

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Executive Office

**SUBMITTAL DATE:**  
June 13, 2012

**SUBJECT:** Opposition to Senate Bill 1222 (Leno), Fees For Rooftop Solar Energy Systems

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Oppose Senate Bill 1222, which would cap building permit fees for rooftop solar energy systems; and
2. Authorize the Chairman of the Board to send a letter of opposition to the bill's author and our legislative advocates.

**BACKGROUND:** Senate Bill 1222 provides that local entities shall not charge building permit fees for rooftop solar energy systems that exceed the estimated reasonable cost of providing the service for which the fee is charged. The bill further provides that such estimated reasonable cost shall not exceed \$400 for systems that produce 15 or fewer kilowatts or \$400 plus \$5 per kilowatt for each kilowatt above 15 kilowatts for larger systems. These caps are "hard" unless, as part of a written finding and an adopted resolution or ordinance, a local entity provides substantial evidence of the administrative cost to issue the permit.

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*Alex Gann*

ALEX GANN  
Principal Management Analyst

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY: *Christopher M. Hans*  
County Executive Office Signature Christopher M. Hans

Policy  
 Policy  
 Consent  
 Consent

Department Recommendation:   
 Per Executive Office:

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Opposition to Senate Bill 1222 (Leno), Fees For Rooftop Solar Energy Systems**  
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**BACKGROUND continued:**

Senate Bill 1222 is duplicative of the existing Mitigation Fee Act which provides that a building permit fee may not exceed the estimated reasonable cost of providing the service for which the fee is charged unless the fee is first submitted to and approved by 2/3 of the electorate.

The bill usurps local authority and undermines local decisions by setting the level of the fee in statute without regard to individual city or county costs.

The bill also imposes an unfunded state mandate by requiring that if costs exceed the caps, a local entity must justify those costs in an adopted resolution or ordinance, as well as a written finding that shall include "a determination that the . . . [local entity] has adopted 'appropriate' ordinances, permit fees and processes to streamline the submittal and approval of permits for solar energy systems pursuant to the practices and policies in 'state guidelines and model ordinances.'" No definition is provided for the term "appropriate" and the applicable "state guidelines and model ordinances" are not identified.

For these reasons, the following agencies are opposed to Senate Bill 1222: the California State Association of Counties (CSAC), the League of California Cities (League), the Urban Counties Caucus, the Regional Council of Rural Counties and the American Planning Association, California Chapter (APA).