MARIPOSA COUNTY RESOLUTION NO. 89-106

RESOLUTION AUTHORIZING REFUND OF FEES PAID TO COUNTY DEPARTMENTS

WHEREAS, in certain instances fees are paid to County departments for work which is subsequently not conducted, and

WHEREAS, the Mariposa County Board of Supervisors has previously authorized the refund of these fees on a case-by-case basis, and

WHEREAS, the Mariposa County Board of Supervisors desires to delegate authority to refund certain fees paid to County departments;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, that County Department Heads are authorized to refund fees for County services when appropriate, under the following criteria:

1. The work was not conducted by the County department. In no case will be the fee be reimbursed if the work is conducted. If only a portion of the work was conducted, a portion of the fee may be reimbursed.

2. An amount equal to 20% of the balance owed of the fee will be retained for administrative costs associated with the refund request.

BE IT FURTHER RESOLVED, that the authority to provide for a fee reimbursement will also authorize a warrant to be issued through the disbursement process of the County Auditor.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 16 day of March, 1989, by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

GERTRUDE R. TABER, Chairman

Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SUPERVISORS RADANOVICH AND TABER

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: POLICY RELATIVE TO ADVISORY COMMITTEE MEMBERS ACCESS TO BOARD STAFF

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS ORDER on March 14, 1989

ACTION AND VOTE:

Supervisor Baggett initiated discussion concerning establishment of a Board policy relative to Board Advisory Committee members' access to County staff and clerical assistance. Chairman referred the matter to the Board's Government Finance and Operations Committee for review and recommendations.

cc File

John McCamman, Administrative Officer
AGENDA OF (Date): 3/14/89

Department: Board of Supervisors

By: Supervisor Baggett

Phone: 966-3222

Approved By Department Head:

AGENDA TITLE:
Discussion of Board policy relative to Board advisory committees members' access to County staff and clerical assistance.

AGENDIZE AS:
Routine Action: ____________
Information: ____________
Timed: ____________
Attention: XX

IF TIMED:
( ) Public Hearing At ____________
( ) Public Input Anticipated ____________
Time Required ____________

STAFF REVIEW REQUIRED:
ROUTE AS TO FORM REMARKS:

County Counsel ____________
Auditor ____________
Personnel ____________
Purchasing ____________
Other ____________

SPECIAL INSTRUCTIONS TO CLERK:
☐ Rush! Need to have signed Documents by: ____________
☐ Legal Publication Required (This is responsibility of Department)
☐ Other (i.e., need cert. resolutions. and/or signed contracts) Send Copy of Action to: ____________

CLERK'S USE ONLY:
FOR AGENDA OF: 3/14/89

Routine Action: ____________
Information: ____________
Attention: ____________
Timed: ____________
Timed At: ____________
AGENDA TITLE:

Discussion of Board policy relative to Board advisory committees members' access to County staff and clerical assistance

RECOMMENDED ACTION:

It is recommended that the Board consider establishing a policy for Board advisory committees members' access to County staff and for clerical assistance (which includes obtaining copies).

HISTORY OF BOARD ACTIONS:

There has been no policy established by the Board.

CONSEQUENCES OF NEGATIVE ACTION:

There would not be a policy established.

ALTERNATIVES:

1. Establish a policy.
2. Do not establish a policy.

COSTS: (x) Not Applicable
A. Budgeted current F.Y. $_________
B. Total anticipated costs $_________
C. Required Add’l Funding $_________
D. Source: ______

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on Agenda As:

Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

A.O. Initials ________
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DEPARTMENT HEADS

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: FEES PAID TO COUNTY DEPTS.

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 14, 1989

ACTION AND VOTE:

Following discussion, on motion of Erickson, seconded by Baggett, Res. No. 89-106 passed and adopted establishing a policy for authorizing refund of fees paid to County departments. Ayes: Unanimous. Pay Dyer questioned why there is a permit fee for a replacement well. Following discussion relative to well and septic permits and fees, Chairman directed that the Building Division and Health Department discuss the permitting process with the Board.

cc File
Health Dept.
Bldg. Dept.
Administrative Officer
Resolution authorizing refund of fees paid to County departments.
Resolution authorizing refund of fees paid to County departments.

RECOMMENDED ACTION:
Authorize County department heads who collect fees to reimburse those fees to the payor in certain instances when the staff time for which the fee was collected was not utilized.

HISTORY OF BOARD ACTIONS:
In the absence of such policy delegating the authority to department heads, refunds have been authorized by the Board on a case-by-case basis.

CONSEQUENCES OF NEGATIVE ACTION:
The Board will continue to hear on a case-by-case basis any requests for fee reimbursement to individual fee payors.

