



**SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL BOARD OF HEALTH MEETING AGENDA
Tuesday, June 22, 2021, 1:25 p.m.
County Commissioners' Meeting Room; Summit County Courthouse
208 Lincoln Avenue, Breckenridge, Colorado**

**Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_7cQq6r11RyqZbbqP7HE9WA**

**After registering, you will receive a confirmation email containing
information about joining the webinar.**

*For assistance or questions regarding special accommodations, accessibility, or available
audio/visual equipment, please contact 970-453-3403 as soon as possible.*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. PUBLIC HEARING
 - A. Proposed Adoption Of A New Fee Schedule For Environmental Health Services

Documents:

[ENVIROMENTAL HEALTH FEE AMENDMENTS STAFF REPORT.PDF](#)
[EXHIBIT_A_FEE_ADJUST_FINAL_6.22.21.PDF](#)

- V. ADJOURNMENT

*This agenda is subject to change at any time. Please contact the Manager's Office or visit our
website to obtain updates at: <http://www.summitcountyco.gov>



STAFF REPORT

TO: SUMMIT COUNTY BOARD OF HEALTH

FROM: Dan Hendershott, Environmental Health Manager

SUBJECT: June 22, 2021 Public hearing: New fee schedule for Environmental Health Services

APPLICANT: Environmental Health (EH) Department

BACKGROUND:

Environmental Health Department fees cover a wide variety of services. While some services do not provide a mechanism for cost recovery, most activities do allow for cost recovery.

Some EH fees are firmly set in statute and others enable counties to set their own fees but cost recovery guidelines define this process. During the 2020 legislative session, some statutory fee caps were eliminated for the OWTS program allowing local agencies to get full cost recovery for these services. Those changes are the trigger for this fee amendment review and proposal.

For the 2021 budget, Environmental Health total operating expenses are \$605,617. Fifty-five percent (55%) of expenses are recovered through fees, contracts and grants. Forty-five percent (45%) of expenses are supported through the general fund.

The purpose of this Public Hearing is to discuss proposed fee amendment and then adopt proposed fees or discuss changes needed prior to adoption.

CRITERIA FOR DECISION:

1. The revisions must be consistent with applicable State statutes and CDPHE regulations.
2. The revisions will allow for better cost recovery in the Environmental Health programs.

Statutory Authority and Guidelines

Several statutes govern cost recovery for Environmental Health services including §25-1-508(5)(j), §25-10-107(1), §25-10-109 and §25-4-1607. In nearly all cases fees can only cover the actual costs associated with providing the service.

PROCESS and STAFF COMMENTS:

The process started by reviewing the department hourly billable rate so all other department fees were also reviewed. We then compared the results with other departments and sought stakeholder input:

1. Review hourly billable rate.
2. Review all 34 individual fees.
3. Compare to other counties, departments and private business (if applicable).
4. Present to stakeholders and listen.
5. Present to Board of Health for consideration.

In nearly all cases a fee increase was justified with a couple exceptions. Fees are proposed to increase from a low of 0% to a high of 750% but are typically in the 30-50% range. These changes are expected to decrease the general fund contribution to the department enabling nearly \$74,000 to be redirected toward other services that do not have a mechanism for cost recovery such as complaint investigation and disease control work.

Below is a snapshot of a few of the major changes proposed. For the full list see Exhibit A:

	Current Fee	Proposed Fee	Increase	% Change
Hourly Rate	\$75	\$102	\$27	36%
OWTS New Permit	\$1000	\$1490	\$490	50%
OWTS Use Permit	\$84	\$187	\$103	123%
OWTS Contractor license	\$23	\$34	\$11	48%
Drinking Water Potability Test	\$42	\$64	\$22	40%
Temp Food Coordinator	\$37	\$85	\$48	130%
Temp Food Full Service Vendor	\$106	\$106	\$0	0%
Temp Food Reinspection Fee (New)	\$0	\$102	\$102	NA

Other Counties and Summit County Departments

In addition to evaluating the actual and indirect costs of providing the services, staff surveyed other agencies, departments and/or businesses to compare against the proposed fees. Those results are below. Some counties are also evaluating their fees this year so some of the values represented below are expected to change.

Hourly Billable Rate

	Hourly (\$/hr)
Summit EH	\$102 (proposed)
Eagle EH	\$60 (adjusting in 2021)
Routt EH	\$62.50 (adjusting in 2021)

Pitkin EH	\$162
SC Planning and Engineering	\$185

OWTS

	OWTS new permit	Use Permit
Summit	\$1490 (proposed)	\$187 (proposed)
Eagle	\$777	NA (not requiring Use Permits)
Pitkin	\$2000	\$150
Routt	\$600	NA (not requiring Use Permits)
Boulder	\$1593	\$250

Temp Food

	Temp Food Coordinator	Vendor costs
Summit	\$85/event (proposed)	\$52-385 (proposed)
Eagle	\$50/event	\$215-355
Routt	\$50/event	\$215-355
Pitkin	No food program	No food program

Drinking Water

	Nitrate + Bacteria	Fluoride
Summit	\$64 (proposed)	\$112 (recommend discontinuing service)
CDPHE lab	\$37 (plus shipping, etc)	\$16.50
Kaupas Water (Private)	\$52.50	\$27.50

Stakeholder Input:

The information regarding proposed fee changes has been posted to the EH webpage and feedback is requested via email. Public noticing for this hearing was done in the Summit County Journal.

Staff have actively solicited stakeholder input. Emails have been sent to OWTS professionals, realtors, special event coordinators and temp food vendors sharing the information and asking for feedback totaling over 1000 persons invited. Invites were sent initially and then a few hours prior to the meeting. Stakeholder meetings occurred as follows:

- Special Event Coordinators via Zoom, 5/11/21,
- All stakeholders via Zoom, 5/17/21, and
- All stakeholders in person, 6/8/21.

Staff have encouraged all feedback in favor of changes and opposed.

The following feedback was received during these meetings or through other engagements:

5/11/21 SPECIAL EVENTS COORDINATORS MEETING- ZOOM

Attendees: About 12 local events coordinators.

Some good feedback here. Group was unanimously supporting the late fee adjustment to \$75. Highly recommend a reinspection fee for vendors. This suggestion was acted on and there is now a fee proposed for reinspections. They questioned why we wouldn't increase the vendor fees. I said because my calculations show we are already covering our costs.

5/17/2021 STAKEHOLDERS MEETING- ZOOM

Attendees: Robert Starekow (restaurant owner); Tina Cunningham (special events); Jeff Moore (realtor); Leanna Kerr (Coldwell Banker); Mark Kimball (Keystone F&B); Brian McCloughlin (realtor); Ryan Henderson (?); Luiza (septic systems PE); Ken Nelson (restaurant owner)

Robert S.-EH has a great image, especially with handling of pandemic. Seems like bad timing for raising fees when you consider many businesses are down in revenues and struggling. Would like to see the county hold off until business is back on track.

Dan clarified that RF license fees are not changing. Does it make change to increase some fees but not others? Would that change your perspective?

Robert S.- not really, shouldn't pick good vs bad partners. Still would like to see revenues back where they were pre-COVID. Local Govt. is getting money for COVID Relief.

Mark Kimball-from personal stand point he leans toward what Bobby said. Maybe wait a year? We don't know how economy will come back. Lots of staffing issues will hold back the come back and operating at full staff.

No other feedback on call other than a thumbs up from Ken Nelson.

6/8/21 STAKEHOLDER MEETING- MT ROYAL ROOM

Attendees: Only one person showed up. It was Bill Tatro, owner of Snowbridge.

Here are Bill's comments:

-All changes seem reasonable and make sense.

-He doesn't think customers will care as these are small increases in a usually much larger number.

RANDOM FEEDBACK

From Dick Carlton (restaurant owner/Breck Council):

"Thanks for the heads up. Looks fair to me... Dick"

From Dave Pescar (OWTS contractor) - Not worried about the increase. It will get passed on to the homeowner.

From George Beneke (OWTS engineer) - "I don't really have any comments regarding the fees."

Automatic Annual Fee Increase:

On May 22, 2007, in conjunction with the major amendment to the development code, the BOCC discussed the idea of allowing the development review fees to be increased automatically each year by an amount equal to the percent increase in the consumer price index (CPI). Such an automatic increase is proposed for this fee schedule.

STAFF RECOMMENDATION:

Staff respectfully recommends adoption of the amended EH fee schedule as proposed in Exhibit A.

cc: Sarah Vaine, Assistant County Manager
Amy Wineland, Public Health Director

Exhibit A- DRAFT Fee Schedule for Environmental Health Services

Service	Current Fee	Proposed Fee	\$ Change	Percent (%) change	Comments
Pool/Spa Plan Review Fee	\$104 app fee, Review/Const insp	\$104 app fee, Review/Const insp hourly \$102/hr	\$27	36%	Hourly changing. Application fee (\$104) is not changing. Estimate based on 2019 reviews/revenues/hrs. Number of hours is: Total 2019 revenue - (2019 application fee/Reviews conducted) / 2019 hourly rate OR \$6065 - (\$100/14) / 73/hr = 209.
General Hourly	\$ 75.00	\$ 102.00	\$27	36%	# / year is estimated hours in 2019 (not exact as CRS caps RFE recovery at \$580). Used in RF program, child care, body art, recreational water for requested services (see above). This hourly value was also inserted into formulas for OWTS and DW fees established below even though those programs are not billed hourly.
New Construction Permit*	\$ 849.00	\$ 1,272.00	\$ 423.00	50%	2020 #'s. Consultations, 3 inspections, design review, site suitability, travel, accounting, data entry. \$23 goes to CDPHE. (Includes new complete OWTS.)
Major Repair/Upgrade Permit*	\$ 849.00	\$ 1,272.00	\$ 423.00	50%	Consultations, 3 inspections, design review, site suitability, travel, accounting, data entry. \$23 goes to CDPHE. (Includes new complete OWTS repair, field only, or similar.)
Minor Repair/Upgrade Permit	\$ 507.00	\$ 675.00	\$ 168.00	33%	Consultations, 2 inspections, design review, site suitability, travel, accounting, data entry. \$23 goes to CDPHE. (Includes tank replacement or similar.)
Small Repair/Upgrade Permit	\$ 339.00	\$ 465.00	\$ 126.00	37%	Consultations, 1 inspection, design review, site suitability, travel, accounting, data entry. \$23 goes to CDPHE. (Includes sewer line install or similar.)
Variance Process Fee	\$ 618.00	\$ 816.00	\$ 198.00	32%	
On-Site Insp	\$ 132.00	\$ 167.00	\$ 35.00	27%	Setbacks
Profile Hole Insp	\$ 132.00	\$ 167.00	\$ 35.00	27%	Soil suitability
Combination Insp*	\$ 154.00	\$ 218.00	\$ 64.00	42%	Setbacks and soil suitability
Extra Inspection	\$ 132.00	\$ 167.00	\$ 35.00	27%	Above the 1, 2 or 3 allotted as part of permit fee.
Renew Permit (odd year)	\$ -	\$ -	N/A	N/A	No fee for 12 month renewal.
Reissue Permit (even year)	\$ 281.00	\$ 340.00	\$ 59.00	21%	Consultations, calculations, design review, site suitability, accounting, data entry.
Contractors License	\$ 23.00	\$ 34.00	\$ 11.00	48%	
Contractors Renew	\$ 25.00	\$ 51.00	\$ 26.00	104%	
Contractors Exam	\$ 115.00	\$ 153.00	\$ 38.00	33%	
Cleaners License	\$ 55.00	\$ 74.00	\$ 19.00	35%	
Cleaners Renew	\$ 55.00	\$ 74.00	\$ 19.00	35%	
Cleaners Exam	\$ 115.00	\$ 153.00	\$ 38.00	33%	
Regulation Sales	\$ 36.00	\$ 42.00	\$ 6.00	17%	Supplies.
Use Permit	\$ 84.00	\$ 187.00	\$ 103.00	123%	AKA Property transfer/remodel permit.
Operating Permit	141.00	\$ 187.00	\$ 46.00	33%	Permit required indefinitely for OWTS utilizing higher level treatment for reduced setbacks or soil treatment area size.
Emergency Use Permit	\$ 194.00	\$ 255.00	\$ 61.00	31%	Assessed to properties where OWTS has failed but repairs cannot be made within 30 days required in CRS so a vault permit is issued for the winter.
Loan Inspection (well only)	\$ 190.00	\$ 244.00	\$ 54.00	28%	Consultations, 1 inspection, pull records, run water sample, produce letters.
Drinking Water Potability (customer collect)	\$ 42.00	\$ 64.00	\$ 22.00	52%	
Drinking Water Potability (EHS collect)	\$ 112.00	\$ 141.00	\$ 29.00	26%	
Fluoride in DW	\$ 20.00	NA	N/A	N/A	Discontinue this test due to lack of demand and high cost
Event Coordinator	\$ 37.00	\$ 85.00	\$ 48.00	130%	Fee per event for coordinator only! Maps, toilets, wastewater, etc.
Temp Food Vendor (full service)	\$ 106.00	\$ 106.00	\$ -	0%	Summit County Vending Only
Temp Food Vendor (prepackaged)	\$ 52.00	\$ 52.00	\$ -	0%	Summit County Vending Only
Temp Food Vendor license (full service)	\$ 276.00	\$ 385.00	\$ 109.00	39%	Colorado license that may be valid in other counties depending on their system of cost recovery.
Temp Food Vendor license (prepackaged)	\$ 123.00	\$ 195.00	\$ 72.00	59%	Colorado license that may be valid in other counties depending on their system of cost recovery.
Non profits	\$ -	\$ -	\$ -	0%	
Late Fee**	\$ 10.00	\$ 75.00	\$ 65.00	650%	Although the hope is the number will decrease since this is going up to promote more timely submittals.
Temp Food Reinspections***	NA	\$102	NA	NA	

Fees are to be effective starting July 1, 2021, as applicable and shall adjust annually per the Denver-Boulder CPI index for the previous year, rounding down to nearest dollar. Annual CPI increases do not prevent the Board of Health from making periodic fee adjustments as needed and permitted by law.

*CRS previously capped OWTS permit fees to \$1000 (permit fee + combination fee). In 2020 this cap was removed and now full cost recovery is allowed.

**If complete application is received <10 days of event.

***Reinspection of a temp food vendor who has demonstrated a general lack of managing food safety practices (evidenced by multiple food borne illness risk factor violations), significantly misrepresented their menu or was otherwise not prepared for the inspection.