analysis, create graphs and reports	Program Administrator	Annual	4	0.02	6.1	6.1	78.17	483.44
Develop press releases and respond to media	Oversight & South County	Program Administrator	Annual	2	0.01	3.0	3.0	78.17	231.72
Develop press releases and respond to media	Development & North County	Health Educator	Annual	4	0.02	6.1	6.1	58.37	355.14
Process fiscal claims to reimburse participants	Log expenses, complete claims for payment	Admin Office Pro II	Annual	2	0.01	3.0	3.0	48.45	147.39
Process fiscal claims to reimburse participants	Monitor expenses, sign claims, MOU's, emails, budget, accruals, etc	Program Administrator	Annual	5	0.02	7.6	7.6	78.17	579.30
Acquire court documentation	Minute orders, records	Admin Office Pro II	Annual	4	0.02	6.1	6.1	48.45	294.78
Notify Owners of violation /certified letter and maintain files	Send certified letters to owners of stores, maintain offender files	Admin Office Pro II	Annual	12	0.05	18.3	18.3	48.45	894.35
Review and approve violation notifications		Program Administrator	Annual	3	0.01	4.6	4.6	78.17	347.58
Send "certificates of appreciation" to each retailer that did not sell	Create list, print labels and certificates, and mail	Admin Office Pro II	Annual	7	0.03	10.6	10.6	48.45	515.87

Santa Barbara County Public Health Department
Tobacco Retailer Licensing Fee Study
Incorporated and Unincorporated Areas

5/30/2012

Task	Description	Position Title	Frqncy of Task	Note 4		Note 4		Productive Hrly Rate	Annual Cost
				Time on Task (Hours)	Time Per Store (Hours)	Task Hours 397 Stores	Annual Hours 397 Stores		
Other Expenses									
Youth Decoys, Chaperones	Undercover operations	Vendors	Annual	-			-	-	2,479.10
Intern	Various TRL activities - data entry, education, undercover, etc	Subcontractor(s)	Annual	-			-	-	242.77
Professional and Special Services	Agencies/individuals that assist with youth recruitment, training &/or conduct the buys	Subcontractor(s)	Annual	-			-	-	5,053.00
Motor pool and mileage	Vehicle and mileage costs for undercover operations	motor pool/mileage	Annual	-			-	-	355.68
Law Enforcement Costs	Sheriff's Deputy and City PD Labor costs- undercover operations	Sheriff's Dept/Deputy	Annual	-			-	-	28,218.90
Special Departmental Expense	Store product buys - undercover operations	Services & Supplies	Annual	-			-	-	570.85
Misc supplies - paper, postage	Paper & postage - letters, certificates	Services & Supplies	Annual	-			-	-	368.65
Suspensions/Settlements/Appeals				75 stores					
Suspensions				Note 5		Note 5			
Respond to inquiries resulting from sales in stores and/or receipt of letters		Program Administrator	Annual	1	0.01	5.3	5.3	78.17	403.19
Notify tobacco retailers of suspension details and monitor suspensions		Program Administrator	Annual	1	0.01	5.3	5.3	78.17	403.19
Notify tobacco retailers of suspension details and monitor suspensions		Health Educator	Annual	1	0.01	5.3	5.3	58.37	308.97
Prepare communication and maintain suspension schedule and records	Certified letters, signs for stores, calendars, etc	Admin Office Pro II	Annual	3	0.04	15.9	15.9	48.45	769.39
Data entry-suspension details	Maintain data base regarding suspension details	Admin Office Pro II	Annual	1	0.01	5.3	5.3	48.45	258.46
Settlements (Reduced Suspension)				Note 5		Note 5			
Review and respond to requests for reduced suspension	Provide information to retail owners regarding settlement terms	Program Administrator	Annual	2	0.03	10.6	10.6	78.17	808.39
Notify retailers of settlement terms	Send letter and collect settlement payments	Admin Office Pro II	Annual	4	0.05	21.2	21.2	48.45	1,025.85
Appeals (of Denial/Revocation/Suspension)									
Review of documents for appeal received by Public Health Tobacco Program	Appeals received by Health Officer or designee - directed to Public Health Tobacco Program	Program Administrator	Annual	0.2	0.003	1.1	1.1	78.17	80.64
Facilitate appeal hearing	Schedule hearing and notify parties in writing	Admin Office Pro II	Annual	0.3	0.004	1.6	1.6	48.45	78.94
Preparation for Hearing	Prepare evidence/records for hearing, documentation	Admin Office Pro II	Annual	0.4	0.01	2.1	2.1	48.45	102.58
Appeal hearing		Program Administrator	Annual	0.2	0.003	1.1	1.1	78.17	80.64
Appeal hearing and written decision	Appeal Hearing and written notice to retailer of administrative decision of appeal	Pub Hlth Dir/Hlth Offcr	Annual	0.3	0.004	1.6	1.6	182.08	289.14
Appeal hearing and written decision	Counsel for Health officer or designee	Sr Deputy County Counsel	Annual	0.3	0.004	1.6	1.6	178.00	282.68
Appeal hearing	Counsel for Tobacco Program	Sr Deputy County Counsel	Annual	1	0.01	5.3	5.3	178.00	942.21
Appeal hearing	Review of case and appeal hearing	Sheriff's Deputy	Annual	0.7	0.01	3.7	3.7	109.69	408.07
Total Costs									130,962
Indirect Cost Rate 15.02% Note 3									19,870
Grand Total Costs									150,832
Number of Licenses Issued Note 1									397
Cost Per License/Suggested Fee Note 2									\$ 379

Note 1: Basis of Study - 397 Stores, 3 yr average

Note 2: Tobacco Retailer Licenses to be issued by city/Treasurer staff monthly with a copy sent to County Public Health Tobacco Program.

Note 3: Departmental Indirect Cost Rate Proposal FY 11-12 reviewed and approved by Auditor Controller's office.

Note 4: Time on Task hours provided by Program Administrator and staff. Based on actual hours worked and estimates based on experience in program.

Note 5: Hours based on 5 suspensions or settlements, per historical data and Administrator's experience.