



**ARAPAHOE COUNTY**

# Environmental Health Fees For Board of Health Adoption

September 28, 2022

# Environmental Health Fees

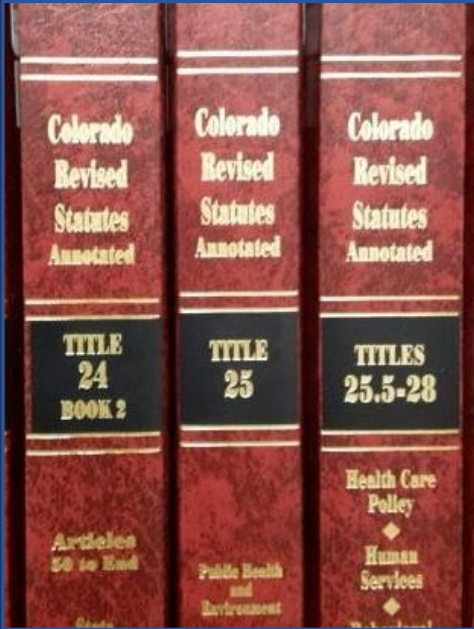
- Statutory Authority Related Fees
- History TCHD's Approach to EH Fees
- Arapahoe County Survey Results - Fees
- Review Proposed Fees for BOH Adoption
- Recommendations and Next Steps
- Questions





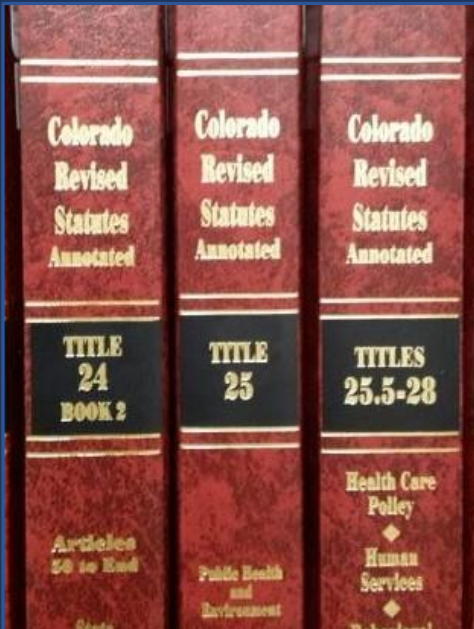
## Two Kinds of Environmental Health (EH) Fees

1. Fees that are set in state statute by the legislature.
2. Fees that the Arapahoe County Board of Health (BOH) has authority in statute to set and adopt to offset costs.



## Environmental Health (State Statute)

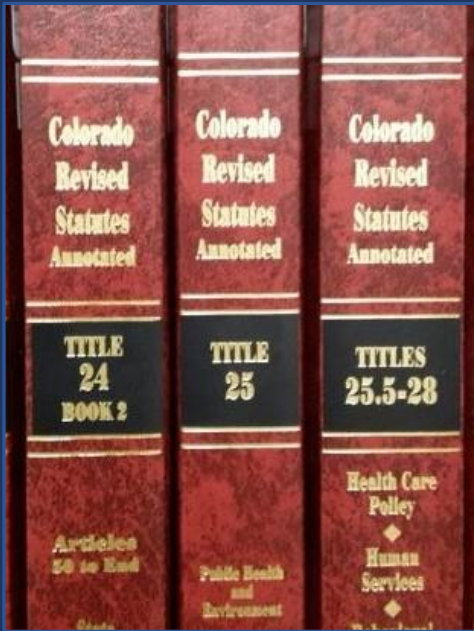
- Statutory Authority: 25-4-1607 and 25-4-1611.5 (Food Protection Act)
- These statutes refer to only Retail Food Establishments
  - Licenses, plan review application/inspections fees, civil penalties
- 25-4-1607.5 – Stakeholder Process
  - CDPHE, local health agencies, retail food industry
  - Statutorily required to meet at least once every 3 years
  - Various topics reviewed
  - Fees last reviewed 2015 - 50% ↑ over 3 years (2016-2018)
- Arapahoe Co. Board of Health cannot amend these fees



