

PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
SUBSTANDARD HOUSING COMPLAINT
INSPECTIONS

ATTACHMENT C

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF ADOPTING FEES)
FOR ENVIRONMENTAL HEALTH)
SERVICES RELATING TO)
SUBSTANDARD HOUSING)
COMPLAINT INSPECTIONS)
PURSUANT TO HEALTH AND SAFETY)
CODE §17910)**

RESOLUTION NO. _____

WHEREAS, California Health & Safety Code §§17910 - 17998.3, Regulation of Buildings Used for Human Habitation, is enforced by the Environmental Health Services Division of the Public Health Department (hereafter, Environmental Health Services) pursuant to Health and Safety Code §17961, as necessary, when violations involve unhealthful conditions; and

WHEREAS, §17951 and §101325 of the Health & Safety Code provide that the County Board of Supervisors may adopt a resolution prescribing fees to pay the reasonable expenses of the health officer incurred in the enforcement of state statutes as noted above; and

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

WHEREAS, the fees established by this resolution are reasonably related to the burden imposed on the County and will recover a portion of the actual costs of providing said services and of administering and enforcing said state statutes; and

WHEREAS, the present fees for certain specified services have remained unchanged since the adoption of Resolution 07-315, effective December 1, 2007; and

WHEREAS, the County of Santa Barbara has complied with the notification requirements of Government Code §66016, subd (a), including making the data for the fees available for public inspection for at least 10 days before the public hearing; and

WHEREAS, the County of Santa Barbara 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 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 fees may be revised as needed by the Santa Barbara County 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 are hereby adopted pursuant to §16-47 of the County Code and §17951 and §101325 of the Health & Safety Code. Said fees are to become effective on December 1, 2009.

Resolution 07-315, effective December 1, 2007, is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective. The repeal of Resolution 07-315 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
SUBSTANDARD HOUSING PROGRAM**

1. Hourly Rate \$ 136.00

An hourly rate fee, determined by the number of person-hours expended by Environmental Health Services personnel, rounded up to the nearest one-quarter hour and including reasonable travel time, shall be charged to cover the costs of administration and enforcement of Health & Safety Code §17910 - 17998.3 for the following activities:

- A. An hourly rate fee shall be charged for response to complaints about unhealthful, substandard or unsanitary housing conditions, including sewage discharges (as outlined in the Uniform Housing Code). This fee shall be charged to the owner of the property upon finding the complaint to be valid and shall include all time actually expended by Environmental Health Services personnel in the investigation and abatement of the substandard condition. This hourly rate shall also be charged for institutional inspections.
- B. Notices of Violation - Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action

2. Additional Program Charges

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

3. 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 thirty days of delinquency, any unpaid portion will have a penalty of 10% assessed.
- B. After thirty days of delinquency, an additional 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 of 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.

4. 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. 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 time 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.

5. 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 for fee waiver or reduction. 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 ADOPTING FEES FOR ENVIRONMENTAL HEALTH SERVICES RELATING TO SUBSTANDARD HOUSING COMPLAINT INSPECTIONS PURSUANT TO HEALTH AND SAFETY CODE § 101325

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 at the Santa Barbara County Planning & Development Department at least 6 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