

PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
CALIFORNIA SAFE DRINKING WATER ACT

ATTACHMENT F

**Resolution of the Board of Supervisors
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF ADOPTING)
FEES FOR ENVIRONMENTAL)
HEALTH SERVICES PURSUANT TO)
THE CALIFORNIA SAFE DRINKING)
WATER ACT, HEALTH AND SAFETY)
CODE §116300 ET SEQ.)**

RESOLUTION NO. _____

WHEREAS, §§116270-116751 of the California Health and Safety Code, known as the California Safe Drinking Water Act ("Water Act") provide that primary enforcement of the provisions of the Water Act for water systems with fewer than 200 services connections shall be with local health agencies meeting primacy program requirements; and

WHEREAS, pursuant to §116330 of the California Health and Safety Code, the Environmental Health Services Division of the Public Health Department (hereafter, Environmental Health Services) is the designated agency to administer the Water Act, as the designated local primacy agency within the County of Santa Barbara; and

WHEREAS, §16-47 the Santa Barbara County Code provides that the Board of Supervisors may adopt by resolution a schedule or schedules of required fees for specified health services by the Public Health Department; and

WHEREAS, §116565(e) of the California Health and Safety Code provides that the County Board of Supervisors may establish fees to pay the reasonable expenses of Environmental Health Services for its administration and enforcement of the Water Act and the regulations adopted thereto; and

WHEREAS, §101325 provides that the Board of Supervisors may adopt a resolution prescribing fees to pay the reasonable expenses of the health officer incurred in the enforcement of any statute or regulation relating to public health; and

WHEREAS, the present fees for administering have remained unchanged since the adoption of Resolution 08-137, effective July 1, 2008; and

WHEREAS, the fees established by this resolution will recover a portion of the actual costs of administering and enforcing the Water Act within the County; and

WHEREAS, the Board of Supervisors finds that the fees set forth in this resolution are exempt from CEQA review pursuant to 14 CCR 15273 and Public Resources Code §21080, subd. (b)(8)(A) and (B), in that the fees will be used for operating expenses and for the purchase of supplies, equipment and materials; and

WHEREAS, the County has in connection with the above fees, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code §6062a; and

WHEREAS, the fees may be revised as needed by the Board of Supervisors, and if the revision does not occur, the existing fees shall remain in effect.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, as follows:

That the fees set forth in the attached schedule of fees hereto, are hereby adopted pursuant to §101325 and §116565(e) of the California Health and Safety Code and §16-47 of the Santa Barbara County Code. Said fees are to be assessed against all persons as defined in §116275, subdivision (g) of the California Health and Safety Code, and said fees are to become effective December 1, 2009.

Resolution 08-137, effective July 1, 2008, is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective. The repeal of Resolution 08-137 shall not affect any obligation to pay any fees incurred under said resolution, and said obligation shall continue in effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said resolution.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By: _____
Chair, Board of Supervisors

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS MARSHALL
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
ROBERT GEIS
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES FEE SCHEDULE
PUBLIC WATER SYSTEMS - DOMESTIC WATER SUPPLY PROGRAM**

1. Annual Fees - Fixed Rate

An annual operating fee is required for public water systems under the jurisdiction of the local primacy agency for inspection, surveillance, administration and enforcement activities. It does not cover sampling costs. The annual fee for public water systems shall be based upon the number of service connections or the type of water system. The public water systems under the jurisdiction of the local primacy agency are defined by the Health & Safety Code, §116275.

Community Water System (15-24 connections)	\$1,075
Community Water System (25-99 connections)	935
Community Water System (100-199 connections)	1,480
Non-Community Water System	710
Non-Transient, Non-Community Water System	1,365

2. Construction/Plan Check Fees - Fixed Rate, One-Time Fee

A fee is required for approval to construct a public domestic water system or a domestic water system under the jurisdiction of the local primacy agency, based on the type of the water system.

	<u>Fee / Hours</u>
Community System (15-199 connections)	\$1,725 / (7 hrs)
Non-Community Water System	1,725 / (7 hrs)
Non-Transient, Non-Community System	1,725 / (7 hrs)

Plan check fees include plan checking, issuance of approval for the construction of a domestic water system, construction evaluation, final approval, one bacteriological water sample, and issuance of a Domestic Water Supply Permit. Plans that are found to be unsatisfactory will be returned for revision. Plans which are unusually complex or which must be resubmitted with significant changes and require staff time in excess of the hours noted above shall be charged the standard hourly rate for the excess hours. Environmental Health Services will not issue plan approval or final construction approval until all applicable fees have been paid.