## Environmental Health Fees (set by BOH)

- BOH Statutory Authority: C.R.S. 25-1-508 (5)(j): “To provide environmental health services and to assess fees to offset the **actual, direct cost of such services**; except that no fee for a service shall be assessed against any person who has already paid a fee to the state or federal government for the service, and except that the only fee that shall be charged for annual retail food establishment inspections shall be the fee set forth in section 25-4-1607”
- This statute applies to fees for programs such as Body Art, Child Care, Swimming Pools, and hourly services.

## Environmental Health (set by BOH)



- BOH Statutory Authority: C.R.S. 25-10-107 (1): “A local board of health may set fees for permits. The permit fees may be no greater than required to offset the **actual indirect and direct costs** of the local public health agency’s services. With respect to any permit, the local board of health shall set the fee for the permit so as to recover, as nearly as can be practically established, the costs associated with that permit...”
- This statute is specific to Onsite Waste Water Treatment Systems

# History of TCHD's Approach to EH Fees

- Fees since 1990's - Too offset cost to the general fund
- Reviewed annually
- Used a standard tool to calculate program costs
- 3-year average to smooth year to year fluctuations
- Stakeholder input

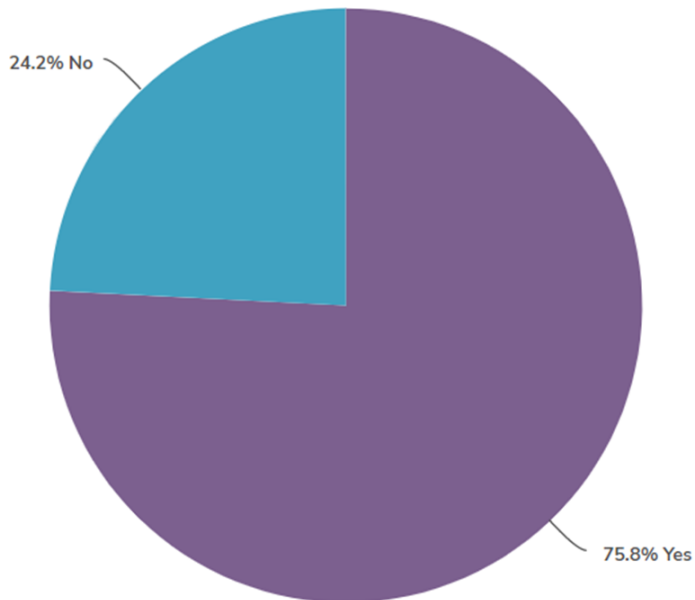
Program Name: EXAMPLE Fee Type: Annual Inspection Year: 20XX		
1	Program Cost from Financial Statement	\$ 23,775.16
2	Other Fee (Cost Recovery) Revenues:  License Fees (OWTS), Temp Food, Penalty, Plan Review, Assessment, Change of Owner, Education, Misc.	\$ (965.00)
3	Net Costs	\$ 22,810.16
4	Total Units (i.e, Facilities, Permits)	80
5	Per Unit Cost - 2019 Actual	\$ 285.13
6	Per Unit Cost - 2018 Actual	\$ 335.21
7	Per Unit Cost - 2017 Actual	\$ 301.26
8	3-year Mean Per Unit Cost - Proposed Fee*	\$ 307.20
9	Current Fee	\$ 325.00
10	Difference 3-year Mean Per Unit Cost/Current Fee	\$ (17.80)

\*Rounded up or down to the nearest \$5



# Arapahoe County Survey – Fees – June 3, 2022

2. Should Arapahoe County Public Health charge fees, as allowed, to offset direct costs? Examples: Fees paid by restaurants for inspections Fees paid by childcare centers for inspections Fees paid by body art facilities for inspections Fees paid by patients who receive health care at clinics



