

**Before The Board of Supervisors In and For The
County of Monterey, State of California**

Resolution No. _____
Adopt a Resolution amending Section 5)
(Land Use) of Article I.E. of the Monterey)
County Master Fee Resolution effective)
November 17, 2019, to adjust fees for the)
Monterey County Health Department’s)
Environmental Health Bureau’s review and)
processing of applications for land use and)
construction permits and entitlements.)

This resolution is made with reference to the following facts:

- A. State law allows the County, after noticed public hearing, to adopt a resolution to adopt new fees or increase existing fees for processing permits and entitlements, provided the fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged.
- B. Section 1.40.010 of Chapter 1.40 of the Monterey County Code provides that all fees, penalties, refunds, reimbursements, and charges of any kind collected by the County may be specified in the Monterey County Fee Resolution.
- C. Federal, state, and local laws and regulations mandate that the County provide certain services. Periodically, fees for reviewing and processing applications for land use entitlements and construction permits and related inspection services are amended to recover some of these costs to provide these services.
- D. The Environmental Health Bureau of the Health Department has fees for services provided for the review of planning and construction permit applications for land use and construction permits and entitlements which are appropriate to specify in the Monterey County Fee Resolution.
- E. Environmental Health Bureau’s fees for these land use services are set forth in Section 5 of Article I.E of the Monterey County Fee Resolution. The proposed adjustments to these fees are set forth in Exhibit 1, attached hereto and incorporated herein by reference.
- F. The fee adjustments made by this resolution cover a portion of the staff cost of processing applications for construction permits and associated activities. The fees do not exceed the reasonable or actual costs of performing the services. Any and all of the adjustments to the fees reflect no more than the actual cost of the service or benefit received by the payor. To the extent that the fees do not result in full cost recovery, the discount does not result in increased charges to other payors; the increased cost will be covered by an increased subsidy from the County General Fund.

G. Land use entitlements, construction permits, and inspection fees are authorized by state law (Government Code section 66014). These fees are not a “tax” and are exempt from voter approval under section 1(e)(1)-(3), (5) and (6) of Article XIII C of the California Constitution (Proposition 26, excepting from the definition of “tax” charges imposed for specific benefit conferred/privilege/service or product, and/or reasonable regulatory costs to a local government for issuing permits and the administrative enforcement thereof, fines and penalties and charges for violation of law, and property development charges.)

These fees are imposed for a specific government service provided directly to the applicant that is not provided to those not charged, are imposed for the reasonable regulatory costs to the County for issuing permits for property development and the administrative enforcement thereof, and do not exceed the reasonable costs to the County of providing these services.

H. This action to modify construction permitting and inspection services fees is not a project under the California Environmental Quality Act because it is a governmental funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines section 15378(b)(4).)

I. Said amendments to the Environmental Health Bureau’s Land Use fees are intended to take effect 60 days after adoption of the amendments.

J. The Board of Supervisors held a duly noticed public hearing on September 17, 2019 to consider these fee adjustments. Notice of this matter was provided by publication of notice in newspaper of local circulation in the County and distribution of notice to interested persons, and all testimony from staff and the public has been heard and considered.

NOW, THEREFORE, BE IT RESOLVED by the Monterey County Board of Supervisors as follows:

1. Section 5 (Land Use) of Article I.E. of the Monterey County Fee Resolution is hereby amended as shown in Exhibit 1, attached hereto and incorporated herein by reference.
2. Unless otherwise specifically amended, all prior resolutions regarding such fees remain as previously approved and are unaffected by this action.
3. Said amendment to Article I.E. shall take effect on the sixty-first day following adoption.

PASSED AND ADOPTED on this _____ day of _____ 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy