

PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
RECREATIONAL HEALTH
(SWIMMING POOLS)

ATTACHMENT B1

**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 SWIMMING POOLS)** **RESOLUTION NO. _____**

WHEREAS, California Health and Safety Code Article 5, §§116025 - 116068, Swimming Pool Sanitation, and related rules and regulations are enforced by Environmental Health Services to ensure the sanitary, healthful and safe operation of public swimming pools, approval of construction plans, and abatement of nuisances; and

WHEREAS, Santa Barbara County Code §16-39 provides that every person owning or operating a public swimming pool shall pay for enforcement of State Department of Public Health rules and regulations and inspection services by the health officer; 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, California Health and Safety Code §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 have remained unchanged since the adoption of Resolution 09-322, effective December 1, 2009; and

WHEREAS, this Resolution will repeal Resolution 09-322; and

WHEREAS, Resolution 09-322 included fees for Organized Camps, Septic Tank Pumper Trucks – Liquid Waste Haulers, and Sewage Discharges; updated fees for these activities are not included in this resolution but are set forth in separate resolutions that have been organized for easier and more logical access; and

WHEREAS, the fees established by this resolution are reasonably related to the burden imposed on the County and will recover the costs of providing such services and of administering and enforcing said state statutes; 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 California Environmental Quality Act of 1970 (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 that are set forth in the attached schedule of fees are hereby adopted pursuant to Santa Barbara County Code §16-39 and §16-47 and California Health and Safety Code §101325. Said fees are to become effective on July 1, 2019.

Resolution 09-322, effective December 1, 2009, is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective. The repeal of Resolution 09-322 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 _____, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SANTA BARBARA
STEVE LAVAGNINO

Chair, Board of Supervisors

Date: _____

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy

APPROVED
VAN DO-REYNOSO, MPH, PhD
DIRECTOR
PUBLIC HEALTH DEPARTMENT

By: _____
Director

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES FEE SCHEDULE**

POOLS AND SPAS

1. Pools, Spas, Wading Pools

A. Annual Fees - Fixed Rate

An annual fee shall be assessed for every public swimming pool, including spas and wading pools, to cover the costs of administration and enforcement of Health & Safety Code §§116025 - 116068, in order to ensure the sanitary, healthful and safe operation of public swimming pools. In addition to the fees authorized by this resolution, Environmental Health Services shall collect any state surcharge required by state law.

Pool, Wading Pool or Spa \$ 373

B. Construction/Remodel Plan Review Fees - Application plus hourly fees

All proposed new or remodel pool/spa facilities must submit a Plan Review Application, on a form approved by the Environmental Health Services (EHS) Director, with the appropriate application fee. The application fee shall also be applied when a pool/spa re-initiates operations after having been closed for business. (Note: Pools/spas that have been operating without benefit of permit will not be exempt from application fees.)

An application fee is required on all applications for plan review and approval to construct or remodel a public pool. The application fee is part of the overall plan review project and is non-refundable.

Application Fee \$ 255

Hourly plan review fees cover the cost of plan reviewing; plan approval, construction evaluation and final approval of the pool(s), deck, equipment and ancillary facilities. Plans that are found to be unsatisfactory will be returned for revision.

Hourly Plan Review Fee \$ 161/per hour

2. Other Services, Hourly Rate \$ 161

An hourly rate fee, determined by the number of person-hours expended by Environmental Health Services personnel, including reasonable travel time and rounded up to the nearest one-quarter hour, shall be charged for the following services:

- A. Non-Compliance Reinspection Fee – Inspection or other services required to obtain compliance with Health and Safety Code §§116025 – 116068, Swimming Pool Sanitation, and related rules and regulations 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 until all violations have been corrected.
- B. Consultation Services – Special inspections or consultations requested by operators or prospective new facility operators.
- C. Notices of Violation – Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action.

3. Additional Program Charges

Photocopies, each	\$ 0.35
Returned Check fee	\$41.00

4. Prorating of Fees

The County reserves the right to prorate all fees described in this resolution at the discretion of the EHS Director.

5. Delinquent Fees

Fees that are invoiced by Environmental Health Services as outlined in this fee schedule, 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 of the permit fee will have a penalty of 10% assessed.
- B. After thirty 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 delinquent fee is an annual fee for operation of a swimming pool, spa or wading pool, and such fee is not paid within two weeks from the issuance of a Final Notice, a Notice of Violation will be issued for operating without having paid the required fee. The operator will have 48 hours to pay the required fee and any penalty assessed during the delinquent period or cease the activity subject to the annual fee.
- D. If the fee, including 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 either the County Treasurer/Tax Collector's office or the County's contracted collection agency 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.
- E. 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.

6. Contest of Charges

Any person required to pay fees or charges 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 EHS Director (or designee) for determination of the correct amount of fees due under this resolution.

Such written notice shall be filed with the EHS 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 EHS Director upon a showing of good cause. Upon receipt of such written notice of contest of fees, said EHS Director (or designee) shall make a decision on the 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.

7. 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.