Value		Percent	Responses
Yes	<div><div style="width: 75.8%;"></div></div>	75.8%	69
No	<div><div style="width: 24.2%;"></div></div>	24.2%	22

Totals: 91

**Fees set by Arapahoe County Public Health Board of Health**

<b>Environmental Health Fee Type</b>	<b>Unit of Activity</b>	<b>Proposed Fee</b>	<b>Authority</b>
Body Art - License / Annual Inspection	Annual - Per License	\$345.00	25-1-508
Body Art - Temporary Event Inspection	Per Hour	\$60.00	25-1-508
Child Care - Partial Day ≤ 4 hours	Per Inspection	\$190.00	25-1-508
Child Care - Full Day > 4 hours / > 24 hour facilities	Per Inspection	\$255.00	25-1-508
Land Use Plan Review - Level One	Per Plan Review	\$150.00	25-1-508
Land Use Plan Review - Level Two	Per Plan Review	\$210.00	25-1-508
Land Use Plan Review - Level Three	Per Plan Review	\$360.00	25-1-508
Land Use Plan Review - Level Four	Per Plan Review	\$750.00	25-1-508
Methamphetamine - Number of New Reports of Meth Labs	Per Case	\$310.00	25-1-508
Environmental Health Hourly Services*	Per Hour	\$60.00	25-1-508
Plan Review Application - All Facility Types Except Food	Per Plan Review	\$120.00	25-1-508
Retail Food - Special Events License	Annual - Per License	\$165.00	25-4-1607
Retail Food - Special Event Plan Review Application (2-15 vendors)	Per Event	\$100.00	25-4-1607
Retail Food - Special Event Plan Review Application (16 + vendors)	Per Event	\$200.00	25-4-1607
Retail Food - Special Event Plan Review Late Fee	Per Late Application	\$50.00	25-1-508
Retail Food - Special Event Inspection (per inspector)	Per Hour	\$60.00	25-1-508
Retail Food - Education, 2 Hour In-Service Training	Per Training	\$120.00	25-1-508
Recreational Water - Pool / Spa / Spray Pool - Per Filtration System	Annual Inspection	\$175.00	25-1-508
On-Site Waste Water - New Permit	Per Permit + \$23.00**	\$1,120.00	25-10-107
On-Site Waste Water - Major Repair or Expansion Permit	Per Permit + \$23.00**	\$740.00	25-10-107
On-Site Waste Water - Minor Repair	Per Permit + \$23.00**	\$415.00	25-10-107
On-Site Waste Water - Use Permit Application Fee	Per Permit	\$85.00	25-10-107
On-Site Waste Water - Variance Request (New/Repair Permit)	Hourly	\$70.00	25-10-107
On-Site Waste Water - New/Repair Permit Renewal	Per Permit	\$50.00	25-10-107
On-Site Waste Water - Re-Inspection	Per Inspection	\$120.00	25-10-107
On-Site Waste Water - Plan Review per additional hour (first hour free)	Per Plan Review	\$60.00	25-10-107
On-Site Waste Water - Installers' & Cleaners' License - New/Renewal	Annual - Per License	\$35.00	25-10-109

\* Hourly fees apply to Environmental Health program services such as consulting, site assessments, change of ownership inspections, training, and environmental record reviews.

\*\* Effective July 1, 2007, section 25-10-107 of the Colorado Revised statutes was amended allowing the Colorado Department of Public Health & Environment (CDPHE) Water Quality Division to assess a fee of \$23 for each authorized new and repair on-site waste water permit; \$20 is transmitted to CDPHE and \$3 retained by the local health department to cover administrative costs.

