



MARIPOSA COUNTY

HHS/Public Health · (209) 966-2000



RESOLUTION - ACTION REQUESTED 2021-76

MEETING: February 16, 2021
TO: The Board of Supervisors
FROM: Shannon Gadd, Health and Human Services Agency Director
RE: Adopt a Resolution Waiving Environmental Health Fees

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution waiving Environmental Health fees on restaurants, bars, Bed & Breakfast facilities, annual temporary food facilities, and public pools and spas for the calendar year 2021; and direct staff to refund or credit those businesses that paid the full fee.

The County Environmental Health Division of the Health and Human Services Agency (EHD) collects fees from permit applicants and other users that directly benefit from the services they are receiving. Collected fees are intended to offset the costs incurred in providing these services. Fees collected by the EHD are based on the County's adopted Fee Schedule.

The goal of county fee schedules is to collect fees that fairly and equitably recover costs incurred by the County. During the calendar year 2020 the level of services provided was greatly impacted by the County's response to the Covid-19 Pandemic. As a result the amount of time spent on routine inspections was reduced to approximately 47% when compared to 2019 and that is unlikely to change in 2021. Additionally, many businesses that paid their 2020 fees were unable to operate at full capacity due to the pandemic. Some businesses have requested reduced or waived fees because of the economic impact they have suffered. Other counties including Merced have either reduced or waived fees on these severely impacted businesses.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of supervisors has previously waived Health Department fees following the 1990 Arch Rock fire Resolution 1990-410, August 28, 1990. However, there has never been a fee reduction for these businesses.

Resolution 19-731, December 17th 2019, the Board of Supervisors adopted an updated fee schedule for EHD.

Resolution 11-106, March 22, 2011, the Board of Supervisors adopted an updated fee schedule for the Health Department.

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Resolution 1992-524, October 6, 1992 Adopted a county wide Master Fee Schedule

Financial Impact:

A reduction in fee income of approximately \$54,977

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative Action: Rates will remain the same and regulated businesses will have to pay the full fees without receiving the full services.

Alternatives:

- 1) Leave 2021 fees as they are and provide refunds for 53% of last years fees to these businesses.
- 2) Reduce the fees on the above businesses for 2021 by 53%.

ATTACHMENTS:

Board resolution FEE WAIVER final (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Wayne Forsythe, District IV Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS
Resolution No 2021-76**

A Resolution waiving Environmental Health Fees and extending the termination date of Health Permits for restaurants, Bars, Bed & Breakfast facilities, annual temporary food facilities, and public pools and spas.

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency in response to a novel coronavirus (COVID-19); and,

WHEREAS, on March 4, 2020, the California Governor declared a state of emergency in response to the spread of COVID-19; and,

WHEREAS, on March 17, 2020, the County of Mariposa Board of Supervisors ratified a local emergency declared on March 13, 2020 pursuant to Health and Safety Code Section 101080, due to necessary response efforts to COVID-19; and,

WHEREAS, the Governor of California issued a Stay at Home Order on March 19, 2020, to control the spread of COVID-19 throughout the State of California, which prohibited indoor and outdoor seating at restaurants, and temporarily closed Bars, and public pools and spas; and,

WHEREAS, on October 20, 2020, the County of Mariposa Board of Supervisors approved Resolution 2020-630 to provide up to \$400,000 in Business Economic Recovery Grant Funds to Small Businesses and \$200,000 in COVID Relief Grant Funds; and,

WHEREAS, on December 3, 2020, the State of California issued a Regional Stay Home Order adding restrictions in regions with less than 15% ICU bed capacity including the prohibiting of gatherings of any size, closing operations except for critical infrastructure and retail, and requiring 100% masking and physical distancing; and,

WHEREAS, on December 6, 2020, the State of California enacted the Regional Stay Home Order for counties in the defined San Joaquin Valley Region, which prohibits indoor and outdoor seating at restaurants, temporary closure of Bars, body art facilities, and public pools and spas; and,

WHEREAS, restaurants, Bars, Bed & Breakfast facilities, annual temporary food facilities, and public pools and spas have been disproportionately impacted by the required closures and restricted re-opening guidelines set forth

by the State; and

WHEREAS, Health & Safety Code Sections 114381 and 119312 authorize local agencies to levy fees or service charges for the filing, accepting, reviewing, approving, or issuing of an application, permit, or entitlement to use; and

WHEREAS, On Dec 17, 2019, Mariposa County Board of Supervisors approved Resolution 2019-731 to establish fees to cover the reasonable expenses for enforcement for the establishments, businesses or activities for which a health permit is required; and

WHEREAS, the Mariposa County Board of Supervisors desires to waive the 2021 annual operating health permit fees for restaurants, Bars, Bed & Breakfast facilities, annual temporary food facilities, and public pools and spas; and

WHEREAS, Annual operating health permits are effective for one (1) year from January 1st to December 31st of each year and that all health permits terminate on December 31st following the date of issuance; and

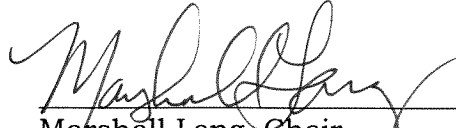
WHEREAS, in order to provide County staff sufficient time to implement health permit fee waivers, the current health permit termination date of December 31, 2020 requires extension; and

NOW THEREFORE BE IT RESOLVED that the Mariposa County Board of Supervisors hereby authorizes the following:

1. All County health permits scheduled to terminate December 31, 2020, are hereby extended and will terminate on March 31, 2021.
2. Restaurants, Bars, Bed & Breakfast facilities, annual temporary food facilities, and public pools and spas annual operating health permit fees found in Mariposa County master fee schedule shall be waived for the year 2021; and
3. Restaurants, Bars, Bed & Breakfast facilities, annual temporary food facilities and public pools and spas that have paid their 2021 annual operating health permit fees shall be entitled to a refund or a credit toward their 2022 permit fees; and
4. This resolution shall take effect immediately upon its adoption by the Board of Supervisors, and the Clerk shall certify the vote adopting the resolution.


ON MOTION BY Supervisor Forsythe, seconded by Supervisor Menetrey, this Resolution duly passed and adopted this 16th day of February 2021, by the following vote:

AYES: SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE




Marshall Long, Chair
Mariposa County Board of Supervisors

Attest:



René LaRoche, Clerk of the Board
Counsel

APPROVED AS TO FORM:



Steven W. Dahlem, County