BOARD OF SUPERVISORS AGENDA ITEM REPORT



Requested Board Meeting Date: 3/1/2016

Title: Pima County Health Code Title 8 - Fee Schedule

Introduction/Background:

This Ordinance revision relocates health fees from Chapter 8.04 to a Health Code Fee Schedule as referenced in the proposed Chapter 8.04.120. The Arizona Department of Health Service through a State Delegation Agreement with the Pima County Health Department provides the duties and powers of the Health Director (Arizona Revised Statutes - Title 36-136 section K), authorizing the director to establish fees to recover Department cost of providing services. The Fee Schedule provides a fee structure for all services provided by the Department's Consumer Health & Food Safety (CHFS) program within the Pima County Health Department. A five (5) year implementation period with the first year having no fee impact on the fixed and mobile establishments will incrementally move the fees to total cost recovery in 2020.

New financially favorable fee types are recommended for mirco markets, camp grounds, children's campgrounds, food sampling at temporary/seasonal events, annual temporary event concessionaire, event coordinator permit, home day care inspections and pet friendly patios.

The Fee Schedule also introduces an incentive program allowing operators who demonstrate plans to improve the health and safety within their establishment that better the lives of the Citizens and visitors to Pima County. Upon review and approval by the department the operator could receive a 25% reduction on their annual health license starting January 1, 2018. These incentives consist of Active Managerial Control Plan 10%, Display of their Caloric Counts at point of ordering 5%, Trans-Fats elimination from all menu items 5%, and participating in a Food Bank food recovery program 5%.

Discussion:

Through a collaborative effort with the County Finance Department, Health Department management and the CHFS program, an extensive review of the actual time required to conduct various establishment types' inspections was made and a hourly rate was established to provide for total cost recovery for services provided. The CHFS program has 7,933 permits (food establishments, ice and beverage manufacturing plants, public and semi-public aquatic facilities, motels, hotels, resources and tourist courts, mobile home and travel trailer parks, adult amusement establishments, school facilities, camp grounds and children's camps).

Total cost recovery for regulating the 7,933 facilities is estimated as the cost to permit, respond to complaints and to conduct all mandated annual inspections at each facility. Staff analyzed one full fiscal year's data set of time spent, personnel cost (inspector, administrative and oversight), equipment (computers, thermometers, testing devices and vehicles), indirect (travel, paperwork, re-inspections) and department overhead expenses in developing the schedule.

The Fee Schedule combines similar types of establishment by Class which corresponds to a risk based inspection frequency varying from one to three times per year. Further breakdown of Classes is based on the size of the operation with smaller establishments having a fee less than those of medium or large establishments. The operating annual permit fees for fixed and mobile establishments will remain unchanged for the 2016 calendar year (note all permits have a different expiration date based on their opening date by month; a permit that has a December due date would not be subject to a fee change until December of 2017). At the start of each calendar year, the difference between the total cost recovery rate (rate proposed to be charged in 2020) and their current rate will be increased by 25% each year (2017 - 25%, 2018 - 50%, 2019 - 75% and in 2020 - 100%).

An example of this in the most heavily populated permit type, Class 2 Retail/Limited Prepared Food less than 2,500 sq.ft. (this Class includes small markets, fast food operations, bakeries and cafeterias of this size), the fee is

currently \$144 annually and will remain so through the end of 2016 and until their 2017 renewal date, after which fees will increase each year as follows:

2017 - 25% of the difference + current fee = \$195

2018 - 50% of the difference + current fee = \$245

2019 - 75% of the difference + current fee = \$295

2020 - Total Cost recovery 100% + current fee = \$345

Total cost recovery will eliminate the County's General Fund subsidy to the CHFS program over a five (5) year time frame and will provide the level of service that is mandated by the Arizona Department of Health Services delegation agreement. Currently, the Department is failing to meet delegation standards for risk based inspection frequencies attributable to staffing, equipment, automation and vehicle shortages. This schedule will provide sufficient staff and resourcing to meet the frequency and quality standards for at least the next five years.

The Schedule categorizes 34 different fee types into permit classifications for establishments requiring annual permitting. Similarly, temporary, seasonal, home day care and massage parlors fee categories were updated. The Schedule also includes Plan Review, Minor Remodel, Change of Ownership and Late Fee tables.

Furthermore, beginning January 2018, the Schedule provides for an Incentive Program allowing operators a means of controlling annual permit cost by up to 25%.