**Fees set by Colorado State Legislature**

<b>Environmental Health Fee Type</b>	<b>Unit of Activity</b>	<b>Proposed Fee</b>	<b>Authority</b>
Retail Food - No fee License (K-12 schools, non-profit)	Annual - Per License	\$0.00	25-4-1607
Retail Food - License, Limited Food Service (convenience, other)***	Annual - Per License	\$270.00	25-4-1607
Retail Food - License, Restaurant, Seating 0-100***	Annual - Per License	\$385.00	25-4-1607
Retail Food - License, Restaurant, Seating 101-200***	Annual - Per License	\$430.00	25-4-1607
Retail Food - License, Restaurant, Seating >200***	Annual - Per License	\$465.00	25-4-1607
Retail Food - License, Grocery Store (0-15,000 sq.ft.)***	Annual - Per License	\$195.00	25-4-1607
Retail Food - License, Grocery Store (>15,000 sq.ft.)***	Annual - Per License	\$353.00	25-4-1607
Retail Food - License, Grocery Store w/ deli (0-15,000 sq.ft.)***	Annual - Per License	\$375.00	25-4-1607
Retail Food - License, Grocery Store w/ deli (>15,000 sq.ft.)***	Annual - Per License	\$715.00	25-4-1607
Retail Food - License, Mobile Unit (prepackaged, non-PHF)***	Annual - Per License	\$270.00	25-4-1607
Retail Food - License, Mobile Unit (full food service)***	Annual - Per License	\$385.00	25-4-1607
Retail Food - License, Oil and Gas Temporary***	Annual - Per License	\$855.00	25-4-1607
Retail Food - Change of Ownership or Site Evaluation (Initial Inspection)	Per Inspection	\$75.00	25-4-1607
Retail Food - Change of Ownership or Site Evaluation (Additional Inspections)	Per Hour	\$60.00	25-4-1607
Retail Food - Plan Review Application	Per Plan Review	\$100.00	25-4-1607
Retail Food - Plan Review and Pre-opening Inspection (Not to exceed \$580.00)	Per Hour	\$60.00	25-4-1607
Retail Food - Equipment Review Application	Per Review	\$100.00	25-4-1607
Retail Food - Equipment Review and Inspection (Not to exceed \$500.00)	Per Hour	\$60.00	25-4-1607
Retail Food - HACCP Plan, Written (Not to exceed \$100.00)	Per Hour	\$60.00	25-4-1607
Retail Food - HACCP Plan, On-site Evaluation (Not to exceed \$400.00)	Per Hour	\$60.00	25-4-1607
Retail Food - Penalty Assessment, Late License Renewal (Failure to Pay)	Per Assessment	\$250 to \$1,000	25-4-1611.5
Retail Food - Penalty Assessment, Enforcement	Per Assessment	\$250 to \$1,000	25-4-1611.5

\*\*\* \$43.00 of each retail food license fee collected is sent to the State Treasurer for the food protection cash fund per C.R.S 25-4-1608.

*Note: Arapahoe County Board of Health cannot amend these fees*

## Strategic Plan Goal

### **BE FISCALLY SUSTAINABLE**

#### Outcomes:

- Fund mandated services to meet best practices and required standards
- Consider strategic use of debt
- Ensure structurally balanced budgets
- Strive for efficiencies

# Environmental Health Fees Recommendations

- Adopt TCHD Fee Schedule with minor modifications
  - Rebranded from TCHD to Arapahoe County
  - Revised some fee titles and units to more accurately describe the fee or unit
  - Eliminated miscellaneous fees (i.e., copy fees, GIS mapping) or reduced fee categories to simplify (i.e., Child Care)
  - To be effective January 1, 2023
- Conduct fee analysis over course of next 2 years, determine consistent fee calculation formula and frequency under new department
- Be fiscally sustainable and responsible



# Timeline & Next Steps

Sept 28, 2022 – Proposed EH Fee Schedule presented to BOH

Oct 12, 2022 – Public Hearing held to invite public comment on the proposed EH Fee Schedule  
(adopted by BOH if no changes after comment period)

Oct 26, 2022 – If proposed EH Fee Schedule is not adopted on Oct 12, 2022, then an amended EH Fee Schedule is brought back to BOH for adoption

