



Board Agenda Item 13

DATE: December 3, 2024

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

SUBJECT: Amendment to Master Schedule of Fees & Environmental Health Ordinance

RECOMMENDED ACTION(S):

- 1. Conduct first hearing to amend the Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Section 900 - Environmental Health, Subsections 904 through 958, and waive reading of the Ordinance in its entirety and set a second hearing for December 17, 2024;**
- 2. Conduct first hearing to amend the Fresno County Ordinance Code, Title 8 Health and Safety, Chapters 8.19 Solid Waste Management - Prohibitions, 8.50 Environmental Health Permits and Inspection Fees, and Title 14 Water and Sewage, Chapter 14.04 Well Regulations - General Provisions, and delete Title 8 Health and Safety, Chapter 8.60 Storage of Hazardous Substances in Underground Tanks, and waive reading of the Ordinance entirely and set the second hearing for December 17, 2024;**
- 3. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinances; and**
- 4. Direct the Clerk of the Board to post and publish the required summaries in accordance with Government Code, Section 25124(b)(1).**

There is no additional Net County Cost associated with the recommended actions. Approval of the first recommended action will revise Section 900 - Environmental Health of the Master Schedule of Fees, Charges and Recovered Costs (MSF) Ordinance, last amended in FY 2021-22, and schedule the second hearing for December 17, 2024. The proposed amendment to Section 900 is a 4% to 106% increase based on anticipated expenses and revenue for FY 2024-25 through FY 2026-27, which allows for 100% cost recovery, thereby reducing the use of 1991 Health Realignment (Realignment) to offset permit fee-based program costs.

Approval of the second recommended action will revise Chapters 8.19 - Solid Waste Management-Prohibitions, last amended in 2018; 8.50 - Environmental Health Permits and Inspection Fees, last amended in 1993; and 14.05 - Well Regulations-General Provisions, last amended 1983, and delete 8.60 - Storage of Hazardous Substances in Underground Tanks, last amended 1986 of Fresno County Ordinance Code (Ordinance) and schedule the second hearing for December 17, 2024. The proposed amendments will align Ordinance with State regulations. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may direct Department staff not to change the rates, change a portion of the rates, or propose

alternative rates; however, these alternatives will not recover the full costs of services.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. It is anticipated the proposed fee increases, if approved by your Board, will allow the Environmental Health Division to recover the full cost of providing permit fee-based services. Achieving 100% cost recovery for permit fee-based services will allow the Department to explore additional resources to fund unpermitted vendor enforcement activities.

DISCUSSION:

On September 21, 2021, your Board approved an amendment to Section 900 - Environmental Health of the MSF, which increased most Environmental Health fees by 8% to 13%, depending on the fee type. The approved rates took effect on October 21, 2021.

The Department completed an Environmental Health fee study in August 2024, necessitating a fee increase to achieve 100% cost recovery for permit fee-based services. The proposed MSF rates in Exhibit A capture increases in salaries and benefits as well as the cost of services and supplies, the Department's approved FY 2024-25 Indirect Cost Rate (24.426%) and anticipated revenue based on FY 2023-24 Actuals. The variances in MSF rate increases outlined below are due to the amount of resources required to provide the billable services and whether there is grant funding or revenue from fines to offset costs.

<u>Program</u>	<u>Rate Increases</u>		
	FY 2024-25	FY 2025-26	FY 2026-27
Certified Unified Program Agency	24%	6%	6%
Certified Unified Program Agency (Hourly Rate)	69%	6%	6%
Consumer Protection Unit	11%	8%	7%
Consumer Protection Unit (Hourly Rate)	4%	8%	7%
Dairy (Hourly Rate Only)	24%	3%	3%
Emergency Response Team (Hourly Rate Only)	106%	3%	3%

Additionally, the proposed MSF rates include new fee categories to align more closely with the existing services being provided. Attachment A is an MSF Fee Change Comparison, which illustrates a comparison between the existing and FY 2024-25 proposed rates.

On November 4, 2024, the Auditor-Controller/Treasurer-Tax Collector approved the Department's methodology and calculation of the proposed fees.

The proposed Ordinance additions and deletions to Title 8 Health and Safety, and Title 14 Water and Sewage bring the language current with applicable, longstanding State regulations. Key changes include:

Title 8 Health and Safety, Chapter 8.19 - Solid Waste Management-Prohibitions: Permit, fee, handling, disposal, vehicle identification and reporting requirements for liquid waste activities as well as repercussions for operators violating Ordinance.

Title 8 Health and Safety, Chapter 8.50 - Environmental Health Permits and Inspection Fees: Updated and added definitions for existing operations, added language and terms to clarify existing language, and increased civil and criminal penalties for violations of Ordinance.

Title 8 Health and Safety, Chapter 8.60 - Storage of Hazardous Substances in Underground Tanks: Applicable language for permits, fees and allowable activities were absorbed into Title 8, Chapter 8.50 - Environmental Health Permits and Inspection Fees.

Title 14 Water and Sewage, Chapter 14.04 - Well Regulations - General Provisions: Updated language regarding well destruction and permitting frequencies.

On November 21, 2024, the Department held two virtual public hearings to present the proposed MSF and Ordinance changes and provide an opportunity for stakeholder feedback and questions.

If the recommended actions are approved by your Board, the seconding hearing will be held on December 17, 2024. If your Board adopts the recommended fee rates at the second hearing on December 17, 2024, the proposed rate changes will take effect no sooner than 30 days with a projected effective date of February 1, 2025. This will allow the Department to update its billing database, AMANDA, upon final approval. Since the Department bills operators 60 days in advance, operators permitted by the Department can expect to see the increased fees on their billing statements beginning in April 2025.

REFERENCE MATERIAL:

BAI #43, September 21, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance - MSF
Exhibit A
Attachment A - MSF Fee Change Comparison
On file with Clerk - Ordinance Summary (MSF)
Ordinance
Ordinance - Redline
On file with Clerk - Ordinance Summary

CAO ANALYST:

Ronald W. Alexander, Jr.