RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING EXISTING HOURLY RATE CHARGES AND THE FEE SCHEDULES DEPICTED IN ATTACHMENT A, B, C AND D FOR SERVICES PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL HEALTH

WHEREAS, the County of Santa Clara Department of Environmental Health (DEH) implements State-mandated and local programs to protect human health, safety, and the environment related to retail food facilities, public pools, onsite sewage disposal, drinking water, tank installations, hazardous materials storage, hazardous and medical waste generators, underground storage tanks, solid waste vehicles and facilities, body art facilities and chemical toilet pumper vehicles; and

WHEREAS, a cost and revenue analysis conducted in 2011 by DEH with assistance from NBS, an independent professional consulting company, demonstrated that DEH permit and service fees would not cover the estimated reasonable costs of providing DEH services; and

WHEREAS, based upon that cost and revenue analysis, NBS recommended that DEH revise its hourly rates to reflect the actual and reasonable hourly cost for services and correspondingly modify Departmental fee schedules to reflect the revised hourly rates; and

WHEREAS, on September 13, 2011, the Board of Supervisors accepted the cost and revenue findings and recommendations of DEH and NBS and approved a new hourly rate for services provided by the DEH’s Consumer Protection Division of $219 an hour and a new hourly rate for services provided by DEH’s Hazardous Materials Division of $346 per hour; and

WHEREAS, DEH staff has since utilized the same cost and revenue analysis used to calculate the above-referenced hourly rates to calculate a new hourly rate for services provided by DEH’s Site Mitigation Program of $191 an hour; and

WHEREAS, DEH staff, with assistance from the Department of Planning and Development, has since utilized the same cost and revenue analysis used to calculate the above-referenced hourly rates to calculate revised fees for services provided by DEH’s Consumer Protection Division to the County’s Planning and Development Department-Planning Division’s fee schedule; and

WHEREAS, based upon the above-referenced four hourly rates, it is necessary to correspondingly modify certain DEH and Planning Department fee schedules to accurately reflect those new hourly rates, as follows:

- Attachment A (Consumer Protection Division Fee Schedule: $219 hourly rate);
- Attachment B (Planning Division Fee Schedule: $219 hourly rate);
- Attachment C (Hazardous Materials Program Fee Schedule: $346 hourly rate);
- Attachment D (Site Mitigation Program Fee Schedule: $191 hourly rate); and

Resolution Re: DEH Fees, Phase II – Page 1
Attachments A, B, C, and D
WHEREAS, the methodology employed in the above-referenced analysis and proposed reasonable and actual costs have been reviewed and approved by the County’s Controller-Treasurer Department; and

WHEREAS, notice of the time and place of the May 1, 2012 hearing of the Board of Supervisors, a general explanation of the subject matter to be considered, and a statement that the required data is available for public review, was provided in compliance with applicable law; and

WHEREAS, at least 10 days prior to the public meeting, data was made available to the public indicating the amount of costs, or estimated costs reasonably necessary to provide the services for which the fees are levied; and

WHEREAS, based upon the oral and written data presented, the Board of Supervisors finds that the new hourly rate for services provided by DEH’s Site Mitigation Program of $191 an hour, the revised hourly rate of $219 for services provided by DEH’s Consumer Protection Division to the County’s Planning and Development Department, and the costs depicted in Attachments A, B, C and D do not exceed the reasonable and actual costs to provide the services for which each of the fees is levied;

//
//
//
//
//
//
//
//
//
//
//
//
//

Resolution Re: DEH Fees, Phase II – Page 2
Attachments A, B, C, and D
NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Santa Clara, State of California, that the hourly rate for services provided by DEH's Site Mitigation Program of $191 an hour, the hourly rate of $219 for services provided by DEH's Consumer Protection Division to the County's Planning and Development Department, and the fee schedules depicted in Attachments A, B, C and D hereto are hereby adopted and shall take effect July 1, 2012.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on __________________ by the following vote:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

ABSTAIN: Supervisors

George Shirakawa, President
Board of Supervisors

Attest:

LYNN REGADANZ
Interim Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

Mark Bernal
Deputy County Counsel

Resolution Re: DEH Fees, Phase II – Page 3
Attachments A, B, C, and D