



Monterey County Board of Supervisors

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Salinas, CA 93901
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Board Order

Resolution No. 17-224

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

Adopted Resolution No. 17-224 Amending Article I.E. of the Monterey County Master Fee Resolution effective August 27, 2017, to adjust and restructure fees for services provided by the Monterey County Health Department's Environmental Health Bureau to review planning and construction permit applications and review and issue permits for onsite wastewater treatment systems.

PASSED AND ADOPTED this 27th day of June 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas Parker and Adams

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 80 for the meeting June 27, 2017.

Dated: July 13, 2017
File ID: RES 17-086

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

By  Deputy

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

Resolution No. 17-224

Adopt a Resolution Amending Section 3)
 and Section 5 of Article I.E. of the)
 Monterey County Master Fee Resolution)
 effective August 27, 2017, to adjust and)
 restructure fees for services provided by the)
 Monterey County Health Department's)
 Environmental Health Bureau for planning)
 and construction permit review and onsite)
 wastewater treatment system permit review)
 and inspection.

THE MONTEREY COUNTY BOARD OF SUPERVISORS FINDS:

- 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, construction permitting and inspection services fees 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 by the Monterey County Health Department's Environmental Health Bureau to review planning and construction permit applications and review and issue permits for onsite wastewater treatment systems which are appropriate to specify in the Monterey County Master Fee Resolution. The amendments to the planning and construction permit review fees and onsite wastewater treatment system permit review and inspection services fees are shown by ~~strikeout~~ and underline in the Article attached hereto and incorporated herein by reference, with additions shown by underline and deletions shown in ~~strike-through~~.
- E. 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.

- F. Planning and construction permit review and onsite wastewater treatment system review and inspection services 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.

- G. This action to modify planning and construction permit review and onsite wastewater treatment system permit review 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).)
- H. Said amendments to the planning and construction permit review and onsite wastewater treatment system permit review and inspection services fees are intended to take effect 60 days after adoption of the amendments.
- I. The Board of Supervisors held a duly noticed public hearing on June 27, 2017 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.

THE MONTEREY COUNTY BOARD OF SUPERVISORS RESOLVES:

- I. Section 3 and Section 5 of Article I.E. of the Monterey County Fee Resolution are 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 August 27, 2017.

PASSED AND ADOPTED this 27th day of June 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas Parker and Adams

NOES: None

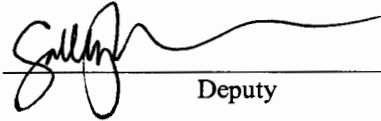
ABSENT: None

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 80 for the meeting June 27, 2017.

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