



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/21/2019
Agenda Placement: 9E
Set Time: 10:20 AM PUBLIC HEARING
Estimated Report Time: 30 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Minh Tran - County Executive Officer
County Executive Office
REPORT BY: Leigh Sharp, Management Analyst II - 707-253-4825
SUBJECT: Fee Update

RECOMMENDATION

County Executive Officer, Director of Public Works, County Counsel, County Fire Chief, Director of Planning, Building and Environmental Services, and Agricultural Commissioner / Sealer of Weights and Measures request the following actions related to fees and penalties:

1. Hold a public hearing and adopt a resolution establishing, increasing, decreasing and deleting fees as well as delegating limited authority for waiving fees maintained in Part III of the Napa County Policy Manual, including fees collected by the Agricultural Commissioner/Sealer of Weights and Measures; Airport; Animal Shelter; County Fire Department / Fire Marshal; Office of County Counsel; Department of Planning, Building and Environmental Services; and Department of Public Works; and
2. First Reading and Notice of Intent to Adopt an Ordinance amending Napa County Code Sections 5.52.040 and 5.52.080 regarding annual registration fees for businesses using commercial weighing or measuring devices and/or point-of-sale systems and initial standard inspections of these systems.

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines). CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of fees that the agency finds are for the purpose of recovering or partially recovering operating expenses. [14 CCR 15273 and 15378(b)(2).] It can also be seen with certainty that there is no possibility the proposed resolutions or ordinance may have a significant effect on the environment and therefore CEQA is not applicable. [14 CCR 15061(b)(3)].

EXECUTIVE SUMMARY

State law allows for government agencies to establish fees to recover the cost of providing services. Napa County

has a long history of reviewing fee schedules.

In April 2015, the County contracted with MGT to perform a comprehensive analysis for a number of County departments with revised fees being effective July 1, 2016. That study did not include Planning, Building and Environmental Services (PBES). In November 2016, the County contracted with MGT to complete fee studies for PBES, Sealer of Weights and Measures, and other County departments as needed. In July 2018, as a result of the fee studies, fees were adjusted for PBES, Recorder-County Clerk, Agricultural Commissioner, and Public Works.

Today's recommendation is to adjust fees and capture adjustments that were inadvertently, or due to timing, not included in the 2018 action for PBES, Agricultural Commissioner, Department of Public Works, Fire Department, and Office of County Counsel and to delegate limited authority to waive certain fees for encroachment permits when there is a clear public benefit.

All requested changes, with the exception of those for Weights and Measures, may be done by resolution of the Board. Changes to fees associated with Weights and Measures must be done by ordinance.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote to adopt the resolution and intention to adopt the ordinance.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Adoption of the proposed resolution and ordinance will increase certain user fees or establish other fees which will increase revenue for the General Fund, Animal Shelter, and Building Fund.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This item is discretionary in that the Board of Supervisors has the ability to set fees and adjust fees as determined necessary. The changes being recommended today are part of an effort to recover costs associated with providing specialized services. Today's recommendation is to adjust several fees and capture adjustments some of which were inadvertently, or due to timing, not included in the 2018 action.
Is the general fund affected?	Yes
Future fiscal impact:	Departments receiving user fee revenues will see increases in fee revenue as a result of these amendments to fees. As a result of the adjustments, revenue is expected to increase by approximately \$316,000 (\$100,000 for General Plan Surcharge, \$177,000 in Public Works, \$27,000 in the Animal Shelter, \$12,000 in the Agricultural Commissioner's Office, and

very slight increases in PBES, Building Fund, and Airport).

Consequences if not approved: If this item is not approved, fees will not be amended or increased and new fees will not be captured. The current fees will continue to be charged.

Additional Information:

ENVIRONMENTAL IMPACT

There is no Environmental Impact for this item.

