

El Dorado County Grand Jury 2011-2012

Fee Waivers - Iron Gate Case Number GJ-11-006

Reason for Report

In October 2011, the Grand Jury received a complaint in regards to an alleged theft of a community gate on a private road, and the Sheriff's Department's response to that alleged theft.

Background

For the installation of a replacement gate, the county requires a permit. Because the Grand Jury cannot look into criminal matters, it was decided that the Grand Jury could help the complainant with the fee waiver for their new gate. The county's current fee waiver policy B-2 provides for people to apply for a fee waiver if they meet certain criteria as specified. This waiver does not currently include the theft of an item that requires permitting.

Methodology

Documents reviewed:

2009-2010 El Dorado County Grand Jury Report
Fee Waivers – Case number GJ 09-019
Board of Supervisors Policy B-2 ([Attachment 1](#))
Sheriff's Department Incident Report - 8/22/11

Interviews:

El Dorado County community members
El Dorado County Development Services Department
El Dorado County Sheriff's Department

Facts/Findings

1. Fee waivers, when requested, may be granted for building permits, encroachment permits, variances, zone reclassifications, administrative permits, or use permits.

2. Board of Supervisors Policy B-2 authorizes the Chief Administrative Officer to waive fees according to the established procedure and must report said waivers to the Board.
3. The following are current acceptable reasons to apply for a fee waiver: extreme financial hardship, delayed actions caused by the county, a facility or project proposed by a non-profit or special district which will provide a public benefit, there is no actual cost to the county, the project is an emergency project carried out by a public agency, or a project which is carried out by a private agency to address life threatening and/or public safety issues.

Recommendations

1. The El Dorado County Grand Jury recommends that the Board of Supervisors review Board of Supervisors Policy B-2 (last updated in 1989), and should consider updating the policy to include situations such as theft or other criminal acts of an item which requires permitting.
2. The El Dorado County Grand Jury recommends that the Board of Supervisors develop a procedure which outlines how Development Services and the Chief Administrative Office handle fee waivers.

Responses

Responses to both the findings and recommendations in this report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to: The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to:

El Dorado County Board of Supervisors
El Dorado County Chief Administrative Office
El Dorado County Development Services



COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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Background:

In September 1981, the Board of Supervisors adopted policies and procedures regarding consideration of requests for waiver of County fees, permit charges, and other administrative costs. The policy is being amended at this time to give special consideration for emergency projects by local public agencies, and for life threatening fire safety needs being addressed for the public by private agencies. The Chief Administrative Officer is authorized to waive fees according to established procedure and report said waivers to the Board.

Policy:

1. County departments and offices shall charge all public agencies and non-profit organizations the same filing fees and other costs as those charged to private citizens, where those fees are levied to offset the County's costs to provide related services.
2. Fees may be waived for building permits, encroachment permits, variances, zone reclassifications, administrative permits, or use permits only if the Chief Administrative Officer makes any one of the affirmative findings as specified below:

The Chief Administrative Officer finds that --

- a. The levying of the fee in question would result in extreme financial hardship to the requesting entity;
- b. The applicant has been delayed due to actions taken by the County;
- c. A facility or project proposed by a non-profit corporation or special district will provide a substantial public benefit;



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- d. There is no actual cost to the County for the expense in question. For example, if the Building Department is required to inspect a structure, the fee related to providing this service will be levied. However, if inspection is not required, the fee may be waived;
 - e. The project is being carried out by a local public agency and is an emergency project;
 - f. The project is being carried out by a private agency primarily to address unresolved life threatening and/or fire safety issues for the public.
3. A fee for appeal of a decision of the approving authority may not be waived.

Procedure:

An entity applying for a fee waiver shall present a request in writing to the department head of the department that charges the fee in question. The request shall contain a description of the project in question along with a statement as to why the applicant believes the fee should be waived. The department head will review the request and present it to the Chief Administrative Officer. The Chief Administrative Officer will approve or disapprove the request for fee waiver in accordance with provisions set forth in this policy and report said waivers to the Board of Supervisors.

Primary Department: Chief Administrative Officer
Community Development
Department of Transportation



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References: None