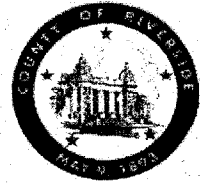


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



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.

Continued on Page 2.

Alex Gann

ALEX GANN
Principal Management Analyst

FINANCIAL DATA	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

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

C.E.O. RECOMMENDATION: APPROVE

BY: *Christopher M. Hans*

County Executive Office Signature Christopher M. Hans

Policy
 Policy
 Consent
 Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: June 19, 2012
xc: E.O., Chairman, State Reps.

Kecia Harper-Ihem
 Clerk of the Board
 BY: *Kecia Harper-Ihem*
 Deputy

Department Recommendation.:
 Per Executive Office:

BACKGROUND continued:

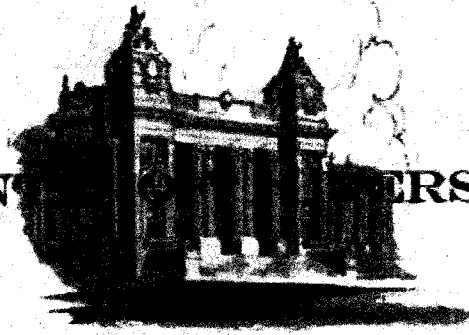
Senate Bill 1222 is duplicative of the existing Mitigation Fee Act which provides that a building permit fee may not exceed the estimated reasonable cost of providing the service for which the fee is charged unless the fee is first submitted to and approved by 2/3 of the electorate.

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).

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Bob Buster 951-955-1010
District 2 <i>Chairman</i>	John F. Tavaglione 951-955-1020
District 3	Jeff Stone 951-955-1030
District 4	John Benoit 951-955-1040
District 5	Marion Ashley 951-955-1050

June 20, 2012

The Honorable Mark Leno
State Capitol, Room 5100
Sacramento, CA 94248-0001
Fax: (916) 445-4722

Re: SB 1222 (Leno) – Oppose

Dear Senator Leno,

The County of Riverside opposes your measure, SB 1222, which would place caps on building permit fees for solar energy systems as well as require local agencies charging more than the caps to justify their "reasonable costs" in a finding and ordinance. The proposed cap for residential rooftop solar energy systems is \$400, plus \$15 per kilowatt for each kilowatt above 15 kW. The proposed cap for commercial rooftop solar energy systems is \$1,000 for systems up to 50kW plus \$7 per kilowatt for each kilowatt between 51kW and 250kW, plus \$5 per kilowatt for each kilowatt above 250kW.

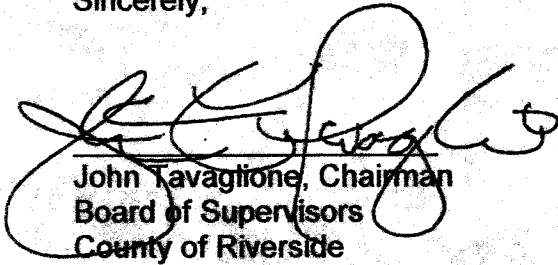
Under the existing Mitigation Fee Act, when a local government imposes a fee, it may not exceed the estimated reasonable cost of providing the service for which the fee is charged. If a local government fee exceeds this estimated reasonable cost, then the local government is required to submit the fee to the voters. Counties set their own fees and many utilize the permit fees that are based on the State Building Standards Code because those fees reflect the reasonable costs of providing the related services. In certain circumstances, fees can be higher than average based on the complexity of the project and the number of inspections that may be required. We do not believe it is the role of the state to undermine local decisions by setting the level of the fee in statute without regard to individual city or county costs.

SB 1222 also requires a city or county with fees exceeding the above-referenced caps to justify those costs in a finding and ordinance as well as provide substantial evidence of the administrative cost to issue the permit. Complying with these additional requirements would be costly, burdensome and unnecessary in light of the Mitigation Fee Act which already requires that building permit fees may not exceed the estimated reasonable cost of providing the service.

Letter re: SB 1222 (Leno) – Oppose
June 20, 2012
Page 2

For these reasons, the County of Riverside opposes SB 1222. If you have any questions about our position, please contact Alex Gann, at (951) 955-1110.

Sincerely,



John Tavaglione, Chairman
Board of Supervisors
County of Riverside

cc: Kyra Ross, League of California Cities, (kross@cacities.org or Fax 916-658-8240)
Sen. Bill Emmerson
Sen. Robert Dutton
Sen. Joel Anderson
Sen. Juan Vargas
Assemblyman Kevin Jeffries
Assemblyman Brian Nestande
Assemblyman V. Manual Perez
Assemblyman Jeff Miller
CSAC
UCC

 *** TX REPORT ***

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COUNTY OF RIVERSIDE



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*** TX REPORT ***

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Also mailed original letter.



Board of Supervisors

- District 1 Bob Buster
951-955-1010
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