



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/16/2014

Agenda Placement: 10A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: David Morrison, Director - (707) 253-4805

SUBJECT: Time and Materials Policy

RECOMMENDATION

TIME & MATERIALS POLICY FOR THE PLANNING, BUILDING, ENVIRONMENTAL SERVICES (PBES) DEPARTMENT

CEQA Status: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b) (3)].

Request: Receive a staff report and presentation on the draft amendment to the County of Napa Policies and Procedures for the establishment of a Department Time and Materials Policy, specifically for processing planning and environmental services applications that are charged on an "hourly basis". Accept public comments, discuss, and forward a recommendation to the Board of Supervisors on requested actions.

Staff Contact: David Morrison, Director (707) 253-4805; david.morrison@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Receive a staff report and presentation on the draft amendment to the County Policies and Procedures, which would establish guidelines for processing planning and environmental services applications that are charged on an "hourly basis;" and

2. Recommend that the Board of Supervisors adopt the draft amendment, as revised by the Commission.

Discussion:

Presentation on a proposed amendment to the County's Policies and Procedures in order to establish guidelines for the Planning, Building and Environmental Services Department on processing planning and environmental services applications that are charged on an hourly basis. Staff recommends the Commission discuss the draft Department policy, and recommend adoption to the Board of Supervisors as discussed.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. General Rule. Furthermore, it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061 (b)(3)].

BACKGROUND AND DISCUSSION

County policy has established a target of 80 percent cost recovery for both the Environmental Services and Planning Divisions, and 100 percent cost recovery for the Building Division. In other words, the goal of the County is for fees to reimburse 80 percent of the costs of the Environmental Services and Planning Divisions, with the remaining 20 percent to be paid for out of the general fund and other revenue sources.

To implement this policy and achieve the desired targets, the County permit fee schedule identifies several planning and environmental health fees as being charged on an hourly basis. Examples of hourly based fees include: development agreements, erosion control plans, historic structures, tentative parcel maps, surface mining, general plan amendments, zoning code amendments, and use permits (located outside the Airport Industrial Area Specific Plan).

In such instances, applicants are charged for every hour spent by County staff or outside consultants in processing a project application. The amount of fee varies for each project, depending on the quality of the application materials, complexity of the proposal, and the level of controversy associated with the project. This is in contrast to a flat fee, where the same cost is allocated to each applicant, regardless of the amount of time and cost expended by the County in processing the application.

While aspects of this process are addressed in the adopted policy manual, PBES has no written policy or procedure on how these projects should be handled. This has resulted in some uncertainty by both staff and applicants in both billing and permit processing, which has resulted in uncollected fees. Where there are outstanding monies owed, staff is working to get those accounts paid in full. However, to provide clear direction for staff and establish expectations for applicants regarding this subject in the future, the attached draft policy has been prepared.

This policy was reviewed by PBES customer stakeholders in March, 2014, and was modified based on their input and comments. The main provisions of the draft policy are summarized below:

- * Applicants will sign an "Hourly Fee Agreement" at the time the application is filed. This will help clarify the process for the applicant from the beginning and formalizes the applicant's commitment to pay all permit processing costs.
- * As part of the initial 30-day review of the application, staff will provide a cost estimate for the project, including an indication of whether an additional deposit is likely to be needed.
- * Staff will track their time spent on each project to the 1/10 of an hour. Any consultant costs and/or County Counsel costs will also be billed to the project account.
- * The process for "depleted accounts" (i.e., all deposited funds have been spent) is clearly spelled out. As provided in the adopted fee schedule, no work will be done on a project with no funds on deposit. If there are insufficient funds on hand for a project, it will not be scheduled for a public hearing until additional payment has been received.
- * Once a project has been completed (approved, denied, withdrawn, abandoned), any remaining funds on deposit will be refunded in full.
- * A new condition will be added to planning approvals indicating that no construction permit will be issued until outstanding planning permit processing costs are paid in full.

SUPPORTING DOCUMENTS

A . Attachment A: Draft Policy

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina