



Monterey County

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Board Order

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

Adopted **Resolution 15-241** amending Article I.E. of the Monterey County Master Fee Resolution effective October 1, 2015, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau as related to the Tobacco Retailer License permits pursuant to the attached Fee Schedule.

PASSED AND ADOPTED on this 1st day of September 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 78 for the meeting on September 1, 2015

Dated: September 3, 2015
File ID: RES 15-090

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

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

Resolution No. 15-241

Adopt a Resolution amending Article I.E. of)
 the Monterey County Master Fee Resolution)
 effective October 1, 2015, to adjust fees)
 relating to oversight and services provided)
 by the Health Department’s Environmental)
 Health Bureau.)

THE MONTEREY COUNTY BOARD OF SUPERVISORS FINDS:

- A. Section 1.40.010 of Chapter 1.40 of Monterey County Code provides that all fees, penalties, refunds, reimbursements and charges of any kind by the County may be specified in the Monterey County Fee Resolution.
- B. The Environmental Health Bureau of the Health Department has user fees which are appropriate to specify in the Monterey County Master Fee Resolution effective October 15, 2015.
- C. This action to modify fees and other charges to meet operational expenses is statutorily exempt from environmental review [Pub. Res. Code sec. 21080 subd. (b)(8)].
- D. Any and all adjustments to fees for services reflect no more than the actual and reasonable cost of the service or benefit received by the payor and burdened on the County. Any discount applicable to these surcharges have a de minimus impact on the departmental budget and implementation of that discount does not result in increased fees or costs for other patrons.
- E. By definition, these charges are not a ‘tax’ and are exempt from voter approval pursuant to Article XIII C section 1(e)(1)-(3) of the California Constitution (Prop. 26; charges imposed for specific benefit conferred/privilege/service or product, and/or reasonable regulatory costs provided or granted to the payor).

THE MONTEREY COUNTY BOARD OF SUPERVISORS RESOLVES:

- I. Article I.E. of the Monterey County Fee Resolution is amended, and the Environmental Health Bureau of the Health Department fees set forth in the attachment hereto are hereby adopted.
- II. Unless otherwise specifically amended, all prior resolutions regarding such fees remain as previously approved and are unaffected by this action.
- III. The effective date of the fees approved in this Resolution is October 1, 2015.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Armenta carried this 1st day of September 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 78 for the meeting on September 1, 2015.

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