To involve industry and the public into the fee development process, the department mailed 6,200 post cards inviting industry partners to six (6) public meetings as well as notification on the County website. The meetings were held between December 10 and 22, 2015 in each of the Board of Supervisors districts to include meetings at Kirk-Bear Canyon Library, Nanini Library, Pima County Housing Center (El Blanco), Ellie Towne Flowing Wells Community Center, the Herbert K. Abrams Public Health building, and Ajo Ambulance Services. Presentations were made with question and answer sessions following. Attendees were encouraged to provide comments both at the meeting and through direct communications with the Program Manager. Two Board of Health Meetings included this topic on their agenda with presentations being made after which the Board approved motions to support the proposed fee changes. The program manager also made a presentation to the Tucson Commission of Food Security, Heritage and Economy which included representation from the Tucson Originals Restaurant Association, numerous food banks, farmers markets and acedemia. Finally, an one-on-one meeting with the Arizona Restaurant Association, Public Affairs & Communication Manager was also conducted. The Department has made every effort to be transparent in its quest to provide a cost recovery only fee that best serves the public and the regulated industry. Throughout this public hearing process, concerns were addressed and modifications made to the current, generally accepted proposal.

Pursuant to Arizona Revised Statute 11.251.13, the proposed fee changes were originally posted to the County's Proposed Taxes and Fees page on or before December 16, 2015.

Additionally, the ordinance is projected to be advertised in the Daily Territorial on February 11 and 12, 2016.

Conclusion:

The Fee Schedule represents a cost recovery system that is industry friendly and one that industry has been receptive to; granting them time to prepare with 2016 having no cost increase followed by a 25% per year increase for four years resulting in a total cost recovery program when fully implemented.

Recommendation:

The Board of Supervisors approve and adopt Pima County Ordinance 2016- _____ creating a Fee Schedule incorporated by reference into Title 8 - Health and Safety together with Pima County Ordinance 2016-___ revising Pima County Health Code, Chapter 8.04 - Health Provisions Generally and Chapter 8.08 - Food Establishment.

Fiscal Impact:
Current Revenue for the Fixed and Mobile Establishments - \$1.08M this will stay static through the end of 2016 Starting in 2017 all new and renewed permits in this same program area will generate \$1.44M, 2018 - \$1.79M, 2019 - \$2.16M and 2020 with full cost recovery \$2.51M. Temporary/Seasonal permits will stay fairly static at
\$156K.
Board of Supervisor District:

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Departmen	it: Health		Te	lephone: 724-777	6
Departmen	it Director Signatu	re/Date:	Me	2.8.16	
Deputy Co	unty Administrator	Signature/Date:_	. (**) Rev	2-9-204
County Adr	ministrator Signatu	re/Date:(C/Dul	relbung	2/9/16
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ORDINANCE 2016-	OR	DINA	NCE	2016-	
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AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO GENERAL HEALTH PROVISIONS AND FOOD ESTABLISHMENTS; TO ESTABLISH A NEW FEE SCHEDULE FOR PERMITS, INSPECTIONS, AND RELATED SERVICES PROVIDED BY THE HEALTH DEPARTMENT UNDER TITLE 8 OF THE PIMA COUNTY CODE

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, FINDS THAT:

- The Board of Supervisors of Pima County, Arizona, has authority under A.R.S. §§
 11-251.05 and 36-187 to adopt an ordinance approving a schedule of fees to be
 collected by the health department for issuing or renewing permits and providing
 other services as authorized by law.
- 2. The Board of Supervisors has determined that it is necessary to adopt a new fee schedule to defray the department's reasonable costs, including administrative costs.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1: Fees for permits, inspections, and related services provided by the Health Department under Title 8 of the Pima County Code are hereby established as shown on the Health Code Fee Schedule attached to this Ordinance as Exhibit A and incorporated by this reference.

SECTION 2. This Ordinance is effective for applications received on or after April 1, 2016.

PASSED AND ADOPTEDday of	by the Board of Supervisors, Pin , 2016.	na County, Arizona, this
	Chair, Board of Supervisors	Date
ATTEST:		
Clerk of the Board		
APPROVED AS TO FORM	:	

Deputy County Attorney

Exhibit A to Pima County Ordinance 2016-___

Control Cont		Healt	Health Code Fee Schedule	redule						
Second Control Contr	Establishment Type	Operating Annual Permit Fee - 2016 -		Operating Annual Permit Fee Starting 1/1/2018	Operating Annual Permit Fee Starting 1/1/2019	Operating Annual Permit Fee Starting 1/1/2020	Plan Review & Remodel Fee	Minor Remodel Fee	Change of Owership Inspection	Late Fee
State Higher Floor (2000 to 1900 t	Class 1 - Limited Food - Greater Than 7,500 sq.ft.	\$ 246.00	\$ 246.00	v						
5 1840 5 1840	CONFECTIONARY/CANDY STORE/THRIFT MARKET-1608A, RETAIL SALES OF PACKAGED FOODS ONLY-1609A, BAR	-1620A, WHOLESALER/ D	ISTRIBUTOR-1657A				П	ı		
TRANSPORTIONAL PROPRIATE PROPRIATE PROPRIATE STATES AND	Class 1 - Umited Food 2,500 to 7,499 sq.ft.	\$ 162.00	\$ 162.00	\$ 162.00		45	v	ı		
State Stat	CARE 1 - Impled Engl Art Than 3 Engl - 2.	3, WHOLESALER/ DISTRIBL	JTOR-16578, HEALTH FOOD	STORE-1605B				ı		^
1.2 Part Part Contractor (Contractor) 2 26.00 3 25.00 4 25.00 5 25.00	ייייייייייייייייייייייייייייייייייייי	5 144.00	\$ 144.00	\$ 144.00	\$ 144.00	\$ 144.00	\$ 480.00	9.00	-S	v
State Part Part P	CONFECTIONARY/CANDY STORE/THRIFT MARKET-1608C, RETAIL SALES OF PACKAGED FOODS ONLY-1609C, BAR	-1620C, WHOLESALER/ DI	STRIBUTOR-1657C, HEALTH	FOOD STORE-1605C, FOOD	RECOVERY PROGRAM/F	DOD BANKS-1699C, WAT	ER/ICE MANUFACTU			
Fig. 2 - Retail / Limited Prepared Food Creater Than 7,500 agrit. \$ 266.00 \$ 365.00 \$ 490.00 \$ 490.00 \$ 490.00 \$ 56.00 \$	Class 1 - BEVERAGE PLANT Bottling Plant-169	\$ 160.00	\$ 230.00	\$ 295.00	\$ 365.00	\$ 430.00	\$ 135,00	00.9	40	
Section Sect	Class 2 - Retail/ Limited Prepared Food Greater Than 7,500 sq.ft.	\$ 246.00	-07	00 35C 9			.			Н
Second S	MEAT-1615A, CONVENIENCE-1612A, SMALL MARKETS-1613A, SUPER MARKET-1614A, FAST FOOD LIMIT-1624A	FAST FOOD NO TABLE SER	WICE-1623A FRATERNITEIES	S SOBOBITES SESSES	420.00	3 480.00	\$ 480.00	8	26.00	П
5 185.00 5 255.00 5	Class 2 Book () implement the same of the			& SUNDRINES-1825A, CA	reickias-1630a, BAKER	-1651A, COMMISARY SE	RVING MOBILE FOOD	UNITS-1680A		
Fig. 22 Refail / United Prepared Food Less Than 2,500 sq. ht. S. 144,00 S. 195,00 S. 185,00	CHRIST C TREATH LITHTER TEPBRED FOOD 2,500 to 7,500 sq.ft. MET-15158, CONVENIENCE-15128, SMALL MARKETS-15138, SUPER MARKET-15148, FAST FOOD LIMIT-15248.	S 162.00 FAST FOOD NO TABLE SER	\$ 215.00	& 265.00 A SORORITIES-1625B. CAP	\$ 320.00	\$ 370.00	\$ 480.00	\$ 66.00	8	
Section Sect	Clace 2. Betail / Impleed Demond Food Land The Control of the Cont					TOOLS, COMINISANT SER	WING MOBILE FOOD	UNITS-1680B, TORTIL	LA FACTORY-	
ASSECTION MANUELES AND ANALYSE CONTRIBUTE SERVICE ANALYSE CONTRIBUTE SERVICE AND ANALYSE CONT	Cross 2 - netally Children Prepared Food Less Than 2,500 sq.ft.	\$ 144.00	\$ 195,00	\$ 245.00	\$ 295.00	\$ 345.00	\$ 480.00	\$ 66.00	8	ı
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38.2 - LIMITED FOOD MANUFACTURER LESS THAN 2,500 sq.ft. \$ 144.00 \$ 235.00 \$ 235.00 \$ 395.00 \$ 360.00	Class 2 - MICRO MARKET Less than 300 sq.ft.		45.	\$ 180.00	180.00		809	\$ 60.00		
383 2- LIMITED FOOD MANUFACTURER Greater Than 7,500 sq.ft. 18	Class 2- LIMITED FOOD MANUFACTURER LESS THAN 2,500 sq. ft.		\$	\$ 250.00	\$ 305.00	45	480.00	\$ 66.00		Ш
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35. Food Service Operations Less Than 2,500 to 0.0 be stated to 0.0 be sta	Class 3 - Food Service Operations Greater Than 7,500 sq.ft.	\$ 246.00	\$ 415.00	\$ 590.00	760.00	\$ 930.00	480.00	00 99		
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ass 3 - Food Service Operations Less Than 2,500 sq. ft. \$ 144.00 \$ \$ 285.00 \$ \$ 565.00 \$ \$ 705.00 \$ \$ 860.00 \$ \$ 56.00 \$ \$	RESTAURANT WITH SIT DOWN BAR-1621B, FULL SERVICE RESTAURANT-162288-1635B, CIIIINARY ART PROCEDAR	162.00	\$ 335.00	\$ 510.00		855.00	S	00.99	26.00	
UNDARTY WITH STEP COND. Class 1 - VEHICLE, PRE-PACKAGED FOOD CLASS 1 - VEHICLE PACKAGED FOOD CLASS 1 - VEHICLE PRE-PACKAGED FO	Class 3 - Food Service Operations Less Than 2.500 so.ft.	144 00	A SENVING SAIELLIE LOCA	IONSI 16858, CATERER-162		1	- 1		H	
ass 4 - Institutional Food Operations Greater than 7,500 sq.ft. \$ 246.00 \$ 390.00 \$ 355.00 \$ 375.00 \$ 375.00 \$ 825.00 \$ 825.00 \$ 480.00 \$ 825.00 \$ 480.00 \$ 86.00 \$	RESTAURANT WITH SIT DOWN BAR-1621C, FULL SERVICE RESTAURANT-1622C8.1625C, CULINARY ART PROGRAN	H1631C, CENTRAL KITCHE	N SERVING SATELLITE LOCAL	10NS-1685C. CATERFR-167				99.00	26.00	
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DBILE FOOD - Class 1 - SPECIALTY FOOD, RESTRICTED MENU \$ 136.00 \$ 136.00 \$ 136.00 \$ 136.00 \$ 136.00 \$ 5.00	LIBSS 4 - LIMITED FOOD MANUFACTURER			420.00	505.00	590.00	480.00		26.00	
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	Operating								
Establishment Tune	Annual Permit	Annual Permit	Operating Annual Permit	Operating Annual Permit	Annual Dermit	Plan Review		Change of	
	- 2016 -	Fee Starting 1/1/2017	Fee Starting 1/1/2018	Fee Starting 1/1/2019	_	& Remodel Fee	Remodel Fee	Owership Inspection	Late Fee
MOBILE FOOD - Class 1 - Pre-Packaged Mobile Push Carts	\$ 58.00	\$ 58.00	\$ 58.00	\$ 58.00	\$ 50 m	20	4	4	
POST CARDS - DUI OF IOWN/PRE-PACKAGED AND PACKAGED FOODS-1638G, PUSH CARTS - PRE-PACKAGED AND PACKAGED FOODS-1639G	AND PACKAGED FOODS-1639G				4	ŀ	20,00	00'00	38.00
1641E	\$ 136.00	\$ 200.00	\$ 265.00	\$ 325.00	\$ 390.00 \$	230.00 \$	66.00	\$ 56.00	\$ 38,00
Class 2 - MOBILE FOOD - LIMITED MENU	\$ 144.00	\$ 185.00	\$ 230.00	\$ 270.00	\$ 315.00 \$	230.00	S GEORIA	26.00	Ш
MOBILE FOOD -Class 3 - FULL SERVICE REPORT TO A COMMISSARY	\$ 144.00	\$ 370.00	\$ 20E OV				П	П	П
1634D		710.00	70.000	00.626 4	\$ 650.00 \$	230.00	\$ 66.00	\$ 26.00 \$	\$ 38.00
HOTEL 76+ ROOMS	\$ 160.00	\$ 175.00	\$ 185.00	\$ 200.00	\$ 210.00 \$	225.00	\$ 66.00	\$ 56.00	\$ 38.00
Hotel/Motels 20-75 Rooms	\$ 125.00 \$	135.00	\$ 140.nn	150.00	4 155.00 6	00 300	00.00		П
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Hotel/Motel/ B&B Less Than 20 Rooms	\$ 97.00	\$ 105.00	\$ 110.00	\$ 115,00	\$ 120.00 \$	225.00	¢ GE On	¢ Econ	
HOTEL-2412C, MOTEL-2413C, BED & BREAKFAST-2414C							00.00	20.00	36,00
Mobile Home/Trailer/R.V Parks 100 Lots or Larger	\$ 105.00	\$ 110.00	\$ 120.00	\$ 125.00	\$ 130,00 \$	225.00 \$	66.00	\$ 56.00 \$	20.00
MOUNTE HOME PARK & RV PARK-2433D, MORILE HOME PARK-2434D, RV/TRAILER PARK-2436D MACHINE MONTE / Trailer / D W Booker Land Than 4000 Land	*					Ш		ı	
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	100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00 \$	99	\$ 66.00	\$ 56.00 \$	38,00
PUBLIC or CHARTER SCHOOL	\$ 120.00	\$ 130.00	\$ 135.00	\$ 145.00	\$ 150.00 \$	00.99	GG DO		Ш
Comi Bublic Accorde Faultal-									
SEMI PUBLIC SEPTIA DOOL MENDER TREATMENT DOOL STREET TO SEMI PUBLIC SEPTIA DOOL MENDER TO SEMI SEMI SEMI SEMI SEMI SEMI SEMI SEMI	\$ 114.00 \$	\$ 120.00	\$ 125.00	\$ 135.00	\$ 140.00 \$	96.00	\$ 66.00	\$ 56.00 \$	38.00
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Adult Amusement Establishments	A SOUNCOMPETITIVE/ACI	JATIC/DIVING/EXERCISE-361	_		ļ				
2490F	3 320,00 \$	320.00	\$ 320.00	\$ 320.00	\$ 320.00 \$	99	\$ 66.00	\$ 56.00	\$ 38.00
	TO	OTHER APPLICABLE FEES	S						
		SAMPLING	10.00						
	FOOD / DRINK	(under two	SUBMITTAL						
Temporary Event less than 15 Consecutive Days (one event)	\$ 60.00	0.00	AE DO						
Temp. Event less than 15 Cons. Days (1 event) Charitable Non-Profit	\$ 30.00	10.00							
Annual Temporary Event Concessionaire (multiple events)	\$ 360.00	٠.							
Seasonal Event - Four Month (one event)	\$ 120.00	\$ 40.00							
Seasonal - Four Month (1 event) Charitable Non-Profit	\$ 60.00	20.00							
Event Coordinator Permit - Annual Permit - Multiple Events	\$ 60.00	Charitable Non-Profit	n-Profit	\$30.00					
Home Family Day Care Inspections	\$ 60.00								
Massage Parlor Inspections	\$ 60.00								
Plan Review Additional Hourly Cost Beyond the Initial Review Time	360.00/Hr								
Expedited Plan Review Fee									
Dies Bandan Grand Philips	1 and 1/2 Times	1 and 1/2 Times Plan Review Fee							
reminerate Cereming Limited Food at a Commissary Location	\$ 66,00								

Plan Review Extension of 180 Days beyond One Year Initial Deadline	Equal Minor	Equal Minor Remodel Fee for that Permit Type		
Final On-site Construction Inspection	\$ 56	56.00 Additional Construction Inepactions	4	Pe 00
			^	20,00
Plan Review On-site Consultation	\$ 250	50.00		
Variance Review Process Fee (up to 2 hours for review)	\$ 120	120.00 Additional Time for Complex	¢בע/חי	
		valence of the control of	ILI /nac	
Probational Status Re-Inspection and Formal Corrective Action or Performance Improvement Plan Review	nance Improveme	nt Plan Review	4	1000
			0	TRO'OO
Inspection Upon Request	\$ 120	00:		
Pet Friendly Patro and all other Miscellaneous Permits	4	60 00		

nent Based Certification and Training	Initial	Retest	Duplicate
Food Sanitation Certification	\$ 30.00	\$ 20.00	\$ 10.0
Pool Sanitation Certification - technician level	\$ 30.00	\$ 20.00	\$ 10.00
Pool Sanitation Certification - operator level	\$ 30.00	\$ 20.00	\$ 10.0

Potential Reduction of Initial & Annual Fees - Starting January 1, 2018	nent Approved ACTIVE MANAGERIAL CONTROL PLAN - Fee Reduction of 10%	that Display a Caloric Count at Point of Orderline - Fee Reduction of 5%	that Participate in the Food Bank Program approved by CHSS - Fee Reduction of Sk	that Demonstrate Evidence of NO TRANS-FAT on Menu - Fee Reduction of an additional Fac	All Fee Reductions must be submitted and preapproved. The new fee will be Rounded to the Mearest Dollar
	Establishments with a Department Approved ACTIVE MA	All Applicable Establishments that Display a Caloric Cou	All Applicable Establishments that Participate in the For	All Applicable Establishments that Demonstrate Eviden	All Fee