



## Legislation Details (With Board Report)

<b>File #:</b>	RES 23-032	<b>Name:</b>	Land Use Fees
<b>Type:</b>	BoS Resolution	<b>Status:</b>	Agenda Ready
<b>File created:</b>	2/16/2023	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	2/28/2023	<b>Final action:</b>	

**Title:** a. Conduct a public hearing to consider adoption of a Resolution amending Section 5 (Land Use) of Article I.E. of the Monterey County Fee Resolution, effective July 1, 2023, 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; and  
b. Adopt a Resolution amending Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2023, to adjust fees relating to oversight and services provided by the Health Department’s Environmental Health Bureau.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Copy of Article IE FY2023-24 Fees Draft Clean, 3. Copy of Article IE FY2023-24 Fees Draft Red Lined, 4. Resolution, 5. Completed Board Order Item No. 20, 6. Completed Resolution Item No. 20

Date	Ver.	Action By	Action	Result
2/28/2023	1	Board of Supervisors		

a. Conduct a public hearing to consider adoption of a Resolution amending Section 5 (Land Use) of Article I.E. of the Monterey County Fee Resolution, effective July 1, 2023, 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; and  
b. Adopt a Resolution amending Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2023, to adjust fees relating to oversight and services provided by the Health Department’s Environmental Health Bureau.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

a. Adopt a Resolution amending Section 5 (Land Use) of Article I.E. of the Monterey County Fee Resolution, effective July 1, 2023, 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; and  
b. Adopt a Resolution amending Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2023, to adjust fees relating to oversight and services provided by the Health Department’s Environmental Health Bureau.

**SUMMARY:**

The Health Department’s Environmental Health Bureau (EHB) is requesting approval of a proposed 15% increase to EHB fees, including Land Use fees, as set forth in Article I.E. of the Monterey County Fee resolution, effective July 1, 2023. Public notice of the Request for Public Hearing for Land Use fees was noticed on February 18, 2023.

**DISCUSSION:**

The fee increase is proposed to reflect more closely, while still not exceeding, the actual and reasonable costs of services and benefits provided to the public by the EHB. Adoption of the proposed fees will contribute to the self-sufficiency of the programs within the Environmental Health Bureau; however, the fee increase will not fully cover cost of services and benefits and may still result in the need for additional future General Fund Contributions for those services to remain at Fiscal Year (FY) 2022-23 staffing levels.

The EHB requests approval for a 15% fee increase effective July 1, 2023, to contribute to meeting its Fiscal Year 2023-24 Requested Budget. In addition, fees for Land Use services are adjusted to reflect services and costs since the last requested increase in Fiscal Year (FY) 2019-20.

Additional costs and expenses, including but not limited to cumulative across the board employee salary cost of living adjustments (3.5%) and salary adjustments (2.5%) based on County Agreement), corroborates this request for a 15% increase, as the current fee adjustment requested herein only continues to partially recapture the true current cost of services.

In Fiscal Year 2021-22, the Environmental Health Bureau contracted with MGT America to conduct a comparison analysis of its facility and permit fees. The results of this analysis included a recommendation to increase fees by 15%. After review of the data analysis provided and the recommendation, the Environmental Health Bureau is proposing an across-the-board 15% increase to its fees, as well as other fee changes for Land Use fees, effective July 1, 2023 to meet the Fiscal Year 2023-24 proposed budget.

The Environmental Health Review Services program (EHRS) reviews land use projects and building permits and inspects and approves Onsite Wastewater Treatment Systems (OWTS or septic system permit applications). The EHRS fees have not increased since Fiscal Year 2019-20; an increase in fees for the EHRS program is also requested at this time as an attempt to recapture additional costs that have been added to the fully loaded costs of services.

By definition, the changes to these charges are not a "tax" and are exempt from voter approval pursuant to Article XIII C section 1(e)(1)-(3) and (5) of the California Constitution (Prop. 26; charges imposed for specific benefit conferred/privilege/service or product, reasonable regulatory costs provided or granted to the payor, and/or fines and/or penalties). As such, they reflect no more than the actual cost of the service/benefit received by the payor.

The proposed fee adjustments are attached as follows: Attachment 1 - Redlined Article I.E. Fee Schedule for Fiscal Year 2023-24 and Attachment 2 - Board Resolution with Article I.E. Fee Schedule for Fiscal Year 2023-24.

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Goals to enhance community health and safety through prevention and to engage MCHD workforce and improve operational functions to meet current and developing population health needs. It also supports three of the ten essential public health services, specifically, 2) diagnose and investigate health problems and health hazards in the community; 3) inform, educate, and empower people about health issues; and 6) enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed, and approved as to legal form, the proposed amendment to Article I.E. of the Monterey County Master Fee Resolution.

FINANCING:

The recommended fee adjustments are intended to improve on the recapture of a portion of the costs associated with the provision of the indicated services, and do not exceed actual costs for providing these services. As such, the fees represent a charge imposed for the specific regulatory service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the County for providing the regulatory service. Anticipated revenues resulting from the proposed fee adjustments are included in the Fiscal Year (FY) 2023-24 Requested Budget (001-4000-HEA005). This action will have no immediate impact on the General Fund Contributions for these services.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst III, 755-297

Approved by:

Date: \_\_\_\_\_

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:

Board Report

Copy of Article IE FY2023-24 Fees Draft Clean

Copy of Article IE FY2023-24 Fees Draft Red Lined  
Resolution