



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: Public Works
Department No.: 054
For Agenda Of: 4/6/2021 (1st Reading)
4/20/2021 (2nd Reading)
Placement: Departmental
Estimated Time: 30 Minutes on 4/6/21
Continued Item: Yes
If Yes, date from: 3/16/2021
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Scott D. McGolpin, P.E., Public Works Director, (805) 568-3010
Director(s)
Contact Info: Aleksandar Jevremovic, County Surveyor, (805)568-3012
Julie Hagen, Deputy Director, Public Works
SUBJECT: Proposed Fee Ordinance for the Public Works Department – Surveyor Division

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors consider the following recommended actions:

On April 6, 2021:

- a) Approve the introduction (first reading) of the proposed Ordinance amending fees for County Surveyor services;
- b) Read the title “An Ordinance Adopting a Schedule of Fees for Services Provided by the Department of Public Works, County Surveyor Division in Connection with the Review and Approval of Subdivision and Survey Related Documents and Maps within the Jurisdiction of Santa Barbara County,” and waive full reading of the selected Ordinance;
- c) Continue the hearing to the Administrative Agenda of April 20, 2021 to consider recommendations, as follows:

On April 20, 2021:

- a) Consider and approve the adoption (second reading) of the Ordinance amending fees for County Surveyor services effective 60 days after adoption; and
- b) Find that the above-recommended actions are the establishment, modification, structuring, restricting, or approval of rates, tolls, fees, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses and purchasing or leasing supplies, equipment, or materials and are therefore not subject to the California Environmental Quality Act (CEQA) under California Public Resources Code section 21080, subdivisions

(b)(8)(A) and (B), and State CEQA Guidelines Section 15273, subdivisions (a)(1) and (a)(2), and are an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a “project” as defined for purposes of the California Environmental Quality Act (CEQA) under State CEQA Guidelines and Section 15378, subdivisions (b)(4) and (b)(5).

Summary Text:

The County Surveyor Division of the Public Works Department (the Department) is required to provide services related to subdivision map and document review. These activities are authorized and governed by various County ordinances and State laws that prescribe the responsibilities of the County Surveyor. The cost of these services is supported through applicant fees and County general fund contribution (GFC).

Exhibit A of the Ordinance is a compilation of fees collected by the County Surveyor Division outlining the current and proposed fee structure. The proposed fee schedule converts many fee categories to deposit-based in order to ensure cost recovery and to improve quality of submittals. This change is largely driven by the cost of delivering services and the fact that different project submittals within these fee categories are often varied in nature in regards to the number of pages submitted and thoroughness of content. Fee categories that typically require a consistent level of effort, are prescribed by State law, or are proposed to be subsidized, or are initially collected during intake through the Planning and Development department, will remain as fixed fee categories.

The proposed deletions, additions, and changes to the fee categories are as follows:

1. **Agricultural Preserve (Non-Renewal):** Surveyor review of owner-initiated non-renewals is not required under the Williamson Act, so this fee is proposed to be deleted.
2. **Agricultural Preserve (New) and Agricultural Preserve (Replacement):** These were previously on the fee schedule at \$0. A \$343 fee, consistent with the Agricultural Preserve (Cancellation) fee, was added to ensure cost recovery.
3. **Final Map:** In order to align with Planning and Development’s fee schedule, the three fee categories are deleted and there are now two categories: Final Map, 5-49 Lots; and, Final Map, 50+ lots.
4. **Tentative Final Map:** In order to align with Planning and Development’s fee schedule, the three fee categories are deleted and there are now two categories: Tentative Final Map, 5-49 Lots; and, Tentative Final Map, 50+ lots.
5. **Condominium Map:** These types of projects are processed as tract or parcel maps. To eliminate redundancy, we propose that this fee category be removed.
6. **Survey Specialist and Survey Supervisor:** These hourly rates were added to align with current employee classification titles. Other hourly rates were eliminated.
7. **Record of Survey:** The Board has previously been supportive of subsidizing this fee category in order to encourage filing of these records that benefit the public by providing reliable evidence of property boundaries and as a consequence preventing boundary disputes between the property owners. Records of Survey have been subsidized by the Board through several resolutions and ordinances since 1989. On March 13, 1989 the Board approved Resolution 89-156 that set the Record of Survey review fee to \$344. On November 7, 2006, the Board Adopted a new fee schedule and record of survey reviews remained at \$344. The current Surveyor Fee Ordinance No. 4746 was adopted by the Board on April 6, 2010, and it continued the record of survey review subsidy, while increasing the record of survey review fee to \$450 for the initial submittal and \$200

for each review after third. The full cost of a record of survey review was \$2,567 at the time, as determined by the fee study. As a result, in addition to subsidizing surveys conducted for projects in the unincorporated area of the County, County General Fund Contribution (GFC) has been subsidizing surveys conducted for projects in incorporated areas, where filing of these records mainly benefits the local jurisdiction where the survey was conducted. In order to meet the Board's direction for full cost recovery, the Department proposes eliminating the County GFC subsidy within incorporated areas of the county. For Records of Survey located in the incorporated areas where no County GFC subsidy would be available, the department proposes the full cost recovery to remain in effect until July 1, 2026. On that date full cost recovery may be repealed, unless an ordinance is enacted before July 1, 2026, which deletes or extends that date. At your Board's direction, the Department will inquire with the local jurisdictions as to whether they would enter into agreements with the County to provide funds to the County Surveyor, so that Records of Survey conducted in their respective jurisdictions may be reviewed and filed at the unincorporated subsidized rate, or whatever subsidized rate they desire. In the alternative, your Board could also elect to continue subsidizing Records of Survey conducted in all areas of the County by increasing the Department's annual GFC by \$78,575 or eliminating the subsidy for the entire County, which is described further in the Fiscal and Facilities Impacts section below.