BACKGROUND AND DISCUSSION

State law allows government agencies to establish fees to recover the cost of providing services. Napa County has a long history of reviewing and revising fee schedules to reflect changes in the actual cost of providing services. In April 2015, the County contracted with MGT to perform a comprehensive analysis of fees. MGT used the adopted FY 2015-16 budget, staffing and operational information to determine appropriate fees. Phase 1 of the study was completed with fee changes effective in July 2016. Phase 1 included a review of fee-for service activities within the following departments: Agricultural Commissioner, Assessor, Recorder-County Clerk, Clerk of the Board, County Counsel, Fire Marshal, Housing and Intergovernmental Affairs, Public Works, and Treasurer-Tax Collector.

In July 2018, Phase 2 of the fee study was completed by MGT for the Planning Building and Environmental Services Department (PBES) as well as smaller targeted reviews of Public Works, Agricultural Commissioner, and Recorder-County Clerk fees. The service study utilized hourly rates of staff providing service and time spent to provide specific services. As a result, updated fees for these departments were adopted at the July 31, 2018 meeting. Certain fees were inadvertently not included in the July 2018 fee update, or in the case of fees related to the services of weight and measures, were delayed to await the passage of AB 347, which set certain weights and measures charges and extended authority to county boards of supervisors to charge annual registration fees.

Today's action will update a number of fees, some of which were inadvertently, or due to timing issues, not included in the July 2018 update. The updates are based on the most recent fee study that was completed. In addition, today's action will amend certain provisions of the General Provisions related to waiver of fees. Fee updates are proposed for the departments listed below.

- | Agricultural Commissioner/Sealer of Weights and Measures
- | Airport
- | Animal Shelter
- | County Fire Department / Fire Marshal
- | Office of County Counsel
- | Department of Planning, Building and Environmental Services
- | Department of Public Works

Unless otherwise noted, the establishment, increase, decrease and/or deletion of fees shall become effective on July 1, 2019. A summary of changes is provided for each department.

Agricultural Commissioner/Sealer of Weights and Measures

Section 12240 of the California Business and Professions Code, relating to weights and measures, provides that the county board of supervisors, by ordinance, may charge an annual registration fee, not to exceed the county's

total cost of actually inspecting or testing the devices as required by law. For this reason, the fee change described below for weights and measures must be adopted by ordinance rather than resolution.

- | Establishes a fee for apiary registration for commercial beehives.
- | Through ordinance, increases fees for annual registration of commercial devices, such as utility submeters, scales, etc. (effective 30 days after adoption, anticipated to be July 6, 2019)).

Airport

- | Establishes a Commercial Operator Permit Fee.
- | Clarifies language related to lease deposits and establishes deposits for sublease executions.
- | Minor changes to conference room rental rates and parking charges (no fee increase).

Animal Shelter

- | Simplifies and slightly increases licensing fees for dogs.
- | Modifies fees for cat and dog adoption - decrease in adoption fee for senior pets and increase in adoption fee for puppies and kittens.
- | Establishes a discount for senior persons adopting a dog or cat of any age.
- | Increases fees for late license renewal, replacement or transfer of license, microchipping, reclaiming impounded animals, surrender of dogs and cats, quarantine of animals, and other specific owner-requested services.

County Fire Department / Fire Marshal

Pursuant to Government Code Section 66017(a) related to planning and zoning, this fee shall become effective on July 21, 2019, no sooner than 60 days past adoption.

- | Increases general plan surcharge which is added to all fees in Part 85.

Office of County Counsel

Pursuant to Government Code Section 66017(a) related to planning and zoning, this fee shall become effective on July 21, 2019, no sooner than 60 days past adoption.

- | Increases general plan surcharge which is added to fees related to planning and development applications, permits, and code enforcement matters.

Department of Planning, Building and Environmental Services

Changes summarized below are for the divisions of Planning and Conservation, Engineering, Building, and Environmental Health. Pursuant to Government Code Section 66017(a) related to planning and zoning, these fees shall become effective on July 21, 2019, no sooner than 60 days past adoption.

