

MEETING: May 11, 2004 - Consent	AGENDA NO.: 20
<p>SUBJECT:</p> <ul style="list-style-type: none"> a. Approve a resolution of the Board of Supervisors of the County of Monterey amending County Master Fee Resolution by modifying Article 1 Chapter 10.04 relating to fees for the Health Department to establish a hazardous material emergency response surcharge to fund hazardous materials emergency response services throughout the unincorporated County area and within each incorporated city. b. Authorize the Health Director to negotiate and enter into a memorandum of understanding (MOU) with the Salinas and Seaside Fire Departments to operate, fund and maintain hazardous materials emergency response capability throughout the unincorporated County area and within each incorporated city. c. Direct the Auditor-Controller to set up a Hazardous Materials Emergency Response Trust Fund for the collection and disbursement of the emergency response surcharge. d. Direct the Auditor-Controller to increase revenue and appropriations for Budget Unit 414 by \$100,000 for FY 04-05. 	
<p>DEPARTMENT: Health—Environmental Health</p>	

RECOMMENDATION

It is recommended that the Board of Supervisors:

- a. Approve a resolution of the Board of Supervisors of the County of Monterey amending County Master Fee Resolution by modifying Article 1 Chapter 10.04 relating to fees for the Health Department to establish a hazardous material emergency response surcharge to fund hazardous materials emergency response services throughout the unincorporated County area and within each incorporated city.
- b. Authorize the Health Director to negotiate and enter into a memorandum of understanding (MOU) with the Salinas and Seaside Fire Departments to operate, fund and maintain hazardous materials emergency response capability throughout the unincorporated County area and within each incorporated city.
- c. Direct the Audit-Controller to set up a Hazardous Materials Emergency Response Trust Fund for the collection and disbursement of the emergency response surcharge.
- d. Direct the Audit-Controller to increase revenue and appropriations for Budget Unit 414 by \$100,000 for FY 04-05.

SUMMARY

The Board has previously approved an ordinance amending Title 10 Health and Safety Ordinance of the Monterey County Code to add Chapter 10.67; Hazardous Materials Emergency Response, related to providing a mechanism for ongoing funding to support the cost of hazardous materials emergency response capability throughout the unincorporated County area and within each incorporated city. The revised Master Fee Resolution, that is being considered, will provide the ongoing funding for hazardous materials emergency response capability through the establishment of a Hazardous Materials Emergency Response Surcharge (Attachment A). The surcharge will be applied to all businesses that are currently permitted with the Environmental Health Division that handle materials with the potential to necessitate a hazardous material emergency response. In order to be able to reimburse the cities of Salinas and Seaside for the cost incurred in providing hazardous materials emergency response capability, the Health Director will negotiate and enter into a Memorandum of Understanding (MOU) with each city that will specify criteria related to the disbursement of funds. The surcharge revenue will be placed in a Hazardous Material Emergency

Response Trust Fund and distributed to the Salinas and Seaside Fire Departments, and to the Health Department, to defray the costs of providing hazardous material emergency response capability.

DISCUSSION

For several years the cities of Seaside and Salinas, through their respective fire departments, have operated and funded the local capability for fire agencies to respond to hazardous materials incidents (releases, spills, etc.) These two jurisdictions have responded and provided this critical service to other cities within the County as well as the unincorporated area.

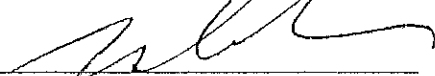
City officials from Seaside and Salinas began to question the equity associated with the expectation that two cities bear the financial burden to provide this critically needed response capability countywide. Interested stakeholders, under the auspices of the County's Operational Area Coordinating Council (OACC), examined a range of options intended to provide a mechanism to provide an ongoing funding source to support the cost of the fire Hazardous Materials emergency response capability and identified the Hazardous Materials Emergency Response Surcharge as the option to be considered.

OTHER AGENCY INVOLVEMENT

County Counsel and the Auditor-Controller have reviewed and approved as to form the proposed amendment to the Master Fee Resolution related to the Hazardous Material Emergency Response Surcharge, and the establishment of the Trust Fund. Salinas and Seaside Fire Departments as well as the County's Operational Area Coordinating Council (OACC) have reviewed and approved this proposed hazardous materials emergency response funding option and associated instruments and language.

FINANCING

It is estimated that a total of \$213,000 will be collected annually from the Hazardous Materials Emergency Response Surcharge. Approximately \$100,000 will be expended in FY 04-05 for training, equipment purchase/maintenance and pay compensation and overtime pay for each of the respective Hazardous Materials Emergency Response teams. The remaining \$113,000 will be placed in the Hazardous Materials Emergency Response Surcharge Trust Fund for covering the cost of actual incident response. The establishment of a Hazardous Materials Emergency Response Surcharge to fund hazardous materials emergency response services will have no fiscal impact to the Health Department's Net County Cost. All associative emergency response services costs will be covered through the surcharge.



Len Foster
Director of Health

5/4/04

Date

cc: Mike Miller, Auditor-Controller
Charles McKee, County Counsel

Attachment A

ARTICLE 1.e ENVIRONMENTAL HEALTH

- L. Hazardous Material Emergency Response Surcharge
1. In addition to the fees set forth above, in order to establish a single fee system to fund the ongoing training, equipment needs and staffing of the dedicated Hazardous Material Emergency Response Teams, entities that generate or handle materials and/or may necessitate a Fire Hazardous Material Emergency Response shall be subjected to the following surcharges:
 - a. General Environmental Health Permits- @ \$25.00 per year
 - b. Environmental Health Hazardous Materials Permits- @ \$45 per year
 - c. Environmental Health CAL ARP Hazardous Materials Permits- @ \$250 per year
 2. The surcharge shall apply to the following business activities:
 - a. A Hazardous Material Emergency Response Surcharge of \$25.00 shall apply to the following Environmental Health Department Permit/Activities:
Article I.1.A.1, 10.a, b & e, 11-13, 15-18; I.1.B.1; I.1.C; I.2; I.4.A, B.1; I.5.C.4; I.6.A. 2-3, 5-6, 17-18; 20-21, 23-24; I.6.J; I.7.A, C, E.1-4, 9
 - b. A Hazardous Material Emergency Response Surcharge of \$45.00 shall apply to the following Environmental Health Hazardous Material Permit/Activities:
Article I. 8. B.1-2, 4, 5 (a)
 - c. A Hazardous Material Emergency Response Surcharge of \$250.00 shall apply to the following Environmental Health CAL-ARP Hazardous Material Permit/Activities:
Article I.8.B.8

Before the Board of Supervisors in and for the
County of Monterey, State of California

*(C! Allen
Stroh
Marian
Mayer)*

Resolution No. 04-156

- a. Approve a resolution of the Board of Supervisors of the County of Monterey amending County Master Fee Resolution by modifying Article 1 Chapter 10.04 relating to fees for the Health Department to establish a hazardous material emergency response surcharge to fund hazardous materials emergency response services throughout the unincorporated County area and within each incorporated city.
- b. Authorize the Health Director to negotiate and enter into a memorandum of understanding (MOU) with the Salinas and Seaside Fire Departments to operate, fund and maintain hazardous materials emergency response capability throughout the unincorporated County area and within each incorporated city.
- c. Direct the Auditor-Controller to set up a Hazardous Materials Emergency Response Trust Fund for the collection and disbursement of the emergency response surcharge.
- d. Direct the Auditor-Controller to increase revenue and appropriations for Budget Unit 414 by \$100,000 for FY 04 05.)

Consent: G.A.B.C.(D)

Upon motion of Supervisor Potter, seconded by Supervisor Armenta, and carried by those present, the Board hereby:

- a. Approves a resolution of the Board of Supervisors of the County of Monterey amending County Master Fee Resolution by modifying Article 1 Chapter 10.04 relating to fees for the Health Department to establish a hazardous material emergency response surcharge to fund hazardous materials emergency response services throughout the unincorporated County area and within each incorporated city.
- b. Authorizes the Health Director to negotiate and enter into a memorandum of understanding (MOU) with the Salinas and Seaside Fire Departments to operate, fund and maintain hazardous materials emergency response capability throughout the unincorporated County area and within each incorporated city.
- c. Directs the Auditor-Controller to set up a Hazardous Materials Emergency Response Trust Fund for the collection and disbursement of the emergency response surcharge.
- d. Directs the Auditor-Controller to increase revenue and appropriations for Budget Unit 414 by \$100,000 for FY 04 05.

PASSED AND ADOPTED this 11th day of May, 2004, by the following vote, to wit:

AYES: SUPERVISORS ARMENTA, LINDLEY, JOHNSEN, POTTER and CALCAGNO
NOES: NONE
ABSENT: NONE

I, SALLY REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certifies that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page x of Minute Book 72, on May 11, 2004.

Dated: May 12, 2004

SALLY R. REED, Clerk of the Board of
Supervisors, County of Monterey, State of
California

By 
Deputy Barbara S. Grant

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cc: Health/Environmental Health; Auditor/Barbara P.