



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 7/9/2024

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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** Department of Health Services  
**Staff Name and Phone Number:** Tina Rivera, 707-565-4774  
**Vote Requirement:** Majority  
**Supervisorial District(s):** Countywide

**Title:**

Sonoma County Animal Services and Tobacco Administrative Citation Resolution

**Recommended Action:**

Adopt a Resolution authorizing the Department of Health Services to implement an Administrative Citation Program effective July 9, 2024.

**Executive Summary:**

The County of Sonoma enforces county codes and regulations through a myriad of enforcement mechanisms, including administrative hearings, enforcement orders, citations, infractions, misdemeanors, and felonies.

The Sonoma County Municipal Code [Section 1-7.6](#)

[https://library.municode.com/ca/sonoma\\_county/codes/code\\_of\\_ordinances?](https://library.municode.com/ca/sonoma_county/codes/code_of_ordinances?nodeId=CD_ORD_CH1GEPR_S1-7.6ADCI)

[nodeId=CD\\_ORD\\_CH1GEPR\\_S1-7.6ADCI](https://library.municode.com/ca/sonoma_county/codes/code_of_ordinances?nodeId=CD_ORD_CH1GEPR_S1-7.6ADCI)> provides an Administrative Citation Program and requires that departments receive approval from the Board through a resolution prior to implementing an Administrative Citation Program.

This item requests the Board adopt a resolution authorizing the Department of Health Services (hereinafter “the Department” or “DHS”) to implement an Administrative Citation Program for Sonoma County Animal Services and the Tobacco Prevention Program, effective July 9, 2024. The Department is planning to roll out the program between July and September 2024 with full implementation planned for October 1, 2024.

**Discussion:**

The County of Sonoma enforces county codes and regulations through a myriad of enforcement mechanisms, including administrative hearings, enforcement orders, citations, infractions, and misdemeanors. Section 1-7.6 requires that departments receive approval from the Board through a resolution prior to implementing an Administrative Citation Program. This item requests the Board adopt a resolution authorizing the Department to implement an Administrative Citation Program in Sonoma County Animal Services and the Tobacco Prevention Program.

Pursuant to California Government Code Section 53069.4, the County may deem any violation of any ordinance subject to an administrative fine or penalty. An administrative citation program is an alternative tool for enforcement that enables the County to enforce various codes and ordinances adopted by the County of Sonoma via less stringent enforcement action. Sonoma County Code Chapter 1 contains three alternatives to address violations. The first is criminal enforcement. Chapter 1 states that, unless otherwise provided, any

violation of the code is a misdemeanor, the prosecution of which could result in a conviction, fines, and imprisonment. Some provisions of the county code are specifically enforceable by infraction. The second option to address code violations is through the administrative abatement process, which typically includes a notice of violation, opportunity to correct, administrative hearing, abatement order, and cost recovery. The third option is through administrative citation.

If approved for Animal Services and the Tobacco Prevention Program, the Administrative Citation Program would achieve the following:

- Provide an additional tool for the protection of the health, safety, and well-being of the citizens of the County of Sonoma;
- Provide a means to immediately address transient/nuisance violations at a lower overall cost; and
- Provide a more direct administrative process to address any appeals of citations or fines.

### **Sonoma County Animal Services**

Sonoma County Animal Services and Sonoma County Animal Control Officers (ACOs) are responsible for public safety, animal welfare, and rabies control in the unincorporated areas of Sonoma County and the city of Santa Rosa. In addition, ACOs are responsible for enforcing city and state laws pertaining to animals and animal welfare in addition to Chapter 5 Sonoma County Animal Regulation Ordinance in the Sonoma County municipal code.

In 2023, Animal Control Officers responded to 11,691 calls of service. Their duties included:

- Returning stray animals to their owners or bringing them to the shelter.
- Rescuing and caring for injured or distressed animals.
- Performing rabies control.
- Investigating reports of animal abuse and neglect.
- Enforcing animal regulation laws and ordinances.

### **SCAS Criminal Citation Process**

Currently, when an Animal Services Officer observes a violation, a criminal citation is issued to the individual. Violations under the Sonoma County Code Chapter 5 Article XV are generally classified as infractions. Violations classified as infractions are issued as citations. The citation is submitted to the Sonoma County Court Traffic Division and a citation notice and fine is issued to the individual. The Traffic Division processes some city and county ordinance violations in addition to Vehicle Code moving violations, as well as a variety of other infraction level violations. The individual can either pay the fine or contest the violation. If the violation is contested, the court sets a date and staff is assigned to attend the hearing. If found guilty, the individual pays the applicable fine and court costs directly to the court. The program receives 15% of the citation fine. Violations resulting in death or serious injury to livestock and violations involving potentially dangerous and vicious animals are processed as misdemeanors and the proposed administrative action would not apply.

### **Proposed Administrative Citation Process**

The proposed administrative citation process would allow Animal Control Officers to issue the individual with an administrative citation. The administrative citation would not be sent to Sonoma County Court Traffic Division and would be administered by the program. The individual can have the citation voided by correcting the

violation or the individual can pay the fine directly to the program. If there is a hardship, the individual can request a waiver. The individual can contest the violation by requesting a hearing within 30 days of the citation being issued. If a hearing is requested, a county contracted hearing officer will hear the appeal and determine whether the citation is appropriate. Subsequent violation would lead to increased fines and escalation leading to misdemeanor.

Administratively citing those violating city and county codes would allow ACOs to enforce regulation effectively without making it a criminal offense. This could enable ACOs to de-escalate situations and provide education, ultimately benefiting the County and the community. Additionally, using administrative citations could improve the community's health and safety by providing a quicker path to compliance with animal regulation, improving internal efficiencies and customer service with a penalty structure that can be communicated to people who violate code. These beneficial alternatives would require a lower level of county resources overall to administer.

### **DHS Tobacco Prevention Program**

The Tobacco Prevention Program is responsible for enforcing Chapter 32 A Licensure of Tobacco Retailers of the Sonoma County municipal code as well as the secondhand smoke policies contained in Chapter 32 of the Sonoma County code. Licensed tobacco retailers are monitored through compliance visits conducted by staff. The Tobacco Retailer License (TRL) policy requires additional surveillance of the retail environment to assure that tobacco retailers are not operating without a license. The ordinance was most recently revised on May 14, 2024. The recommended administrative process scope includes enforcing the Ordinance changes adopted on 5/14/2024. <https://sonoma-county.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=11767>

### **Tobacco Prevention Program Citation Process**

Retailers who are in violation of the ordinance may be issued a citation under the administrative abatement and civil violation section of Chapter 1. To date, the program has issued multiple citations, with an order of abatement and civil penalties, to businesses operating without a license, and to licensed retailers selling illegal tobacco products. The program has also issued several citations (administrative abatement and civil fines) to both property managers and homeowners who were in violation of the multi-unit housing section of the smoking policy. Abatement orders are typically associated with physical address and enforcement involves directing the owner to resolve the issue related to property. These orders are not ideal for addressing a person who is violating a no smoking ordinance. In addition, smoking policies rely on voluntary compliance and the process of determining violations is complaint driven. A lower threshold violation structure would allow for prompt consequences when violations occur.

### **Proposed Administrative Citation Program**

The proposed administrative citation process would allow officers to issue the individual with an administrative citation. The individual can have the citation voided by correcting the violation or the individual can pay the fine. If there is a hardship, the individual can request a waiver. The individual can contest the violation by requesting a hearing within 30 days of the citation being issued. If a hearing is requested, a county contracted hearing officer will hear the appeal and determine whether the citation is appropriate. Subsequent violation would lead to increased fines and escalation leading to misdemeanor.

In the tobacco retail environment, there has been great leeway provided to retailers who are in violation as they are given multiple opportunities to come into compliance. With the California flavored tobacco ban in place since December of 2022, a violation structure which includes an administrative citation will allow the

Department to move quickly and assertively when there is a violation of the flavor ban now that there has been adequate education provided and time for retailers to come into compliance.