- | Adds balloons to the list of uses required to obtain an administrative permit.
- | Establishes a fee for inspection and annual or long term monitoring of "Track II" erosion control plans, review of viewshed applications, stormwater quality related inspections and reviews, environmental health referrals, building fees (including permit extensions, renewal reinstatements, and code compliance review).
- | Increases fees associated with providing recordings of Planning Commission meetings and fees for inspection of building permits.

- | Extends building permit fees to residential or accessory building construction (rather than just new residential dwellings).
- | Decreases fees associated with mechanical, electrical or plumbing permits (*Effective immediately*).
- | Provides a fee reduction for plan review in instances where an independent structural peer review is included with submitted building plans.
- | Replaces fees for solar system installations consistent with Government Code Sections 65850.55, 66015, and 66016, and Health and Safety Code Section 17951.
- | Provides clarifying language for Environmental Health fees.

Department of Public Works

Pursuant to Government Code Section 66017(a) related to planning and zoning, this fee shall become effective on July 21, 2019, no sooner than 60 days past adoption.

- | Establishes fees for a variety of building permits, such as quick permit, residential permits, commercial permits, ground-mounted solar installation, groundwater permits, and review of referrals from Planning, Building and Environmental Services.

General Provisions related to Waiver of Fees

- | Delegates authority to the Director of Public Works to waive certain encroachment permit fees under specific circumstances.
- | Delegates authority to the Airport Manager to waive up to two nights of overnight parking fees in certain specific circumstances.

Public Notice

Notice of the public hearing was published twice in the Napa Valley Register on May 10, 2019 and May 16, 2019 and pursuant to Government Code section 66016, notice was mailed to those persons requesting such notices.

Attachments

The attached exhibits detail the fees for each department in two formats -- tracked (comparison) and clean (final). On the tracked version, adoption of new fees or amended language are noted by underline and the document includes two columns (where applicable) that list the current fee and the proposed fee. Rescinded fees are noted by strike-through. Fees that are neither underline or struck-through are not fees adopted by the proposed resolution, but are existing fees included for informational purposes only.

SUPPORTING DOCUMENTS

- A . Resolution
- B . Exhibit A: Part 10 General Provisions - Tracked
- C . Exhibit B: Part 10 General Provisions - Clean
- D . Exhibit C: Part 20 Ag Commissioner/Sealer - Tracked
- E . Exhibit D: Part 20 Ag Commissioner/Sealer - Clean
- F . Exhibit E: Part 30 Airport - Tracked
- G . Exhibit F: Part 30 Airport - Clean
- H . Exhibit G: Part 70 PBES - Building - Tracked

- I . Exhibit H: Part 70 PBES - Building - Clean
- J . Exhibit I: Part 75 PBES - Engineering - Tracked
- K . Exhibit J: Part 75 PBES - Engineering - Clean
- L . Exhibit K: Part 80 PBES - Planning - Tracked
- M . Exhibit L: Part 80 PBES - Planning - Clean
- N . Exhibit M: Part 85 County Fire - Tracked
- O . Exhibit N: Part 85 County Fire - Clean
- P . Exhibit O: Part 95 County Counsel - Tracked
- Q . Exhibit P: Part 95 County Counsel - Clean
- R . Exhibit Q: Part 110 PBES - Environmental Health - Tracked
- S . Exhibit R: Part 110 PBES - Environmental Health - Clean
- T . Exhibit S: Part 115 Public Works - Animal Shelter - Tracked
- U . Exhibit T: Part 115 Public Works - Animal Shelter - Clean
- V . Exhibit U: Part 140 Public Works - Tracked
- W . Exhibit V: Part 140 Public Works - Clean
- X . Exhibit W: Chapter 5.52 Weights and Measures - Tracked
- Y . Exhibit X: Chapter 5.52 - Weights and Measures - Clean

CEO Recommendation: Approve

Reviewed By: Helene Franchi