Annual changes to the fees will be in accordance with the Consumer Price Index (CPI) provided in Exhibit A. The proposed fee increases would provide up to an estimated additional \$206,905 in annual revenue assuming full staffing levels and workload levels consistent with pre-pandemic activity.

Background:

The County Surveyor, in accordance with State and County laws, collects fees to pay the cost of providing required subdivision map and document review. The current County Surveyor's fee schedule, approved by the County Board of Supervisors, has approximately 29 fees for services. The fees have not been comprehensively reviewed for a number of years and were last updated in 2010. The Surveyor has adjusted fees through the application of a Consumer Price Index (CPI) adjustment, with periodic recalculation of hourly rates based on salaries and benefits. The fee adjustments have partially offset increased salary and benefit costs, but have not accounted for review of more complex conditions of approval and complexities related to multiple record title interest holders, complex signature requirements for corporations, LLC's, and partnerships, and higher standards for recording documents and maps with the County Recorder.

Fees should be reviewed and updated regularly to reflect the impact of inflation, other cost increases, and changes to service structures. The County Surveyor fees have not been comprehensively studied in numerous years. In accordance with the Board's approved fee policy "County of Santa Barbara On-Line Policies & Procedures Manual – Fees", the Department hired MGT of America, Inc., a consulting firm with expertise in local government fee analysis, to conduct a comprehensive cost of services study. The goal of this study was to ensure that the full cost of services be recovered where possible in order to protect general taxpayers from funding review of these activities. Another goal of this fee study was to align the fee categories with those on the Planning and Development (P&D) Fee Schedule which was adopted in 2017. P&D is responsible for the initial collection of fees for many of the fee categories on the Surveyor fee schedule. Aligning the fee categories with P&D's ensures that appropriate fees are collected. The fee study used the FY 2019-20 budget as a basis for the analysis of salary costs and reviewed average time

expended per fee category and average case volume over the last two to ten years in order to determine the proposed fee structure. The fees were then increased by a CPI index for calendar year 2020.

As a result of this effort, Public Works Department – Surveyor Division is recommending adoption of the proposed fee schedule with 100% cost recovery, with the exception of fee categories where subsidization is proposed, as described in the Fiscal and Facilities Impacts section below.

Performance Measure: N/A

Contract Renewals and Performance Outcomes: N/A

Fiscal and Facilities Impacts:

The table below shows the total costs, current GFC subsidy, proposed GFC subsidy and increased revenue for the fee categories where cost recovery is proposed to be lower than 100%. The fee categories where we recommend the Board approve GFC subsidization are Certificates of Correction, Corner Records, and Records of Survey. The fees for Certificates of Correction and Corner Records are established by California Business and Professions Codes sections 8774.5(a) and 8773.2(e), respectively.

As described above, there is a public benefit when Records of Survey within the unincorporated area are filed with the Surveyor, and we recommend a subsidy to encourage continued filing in the unincorporated area only. All other fee categories are at 100% cost recovery in accordance with County policy “County of Santa Barbara On-Line Policies & Procedures Manual – Fees”. Approval of staff’s recommendations today will increase fees paid/revenue received by \$206,905, assuming a same level of project case volumes continues.

Subsidized Fees:

Fee Service Area	Total Annual Costs	Current GFC/Surveyor Subsidy	Proposed GFC/Surveyor Subsidy	Increased Annual Revenue
Certificates of Correction	\$2,399	\$2,357	\$2,357	\$0
Corner Record	\$38,311	\$37,529	\$37,529	\$0
Records of Survey	\$176,898	\$153,048	\$74,474	\$78,575

Budgeted: If the proposed ordinance is adopted on April 20, 2021, the new fee structure will be effective 60 days hence, approximately at the start of the 2021-22 fiscal year. The Fiscal Year 2021-22 proposed budget was developed utilizing these proposed fee increases.

If the proposed fees are not adopted, the Department will be required to make service level reductions in FY 2021-22 to meet the authorized budget allocation.

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There are no facilities impacts.

Key Contract Risks: N/A

Special Instructions:

After the April 6th hearing, direct the Clerk of the Board to:

1. Send copies of the adopted Ordinances and copies of the minute order to the Public Works Department, Surveyors Division and County Counsel.
2. Publish a copy of each ordinance or summary of with names of the members of the Board of Supervisors voting for or against the Ordinances in the Santa Barbara News Press 15 days of adoption of the Ordinances.

Attachments:

Attachment A – Public Works Surveyor Fee Ordinance

Attachment B – Santa Barbara Co Surveyor UF Final Report of Findings 031821

Authored by: Aleksandar Jevremovic, Public Works Department

cc: Julie Hagen, C.P.A., Public Works Deputy Director, Finance and Administration