Overall, the intention is to gain compliance without the need for multiple check-back visits on both the tobacco retail front and with multi-unit housing/secondhand smoke complaints. Fewer visits and less time documenting multiple complaints will save staff time and allow resources to be directed towards other health improving activities. Moreover, the purpose of the ordinances to safeguard health will be better realized for residents.

### **Implementation**

If approved, implementation of the Administrative Citation program for Animal Services and Tobacco programs will be carried out over the course of a three-month period. Implementation actions will include the finalization of the policy, staff training and outreach. The effective date of this program is expected to be July 1, 2024, and aims for full implementation by October 1, 2024. Draft procedures for the Administration Citation Program are outlined in Attachment 2.

By October 1, 2024, the department will finalize internal standard operating policies and conduct comprehensive staff training to ensure consistent enforcement aligned with local regulations. There will be no changes to the current working conditions for department staff involved in issuing citations. A Hearing Officer Agreement was approved by the Board of Supervisors on May 17, 2022, has secured California Hearing Officers, LLP as the contractor for Hearing Officer services, effective from May 17, 2022, to December 31, 2025. Prior to full implementation, warning citations will be issued as appropriate to notify violators that continued non-compliance may result in formal citations and escalating penalties. A key component of implementation of the citation program would be processing the citations and supporting documentation to provide tracking, reporting, payment, appeal, and collection services within the Department. These processing and collection services are already being performed by both programs under current procedures and would not entail more work by pivoting to an administrative citation program. Collections of penalties has always been a challenge as existing penalties are not considered substantial enough by the county collections process to pursue. An administrative citation is unlikely to change either of these factors. Although there is no internal existing County program or process in place to perform these citation processing functions outside the criminal court system, it is not expected that a pivot to such an enforcement approach will increase net operating costs in any way.

The implementation of the Administrative Citation Program by the County of Sonoma's Department of Health Services is projected to yield overall cost reductions. Anticipated savings stem from various factors, including streamlined personnel costs, decreased staff time dedicated to ensuring compliance, and minimal expenses associated with training. The need for additional staff is not currently anticipated for program implementation and administration.

### **Program Costs**

While training costs are expected to be minimal, there initially will be increased expenditures related to the development of Standard Operating Procedures and the management of appeals and collections. Additionally, staff time and possibly modest funds will be allocated for outreach initiatives aimed at informing the public and regulated community about the new citation program, encompassing social media campaigns, press releases, and informational materials.

Despite these anticipated initial costs, the Department anticipates increased revenue from fines imposed on

violators, as determined by applicable ordinances governing Tobacco and Sonoma County Animal Services (SCAS). Fine amounts are currently set at specified rates by ordinance. Tobacco Program fines are currently collected by the Department and range between \$100 and \$1800 depending on the violation.

Sonoma County Animal Services violations are processed through the Sonoma County Courts. Fines and court fees are paid directly to the Court and the Department receives a fraction of the fine on an annual basis. The Department received \$2,275 in FY 23-24. Fines and violation frequency will be monitored over the next fiscal year and any significant changes will be addressed through the annual budget process.

The implementation of the administrative citation process is expected to lead to an overall reduction in legal costs, with the Department projecting a decrease in expenses associated with legal services due to the streamlined nature of the citation process.

**Strategic Plan:**

N/A

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

Yes

An equity analysis was conducted on staff's recommendation for the Board to authorize the Department of Health Services to implement an administrative citation program aimed at enhancing enforcement efficiency without resorting to criminal citations. The desired outcomes include fostering a healthy and safe community, reducing disparities in citation rates, and streamlining county governance. The equity analysis revealed a need for improved demographic data collection to address racial inequities. Community engagement efforts have highlighted the benefits of a less punitive enforcement approach and the importance of bilingual staff. Strategies for advancing racial equity include reducing burdens on cited individuals and increasing community access to resources. The report outlines implementation plans, accountability measures, and communication strategies focused on community education and engagement. The proposed action aims to ensure sustainable racial equity advancements in the Department's enforcement options. Racial Equity Analysis is available as Attachment 3.

