



# County of Monterey

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: RES 24-006

January 30, 2024

Introduced: 1/8/2024

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Resolution

Approve and adopt a Resolution amending Article VII of the Monterey County Master Fee Resolution effective March 1, 2024, to adjust fees relating to oversight and services provided by the Sheriff's Office.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and adopt a Resolution amending Article VII of the Monterey County Master Fee Resolution effective March 1, 2024, to adjust fees relating to oversight and services provided by the Sheriff's Office.

### SUMMARY/DISCUSSION:

The Monterey County Sheriff's Office (MCSO) is requesting approval to amend Article VII of the Monterey County Master Fee Resolution to add the Property and Evidence Administration Fees in pursuant to Penal Code Section 33880, effective March 1, 2024.

The Monterey County Sheriff's Office is authorized by California state law to charge a fee for the storage of firearms (33880 PC). MCSO is proposing a \$250.00 initial fee for every firearm stored at the time the firearm(s) are received by the Sheriff's Office for a period of up 365 days. For every firearm not collected after the first 365 days, a daily assessment of \$10.00 per day will be incurred. The proposed fees reflect no more than the actual, reasonable, fully loaded costs of the services provided.

Pursuant to California Penal Code 33850, a Law Enforcement Gun Release Application must be submitted to Cal DOJ and approved prior to the release of any firearms directly to owner. All firearms must be properly registered through Cal DOJ prior to release. Once the registered owner receives their Cal DOJ clearance and registration (if applicable), it is the owner's responsibility to contact the Property and Evidence Unit of the Monterey County Sheriff's Office to set up an appointment to release the firearms prior to the expiration of their thirty (30) day Cal DOJ Clearance. The Monterey County Sheriff's Office recognizes this is a complicated legal process and recommends each gun owner complete a thorough review of the state statute.

MCSO is not proposing any other increase to the existing fees in Article VII of the Monterey County Master Fee Resolution pending the hiring of a consultant who will perform a thorough study of the Fee Schedule.

The Monterey County Code Section 1.40.010 of Chapter 1.40 provides that all fees, penalties, refunds, reimbursements, and charges of any kind by the County shall be specified in the Monterey County Fee Resolution. Article VII reflects the authorized fees of MCSO.

By definition, the changes to these charges are not a 'tax' and are exempt from voter approval pursuant to Article XIII C section 1(e)(1)-(3) and (5) of the California Constitution (Prop. 26; charges imposed for specific benefit conferred/privilege/service or product, reasonable regulatory costs provided or granted to the payor, and/or fines and/or penalties). As such, they reflect no more than the actual cost of the service/benefit received by the payor.

The proposed fee adjustments are attached as follows: Attachment A - Proposed Article VII Master Fee Schedule for Fiscal Year 2023-2024 (Exhibit A) on file with the Clerk of the Board, Attachment B - Current Article VII Redlines on file with the Clerk of the Board, Attachment C - Board Resolution on file with the Clerk of the Board.

OTHER AGENCY INVOLVEMENT:

County Counsel and County Administrative Office have reviewed the report.

FINANCING:

The recommended fee adjustments are intended to improve on the recapture of a portion of the costs associated with the provision of the indicated services, and do not exceed actual costs for providing these services. As such, the fees represent a charge imposed for the specific regulatory service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the County for providing the regulatory service. Anticipated revenues resulting from the proposed fee adjustments were not included in the Sheriff's Fiscal Year 2023-2024 Adopted Budget and estimated additional revenue is unknown at this time. However, the proposed fee adjustments will partially offset actual expenditures incurred associated with the proposed fees. This action will have no immediate impact on the General Fund Contributions for these services.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Jonabel Perez, Finance Manager, Ext 4559  
Reviewed by: Jason Smith, Acting Chief Deputy, Ext 7240  
Reviewed by: Eddie Anderson, Chief Deputy, Ext 3801  
Approved by: Tina Nieto, Sheriff-Coroner, Ext 3750 *Tina Nieto*

Attachments:

- Attachment A Proposed Article VII Master Fee Schedule for FY 2023-24
- Attachment B Current Article VII Master Fee Schedule Redlines
- Attachment C Board Resolution