3. Amendment/Change of Ownership \$ 200

4. Hourly Rate \$ 136

An hourly rate fee shall be determined by the number of person-hours, rounded up to the nearest one-quarter hour, including reasonable travel time, actually expended by Environmental Health Services personnel in performing the following services in the administration and enforcement of the provisions of the Health and Safety Code §116270 - 116751:

- A. Staff time in excess of the hours noted in Section 2, Construction/Plan Check Fees, necessary to complete plan check and associated services.
- B. Non-Compliance Reinspection Fee (each occurrence)
An hourly rate fee will be charged to facilities when violations remain uncorrected after a routine/original inspection and one scheduled reinspection. The hourly rate shall

apply to the second reinspection and all subsequent reinspections, including reasonable travel time, until all violations have been corrected.

- C. Evaluation of systems constructed or modified, or service connections illegally connected to public water systems, without a valid permit or approval to construct
- D. Notices of Violation - Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action
- E. Preparation and issuance of public notifications and conducting a public hearing pursuant to Health and Safety Code §116625.
- F. Staff time spent on waivers, exemptions, variances or consultation related to permits to construct or operate a domestic water supply system

5. Additional Program Charges

Photocopies each	\$ 0.35
Check return for non-sufficient funds or closed account	\$35.00

6. Prorating of Fees

The County reserves the right to prorate, in quarterly increments, all fees described in this resolution.

7. Delinquent Fees

Fees that are invoiced by Environmental Health Services as outlined in this fee schedule and which are not paid by the due date on the invoice shall be considered delinquent and the following additional charges added:

- A. During the first 30 days of delinquency, any unpaid portion of the permit fee will have a penalty of 10% assessed.
- B. After 30 days of delinquency, an additional penalty of 15% of the unpaid balance will be assessed and a Final Notice will be issued.
- C. If the fee, and any penalty assessed pursuant to this resolution, is not paid within three weeks from the date on the Final Notice, the unpaid balance may be referred to the Santa Barbara County Treasurer/Tax Collector's office for collection. In addition to the fee(s) and any penalties associated with delinquent fee(s) as described above, accounts referred for collection shall be charged for the actual cost associated with collection efforts. The delinquency fees are in addition to any other remedies available to the County.
- D. If any person required to pay a fee pursuant to this resolution has an outstanding balance due for any service rendered by Environmental Health Services, any past due amount shall be paid before Environmental Health Services will approve a subsequent application from that person or renewal of an existing permit for that person, unless such past due amount is waived or reduced as provided in this resolution.

8. Contest of Charges

Any person required to pay fees pursuant to this resolution may file a written notice of contest of charges accompanied by such materials as will support the claim for relief, including payment in full as invoiced, with the Director (or designee) of Environmental Health Services for determination of the correct amount of fees due under this resolution. If the staff time required to review and approve construction plans addressed by this resolution is at least 30

minutes less than that allotted for that particular fee category, the applicant may request a partial refund of the fee paid.

Such written notice shall be filed with the Director (or designee) within 45 days after mailing or personal delivery of the fee invoice or other notification of fees due. This period may be extended by the Director upon a showing of good cause. Upon receipt of such written notice of contest of fees, the Director (or designee) shall make a decision on said contested fees. The decision shall be final with no further right of review. Failure to include payment in full as invoiced will result in denial of review.

Refunds made as a result of this process shall be paid by Environmental Health Services and shall not include interest.

9. **Fee Waiver**

Any person required to pay fees pursuant to this fee resolution may file a written application, including payment in full as invoiced, with the Board of Supervisors for a waiver or reduction of any said fees, or any part thereof. The Board of Supervisors may waive or reduce the fees to the extent permitted by law and public policy, upon a showing of good cause by the applicant. The application shall be filed with the Clerk of the Board of Supervisors within 45 days after mailing or personal delivery of the fee invoice. Failure to include payment in full as invoiced will result in denial of review.

Refunds made as a result of this process shall be paid by Environmental Health Services and shall not include interest.

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Public Health Department

Based on a preliminary review of the project, the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) N / A Case No: N / A

Location: COUNTY OF SANTA BARBARA

Project Title: ADOPTION OF FEE RESOLUTION

Project Description: RESOLUTION ESTABLISHING FEES FOR ENVIRONMENTAL HEALTH SERVICES PURSUANT TO THE CALIFORNIA SAFE DRINKING WATER ACT, HEALTH AND SAFETY CODE § 116270 ET SEQ.

Exempt Status: (Check One)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect [Sec 15061(b,3)].

Cite specific CEQA Guideline Section:

14 CCR 15273 * PUBLIC RESOURCES CODE SECTION 21080(b)(8)(A) and (B)

Reasons to support exemption findings (attach additional material, if necessary):

FEES WILL BE USED TO MEET OPERATING EXPENSES AND FOR THE PURCHASE OF SUPPLIES, EQUIPMENT, AND MATERIALS.

Michele Mickiewicz, MPH
Interim Director, Public Health Department

Date

NOTE: A copy must be posted in the County of Santa Barbara Planning & Development Department at least six days prior to consideration of the activity by the decision makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitation on legal challenges.

Distribution: Planning & Development Department

Date Filed with the County Clerk