

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

Approve a resolution amending Article I.E. of the )  
Monterey County Master Fee Resolution effective )  
July 1, 2012, to adjust fees relating to oversight and )  
services provided by the Health Department's )  
Environmental Health Bureau and the Health )  
Department's Tobacco Control Program. )

**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 Health Department has inspection and service fees which are appropriate to specify in the Monterey County Master Fee Resolution, Article I.E. for Fiscal Year 2012-13.
- C. This action to modify 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 charges for inspections and services reflect no more than the actual and reasonable cost of the service or benefit received by the payor. Any nominal discounts offered has a de minimus impact on the departmental budget and implementation of that discount does not result in increased charges to other patrons.
- E. By definition, these inspection and service charges are not a 'tax' and are exempt from voter approval pursuant to Section 1 (a)(4) of Article XIII C section 1(e)(1)-(3) of the California Constitution (Prop. 26; charge imposed for specific benefit conferred/privilege/service or product/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 effective July 1, 2012 for Fiscal Year 2012-13 with all schedules, tables, fees, taxes, penalties, and charges contained therein are hereby adopted as described in the attachment to this resolution.
- II. All prior resolutions regarding such fees are hereby repealed.

PASSED AND ADOPTED on this \_\_\_\_\_ day of \_\_\_\_\_ 2012 by the following vote, to wit:  
AYES:  
NOES:  
ABSENT:

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\_\_\_ for the meeting on \_\_\_\_\_.

Dated: Gail Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
, Deputy