ALTERNATIVES:
1. Delegate the authority to provide this reimbursement to department heads.
2. Delegate the authority to the Auditor, Administrative Officer, or some other appropriate authority.
3. Retain the authority to the Board of Supervisors.

COSTS: (X) Not Applicable
A. Budgeted current F.Y. $ __________
B. Total anticipated costs $ __________
C. Required Add’t. Funding $ __________
D. Source: ____________________________

SOURCE: ( ) 4/5ths Vote Required
A. Other budgeted funds $ __________
B. Unanticipated revenues $ __________
C. Reserve for contingencies $ __________
D. Other: ____________________________
Balance in Reserve for Contingencies if Approved: $ __________

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This Item on Agenda As: ____________________________
Recommended
Not Recommended
For Policy Determination
Submitted with Comment:
Returned for Further Action

A.O. Initials: ____________________________
BACKGROUND:

The Board of Supervisors has in the past reviewed reimbursement of fees paid to County departments on a case-by-case basis. Generally, these fees are recommended for reimbursement based upon the fact that the work for which the fee was paid was not actually conducted. This usually occurs with building permit fees. However, conceivably other fees such as planning fees, plan-check fees, Health Department and County Clerk's fees could be justifiably reimbursed to those paying the fee.

The philosophy behind establishing user fees is that the user of a service will pay for the cost of providing the service. Generally this occurs when the service is performed for the benefit of an individual as opposed to the public good.

In the absence of policy to the contrary, refunds for fees which are appropriate because the work for which the fee was paid was not conducted have come to the Board of Supervisors on a case-by-case basis. The policy recommended is for the Board of Supervisors to delegate that responsibility to the Department Heads who have those fees under their jurisdiction. Certain criteria is recommended as a part of this fee reimbursement plan.

1. The work was not conducted by the County department. In no case will be the fee be reimbursed if the work is conducted. If only a portion of the work was conducted, a portion of the fee may be reimbursed.

2. An amount equal to 20% of the balanced owed of the fee will be retained for administrative costs associated with the refund request.

3. The authority to provide for fee reimbursement will also authorize the warrant through the Auditor's disbursements process.

Based upon this discussion, staff recommends that the Board of Supervisors pass the attached resolution outlining the authority to provide reimbursement to fee payors.
March 1, 1989

TO: Evelyn Billings, Auditor
    Jeffrey G. Green, County Counsel
    Bill Lincoln, Public Works Director

FROM: John W. McCamman, Administrative Officer

SUBJECT: Refund of Fees Paid to County Departments

Attached is a proposed agenda item and resolution concerning
the above-referenced subject. I would appreciate it if you
would review this material and give me your comments by
Tuesday, March 7, so that I can make any necessary revisions
and submit this item for the Board's agenda on March 14.

Thank you very much for your attention to this item.

vf
attachment
AGENDA ITEM - MARCH 7, ATTENTION

TITLE: Resolution authorizing refund of fees paid to County departments.

RECOMMENDED ACTION: Authorize County Department Heads who collect fees to reimburse those fees to the payor in certain instances when the staff time for which the fee was collected was not utilized.

HISTORY: In the absence of such policy delegating the authority to Department Heads, refunds have been authorized by the Board of Supervisors on a case-by-case basis.

CONSEQUENCES: The Board of Supervisors will continue to hear on a case-by-case basis any requests for fee reimbursement to individual fee payors.

ALTERNATIVES:
1. Delegate the authority to provide this reimbursement to Department Heads.
2. Delegate the authority to the Auditor, Administrative Officer, or some other appropriate authority.
3. Do not delegate the authority, but retain it to the Board of Supervisors.

COSTS: N/A

BACKGROUND:

The Board of Supervisors has in the past reviewed reimbursement of fees paid to County departments on a case-by-case basis. Generally, these fees are recommended for reimbursement based upon the fact that the work for which the fee was paid was not actually conducted. This usually occurs with building permit fees. However, conceivably other fees such as planning fees, plan-check fees, Health Department and County Clerk's fees could potentially be justifiably reimbursed to those paying the fee.

The philosophy behind establishing user fees is that the user of a service will pay for the cost of providing the service. Generally this occurs when the service is performed for the benefit of an individual as opposed to the public good.

In the absence of policy to the contrary, refunds for fees which are appropriate because the work for which the fee was paid was not conducted have come to the Board of Supervisors on a case-by-case basis. The policy recommended is for the Board of Supervisors to delegate that responsibility to the Department Heads who have those fees under their jurisdiction. Certain criteria is recommended as a part of this fee reimbursement plan.
1. The fee which was paid to a county department was deposited into a trust or separate fund or a clearing account until such time as the work for which the fee was paid was conducted.

2. The work was not conducted by the County department. In no case will be the fee be reimbursed if the work is conducted. If a portion of the work has been conducted, a portion of the fee may be reimbursed.

3. An amount equal to 20% of the fee will be retained for administrative costs associated with this request.

4. The authority to provide for fee reimbursement will also authorize the warrant through the Auditor's disbursements process.

Based upon this discussion, staff recommends that the Board of Supervisors pass the attached resolution outlining the authority to provide reimbursement to fee payors.
MARIPOSA COUNTY RESOLUTION NO. 89-

RESOLUTION AUTHORIZING REFUND OF FEES
PAID TO COUNTY DEPARTMENTS

WHEREAS, in certain instances fees are paid to County departments for work which is subsequently not conducted, and

WHEREAS, the Mariposa County Board of Supervisors has previously authorized the refund of these fees on a case-by-case basis, and

WHEREAS, the Mariposa County Board of Supervisors desires to delegate authority to refund certain fees paid to County departments;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, that County Department Heads are authorized to refund fees for County services when appropriate, under the following criteria:

1. The fee that was paid to a County department was deposited into a trust fund, separate fund or clearing account until such time as the work for which the fee was paid was conducted.

2. The work was not conducted by the County department. In no case will the fee be reimbursed if the work is conducted.

3. An amount equal to 20% of the fee will be retained for administrative costs associated with the request.

BE IT FURTHER RESOLVED, that the authority to provide for a fee reimbursement will also authorize a warrant to be issued through the disbursement process of the County Auditor.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this ___ day of ________________, 1989, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

GERTRUDE R. TABER, Chairman
Mariposa County Board of Supervisors
MARIPOSA COUNTY RESOLUTION NO. 89

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel
TO: William C. Lincoln, Public Works Director
FROM: Jeffrey G. Green, County Counsel
RE: Refund of Building Division Fees

Dear Bill:

Thank you for memo dated February 16, 1989 regarding the above-captioned matter. It would be my position that the authority given to you to refund Building Division fees would include all fees which go through the permitting process. Those fees would inherently include the State Fire Marshal fees. I do not believe that you would need additional authority other than the general authority to refund fees.

If you in fact feel that you need specific authority for Fire Marshal fees please let me know.

Very truly yours,

Jeffrey G. Green
County Counsel

sa

Cc: Rody, Tom
February 16, 1989

TO: Jeffrey G. Green, County Counsel
    John W. McCamman, Administrative Officer

FROM: Wm. C. Lincoln, Director

RE: Refund of Building Division Fees

Further to our meeting of this date, I agree that the Public Works Director should have the authority to release building permit fees upon the cancellation of the permit. Section 304(f) of the Uniform Building Code provides that such fees be refunded to the applicant on the authority of the Public Works Director.

A second item needs to be addressed in this regard. If we are going to allow the refund of permit fees, we also need to consider the issue of State Fire Marshal fees which are charged for commercial structures. At the present time, the rate is $50.00 per hour, with a minimum deposit of $500.00. This may not cover the actual charges by the State Fire Marshal and if the charges exceed the deposit, we will not issue a certificate of occupancy until the additional fee is paid. Conversely, there will be instances when the $500.00 deposit is in excess of the State Fire Marshal's fees and authority should be extended to include the refund of those excess fees to the applicant. In this regard, I strongly urge that a separate trust fund account be established for State Fire Marshal fees. The County is entitled to $6.00 of the $50.00 per hour fee charged by the State Fire Marshal. Should the County's portion ($6.00 per hour) be transferred to the Building Division permit fee fund or should it accrue in the trust fund for future use?

Your comments will be appreciated.
To: John W. McCamman, Administrative Council
From: Jeffrey G. Green, County Counsel
Re: Refund of Fees Paid to County Depar...

March 6, 1989

Dear John:

Your memo dated March 1, 1989 regarding the above-captioned matter has been received and, I have two comments relative to the resolution. In Paragraph No. 1, I am not sure that all fees are in fact deposited into a trust fund or separate fund or clearing account. It seems to me that we should not be restricting refunds based upon payment into those kinds of accounts. If a fee is paid and either none of the work or only a portion of the work is completed it seems to me that the payor would be entitled to a refund regardless of the type of account that the fee has been paid into. Regarding Paragraph No. 2, I think that should be clarified to the extent that a portion of the work may have been completed and in that event a portion of the fees should be refunded.

Very truly yours,

Jeffrey G. Green
County Counsel

cb