



## Legislation Text

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File #: 23-0649, Version: 1

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**HEARING** - Health and Human Services Agency (HHS) recommending the Board:

- 1) Receive a fee study report dated July 20, 2022, performed by MGT Consulting for HHS Public Health Clinic, Vital Statistics and Animal Services; and
- 2) Adopt and authorize the Chair to sign Resolution 119-2023 **123-2023** establishing fees effective September 23, 2023, specific to the Animal Services Program;
- 3) Adopt and authorize the Chair to sign Resolution **120-2023** establishing fees effective September 23, 2023, specific to the Public Health Clinic and Vital Statistics Program.

**FUNDING:** 1991 Realignment, Federal Medi-Cal, State, County General Fund and Fees for Service.

**DISCUSSION / BACKGROUND:**

A Public Health Clinic, Clinic Income based Sliding Scale, Vital Statistics and Animal Services Fee Study was completed in July of 2022 by MGT Consulting. The study was conducted to perform a cost-of-service study using actual expenditures, staffing costs, and operational information in order to assess fees charged for current services (Government Code Section 54985) and align them with actual cost in accordance with Proposition 26 guidelines, industry best practices, as well State and Federal guidelines.

The resulting fee changes are a net reduction to overall program revenue. The primary changes will be the addition and removal of some services as recommended by the program staff based on current services provided to the community. Although it will be a small monetary change it should be considered a benefit to the community members.

Department fee recommendations would result in a net revenue reduction of \$3,033.

Clinic/Communicable Disease Treatment Services is recommending a \$12,096 revenue increase, Vital Statistics is recommending no changes to their current fees and Animal Services is recommending a reduction on several of their fees since the full cost recovery was found to be higher than the current fees.

Legal, economic, and policy considerations were factors in the recommendation. In California, user fees are limited to the "estimated reasonable cost of providing a service" by Government Code section 66014(a) and other supplementary legislation. Proposition 26 was approved by California voters in November of 2010 and clarified which charges are considered user fees and which are considered taxes. The significance of this distinction is that user fees may be raised by the County's Board action up to the limit of actual cost, whereas taxes may not be increased without a majority vote of the public. None of the fee adjustments recommended by MGT are considered taxes per Proposition 26 guidelines.

Vital statistic fees are set by the California Department of Public Health (CDPH). The controlling mandate is identified in Health and Safety Code section 102275 and CCR 17 Section 1276. For the Medical Marijuana program, the governing statute is Health and Safety Code Chapter 6 Article 2.5 beginning with section 11362.7. HHS only collects these fees and passes them on the CDPH.

The fee schedule proposed and analyzed in this study reflects the most recent fee rate increase, implemented by the state as of January 1, 2022.

There are no new fees for Public Health Clinic Services and Communicable Disease Treatment Services. A brief summary of the new fees for HHS Animal Services and HHS Public Health Vital Statistics are as follows:

1. Animal Services new fees include: additional fees for Shelter Operations (i.e., animal adoptions, vaccinations, microchipping, and veterinary treatment); Animal Field Services (i.e., animal impound, field staffing hourly rates); and Investigative Services (i.e., bite investigation, dog licenses).
2. Public Health Vital Statistics new fees include: Green Burial Registration (Green burials refer to the County stepping in to perform the role of a Funeral Home Director, which requires the County Registrar to complete required information to certify the death certificate, which entails verifying a deceased individual's personal information, verifying the cause of death from the physician, and obtaining the physician's signature, the Green Burial fee will cover the processing costs); and Identify Verification/Home Birth Fee (in lieu of a hospital processing birth information, as a birth occurs in a home-based setting, the County performs the verification for birth registry, which entails the County Registrar to verify birth information, infant and parental information, verify pre-and post-natal care, and verify post-delivery care verification, this fee will cover the costs of said verifications).

Some HHS programs were excluded from the fee study, Public Guardian, Senior Day and Senior Center Rental. Public Guardian has recent and pending legislation impacting the ability to collect and calculate fees that are preventing a comprehensive fee study. Until this is resolved a fee study is not recommended. The fee study was conducted during the COVID-19 pandemic that dictated the temporary closure of senior congregate programs such as Senior Day and the Senior Center Rental. These programs have reopened and are out of COVID restrictions in 2023. They are slated for a full fee study in early 2024.

**ALTERNATIVES:**

Should the Board decline to approve this recommendation, HHS Public Health Clinic, Vital Statistics and Animal Services rates will not be updated to appropriate levels and new services will not be added.

**PRIOR BOARD ACTION:**

08/30/16, 16-0805 v.1, HHS Fee Study

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel has reviewed the Resolutions.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

As described above, Department fee recommendations would result in an approximate net revenue reduction of \$3,033. The primary changes are the addition and removal of some services. Animal Services is recommending a reduction on several of their fees since the full cost recovery was found to be higher than the current fees. The State regularly increases vital records fees. Once the State

publishes updated fee rates, the County will need to update their fee schedule to reflect the new rates. The fee schedule proposed and analyzed in this study reflect the most recent fee rate increase, implemented by the State, as of January 1, 2022. The County is unable to increase these fees freely.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Obtain signature of Chair on the adopted Resolutions.

**STRATEGIC PLAN COMPONENT:**

Good Governance

**CONTACT**

Olivia Byron-Cooper, MPH, Interim Director, Health and Human Services Agency