

PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
WATER WELLS AND PRIVATE WATER SYSTEMS

ATTACHMENT G

**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 WATER)
WELLS AND PRIVATE WATER)
SYSTEMS)**

RESOLUTION NO. _____

WHEREAS, Chapter 34A §11 of the Santa Barbara County Code (County Code) relating to wells provides that the Santa Barbara County Board of Supervisors may by resolution modify the fees set forth therein relating to water well construction, destruction, inactivation and inspection; and

WHEREAS, Chapter 34B §13 of the County Code relating to domestic water systems provides that the Board of Supervisors may modify the fees set forth therein for applications for domestic water system permits; and

WHEREAS, California Health and Safety Code, §§116340(c) and 101325 provide 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 certain specified services have remained unchanged since the adoption of Resolution 08-136, 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 California Health and Safety Code and Chapters 34A and 34B of the County Code within the County; and

WHEREAS, the Board of Supervisors finds that the fees set forth in this resolution are exempt from the California Environmental Quality Act (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 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 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 permit, service, administration, and enforcement fees which are set forth in the attached schedule of fees, are hereby adopted pursuant to Chapters 34A and 34B of the County Code and §116340(c) and §101325 of the California Health and Safety Code. Said fees are to be assessed against all applicants and persons as defined in Chapters 34A and 34B and against all persons as defined in §116275, subdivision (g) of the Health and Safety Code. Said fees are to become effective December 1, 2009.

Resolution 08-136, 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 08-136 shall not affect any obligation to pay any fees incurred under said resolution, and such 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
WATER WELLS AND PRIVATE WATER SYSTEMS**

1. Fixed Permit Fees - Water Wells

A fee is required for review and approval of permit applications for construction, destruction, modification or inactivation of a water well, including a geothermal and cathodic protection well. Permit fees include inspection of well sites, construction evaluation and final clearance.

	<u>Fee / Hours</u>
Well Construction or Modification Permit	\$ 740 / (3.0 hrs)
Well Inactivation	615 / (2.5 hrs)
Well Destruction	495 / (2.0 hrs)

2. Hourly Rate - Water Wells

\$ 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 Division of the Public Health Department (hereafter, Environmental Health Services) personnel in performing the following services:

- A. Inspections required to gain compliance with provisions of Chapters 34A and 34B of the County Code.
- B. Staff time in excess of the hours noted in Section 1, Fixed Permit Fees, necessary to complete permit and construction review services provided by Environmental Health.
- C. The abatement of nuisances or hazards resulting from the well drilling operation.
- D. Services provided by Environmental Health Services for the inspection or evaluation of well(s) constructed, modified or destroyed without a permit(s), as required in Chapter 34-A of the County Code (such hourly rate shall be in addition to the permit fee(s) subsequently charged pursuant to this resolution).

3. Fixed Permit Fees - Private Water System Construction

A permit fee is required for the construction of private domestic water supply systems. The fee shall be based on the number of connections, as defined in Santa Barbara County Code, Chapter 34B, §34B-2, served by a private domestic water system. This permit process shall include plan and system specification review, approval/disapproval, construction inspection(s), one-time bacteriological water sampling and analysis, final approval and occupancy clearance.

Single Parcel Water System (1-4 connections) ¹	\$ 1,600 / (6.5 hrs)
Multiple Parcel Water System (2-4 connections)	1,230 / (5.0 hrs)
State Small Water System (5-14 connections – New)	3,690 / (15 hrs)
State Small Water System (5-14 connections – Modification)	1,230 / (5.0 hrs)

4. Annual Fees - Private Water Systems

An annual fee is required for state small water systems under the jurisdiction of the Health Officer for inspection, surveillance, administration and enforcement activities. The annual fee for state small water systems is based on the number of service connections, as defined in Santa Barbara County Code Chapter 34B, §34B-2, of the water system and does not include the costs of bacteriological sampling costs.

State Small Water system (5-14 connections)	\$ 210
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¹Single parcel and multiple parcel water systems are defined in Section 34B-2 of Chapter 34B of the County Code. State small water systems are defined in California Health and Safety Code Section 116275.

5. **Hourly Rate - Private Water Systems** \$ 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 inspections, evaluations, and enforcing Chapters 34A and 34B of the County Code and Health and Safety Code §116340, including the following services:

- A. Modification/Amendment to Permit
- B. Transfer or Renewal of Permit
- C. Staff time for plan checking activities in excess of the hours noted in Section 3, Fixed Permit Fees - Private Water System Construction, necessary to complete plan check and associated services. Environmental Health Services will not issue plan approval or final construction approval until all applicable fees have been paid.
- D. Evaluation of water systems constructed or modified without having obtained permits as required in Chapter 34-B of the County Code or in state law (such hourly rate shall be charged in addition to the permit fees subsequently charged pursuant to this resolution).
- E. Special inspections or consultations requested by operators or prospective new facility operators
- F. Notices of Violation – Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action

7. **Additional Program Charges**

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

8. **Prorating of Fees**

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

9. **Delinquent Fees**

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

- A. For the first 30 days of delinquency, any unpaid portion 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 reduces as provided in this resolution.

10. 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.

11. 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 RELATING TO WATER WELLS AND PRIVATE WATER SYSTEMS

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) & (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 Date
Interim Director, Public Health Department

NOTE: A copy must be posted in the Santa Barbara County Planning and 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 and Development Department

Date Filed with the County Clerk