**Prior Board Actions:**

On May 14, 2024, the Board of Supervisors adopted an Ordinance titled "An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Adopting New Fees and Adjusting Fees Effective July 1, 2024, for the Sonoma County Department of Health Services, Sonoma County Animal Services."

On May 14, 2024, the Board of Supervisors adopted an Ordinance entitled "An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Repealing and Replacing Chapter 32A of the Sonoma County Code Pertaining to Licensure of Tobacco Retailers."

On May 17, 2022, the Board of Supervisors authorized the Directors of Sonoma County Permit Sonoma, Sonoma County Department of Health Services, Sonoma County Fire and Emergency Services Department, the Agricultural Commissioner, and the Executive Director of the Community Development Commission (the "County") to execute agreements with California Hearing Officers, LLP (the "Contractor"), to provide hearing officer services on an as-needed basis, in a cumulative amount not to exceed \$200,000 per year. The County may also designate Contractor as Abandoned Vehicle and Mobile Home Space Rent Stabilization Program

**Administrative Hearing Officers.**

On July 24, 2018, the Board of Supervisors adopted an ordinance amending Chapter 1 of the Sonoma County Code by adding Section 1-7.6 to provide for an Administrative Citation Program and making other minor amendments.

On July 10, 2018, the Board of Supervisors adopted a Resolution introducing, reading the title of, and waiving further reading of a proposed Ordinance amending Chapter 1 of the Sonoma County Code by adding Section 1 - 7.6 to provide for an Administrative Citation Program and making other minor amendments.

On December 20, 2016, the Board of Supervisors, adopted Ordinance No. 6189, Medical Cannabis Land Use Ordinance, including administrative citation authority. (Section 26-88-252(e)(1).)

On March 15, 2016, the Board of Supervisors, adopted Ordinance No. 6145, Vacation Rental Ordinance, including administrative citation authority. (Section 26-88-120(g)(4).)

On December 2, 2014, the Board of Supervisors adopted Ordinance No. 6090, including administrative citation authority at the Sonoma County Airport. (Section 3-17.)

**FISCAL SUMMARY**

| <b>Expenditures</b>                | <b>FY24-25<br/>Adopted</b> | <b>FY25-26<br/>Projected</b> | <b>FY26-27<br/>Projected</b> |
|------------------------------------|----------------------------|------------------------------|------------------------------|
| Budgeted Expenses                  |                            |                              |                              |
| Additional Appropriation Requested |                            |                              |                              |
| <b>Total Expenditures</b>          |                            |                              |                              |
| <b>Funding Sources</b>             |                            |                              |                              |
| General Fund/WA GF                 |                            |                              |                              |
| State/Federal                      |                            |                              |                              |
| Fees/Other                         |                            |                              |                              |
| Use of Fund Balance                |                            |                              |                              |
| General Fund Contingencies         |                            |                              |                              |
| <b>Total Sources</b>               |                            |                              |                              |

**Narrative Explanation of Fiscal Impacts:**

The implementation of the administrative citation process is expected to lead to an overall reduction in legal costs, with the Department projecting a decrease in expenses due to the streamlined nature of the citation process. Program costs, fines and violation frequency will be monitored over Fiscal Year 24-25 and any significant changes will be addressed through the annual budget process.

| <b>Staffing Impacts:</b>                       |  |                               |                               |
|--|--|-------------------------------|-------------------------------|
| <b>Position Title (Payroll Classification)</b> | <b>Monthly Salary Range<br/>(A-I Step)</b> | <b>Additions<br/>(Number)</b> | <b>Deletions<br/>(Number)</b> |
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**Agenda Date:** 7/9/2024

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**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Attachment 1 - Resolution

Attachment 2 - DHS Administrative Citation Policy and Procedure DRAFT

Attachment 3 - Racial Equity Analysis

**Related Items "On File" with the Clerk of the Board:**

None.