

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *PHW*

BOARD AGENDA # **B-7*

Urgent Routine *phw*

AGENDA DATE March 22, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 26, 2011 at 9:05 a.m. to Introduce and Waive the First Reading of an Ordinance to Establish a New Fee and Amend Existing Fees for the Department of Public Works Engineering Division

STAFF RECOMMENDATIONS:

Set a Public Hearing on April 26, 2011 at 9:05 a.m. to introduce and waive the first reading of an ordinance to establish a new fee and amend existing fees for the Department of Public Works Engineering Division.

FISCAL IMPACT:

The proposed fees will enable the Department of Public Works to recover more of the cost of providing specific services to the general public, development community and other county departments. Based on the current year's activity, the proposed fees will generate approximately an additional \$15,000. Generally, the proposed increase is based on an average rate of \$80 per hour. The current weighted rate, with overhead, for the personnel performing these tasks is approximately \$103 per hour, resulting in a deficit of \$23 per hour. Actual revenues, and the corresponding deficit, will vary depending on the number of permit applications, plan reviews, inspections easements, and irrevocable offers of dedications.

BOARD ACTION AS FOLLOWS:

No. 2011-178

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-N-11

Approval to Set a Public Hearing on April 26, 2011 at 9:05 a.m. to Introduce and Waive the First Reading of an Ordinance to Establish a New Fee and Amend Existing Fees for the Department of Public Works Engineering Division

DISCUSSION:

The Public Works Department provides services as required by law to the public and the development community. Some of these services encompass construction inspection, plan review, and project review. Public Works charges fees to recoup the costs of providing these inspection and review services. The cost of providing these services has increased, but the fees have not been fully recovered.

Prior to 2009, the previous fee increase was approved in 1991. Public Works realized that it would have been unreasonable to propose to increase fees in one year to cover the deficit between the fees charged and the cost of delivering the services. Therefore, Public Works proposed to increase the fees incrementally over a five-year period. In May 2009 the Board approved an adjustment to the fees to recoup the cost associated with providing Engineering Services such as construction inspection, plan review and project review. Fiscal Year 2010-2011 was the second year of implementing the fee adjustments based on a per hour baseline rate of \$70 per hour. Staff is now recommending implementation of the third year base line rate of \$80 per hour.

The remaining adjustments will be returned to the Board for approval on an annual basis throughout the five-year cycle as shown in the following table:

Proposed Increases Over Five Years				
*Year 1 2009-2010	Year 2 2010 - 2011	Year 3 2011 - 2012	Year 4 2012-2013	Year 5 2013-2014
\$60	\$70	\$80	\$90	\$100

Public Works proposes to use \$80 per hour as a baseline for setting inspection services and permit fees. The proposed fees are based on the average amount of time it normally takes to perform the various inspections. Public Works is submitting for approval of Year 3 (2011-2012) of the five-year cycle.

Staff's current average weighted hourly rate is \$103. Based upon the current weighted rate and the proposed fee in year three, Public Works will continue to subsidize these services through year five.

Approval to Set a Public Hearing on April 26, 2011 at 9:05 a.m. to Introduce and Waive the First Reading of an Ordinance to Establish a New Fee and Amend Existing Fees for the Department of Public Works Engineering Division

Fee Review Process

In order to determine proposed fee increases in five yearly increments, Public Works used the following process:

- In reviewing the fee structure, Public Works staff believed that the fees had fallen behind what is customarily and routinely charged by other San Joaquin Valley governmental entities for the same types of services.
- Public Works' Engineering staff contacted Fresno County, Merced County, and San Joaquin County, and the cities of Ceres, Fresno, Merced, Modesto, and Oakdale to obtain information about the fees they charged for plan checks, encroachment permits, excavation permits, street improvement construction permits, and construction inspections.

A spreadsheet (Exhibit C) was developed listing the fees charged by those government entities along with the current Stanislaus County Public Works fees.

- The fees charged by other government entities were averaged and compared with the Stanislaus County fees. In addition, the variation in methods for charging the fees was also evaluated. Variations included a flat rate, charging actual time taken to perform the services, and requiring deposits based on a percentage of the engineer's estimated cost to complete the project.
- Based on the above analysis and evaluation Public Works has arrived at a proposed change in construction review and inspection fees.

Proposed Fee Changes

Excavation Permit (for any excavation occurring in a County right-of-way): The basic permit fee is proposed to remain at \$20. This fee includes \$5 each for Flood Plain Administrator review and Geographic Information System (GIS) updates as related to the improvements and \$10 for administrative fees. An additional fee for the inspection of the excavation work would change from a \$140 flat fee per 250 or 500 lineal feet of excavation of paved or unpaved area respectively to a \$160 flat fee. The fee is based on the average inspection time of two hours per project.

Encroachment Permit: The flat rate fee that has been charged for an encroachment permit (for construction that occurs in a County right-of-way) for driveway construction has been \$140. The proposed fee increase is to \$160. Inspection for a concrete driveway takes a minimum of 3 inspections totaling on average 2 hours. With an hourly charge of \$80, 2 hours of inspection time equals \$160.

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Construction Permits: Permits for street improvements have been charged at a flat rate fee of \$40 for the basic permit and an additional fee of \$140 per 250 lineal feet for inspection of curb and gutter work, sidewalks, and matching pavement construction, and a flat fee of \$140 for drywell inspections. Using a baseline of \$80 per hour and the average inspection time for the listed services of two hours, the proposed fee is \$160 per 250 lineal feet plus base permit fee of \$40. The base permit fee includes \$5 each for Flood Plain Administrator review and Geographic Information System (GIS) updates as related to the improvements and \$30 for administrative fees. Fees are to be paid in advance of the inspection.

Re-inspections will be increased to \$80 per hour from the current \$70 per hour. A deposit of 10% of the engineer's estimate is required based on cost of the construction. Inspection time would be charged at the rate of \$80 per hour, the charge being drawn down against the deposit. At the completion of the project, the balance of the deposit would be remitted to the customer. If the deposit is not sufficient to cover all inspection charges, the customer will be billed separately for additional charges. The standard rate per hour for construction inspection is proposed at \$80 per hour.

Proposed New Fee

Utility (Trench) Cuts: Based on relevant studies, there is a general consensus that utility cuts have an overall negative impact on the performance of pavements in terms of loss of pavement life and structural pavement strength. According to the studies, pavement lives were reduced on the order of 15 to 50 percent depending on the number and extensiveness of pavement cuts. This fee is in addition to encroachment permit conditions and is proposed to offset the reduced pavement life.

The fee will be applied based on the Pavement Condition Index (PCI) developed through our Pavement Management System (PMS) analysis. The PMS is a condition analysis of all streets and roads in the county. The PCI provides a priority ranking for road resurfacing.

The PMS gives all streets and roads a rating based on a scale of 0-100. Streets and roads with a rating between 0 and 20 are considered very poor in condition, a rating of 20-40 is considered poor condition, a 40-70 rating is considered as fair in condition, a rating of 70-90 is considered good condition and a rating of 90 or above is considered very good condition. Streets or roads with a PCI greater than 50 will be subject to the fee.

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It is proposed that the Department of Public Works use the following criteria to determine the fee for trench cuts:

- If the utility cut is large enough (or numerous enough) to require an overlay, then the responsible party(ies) will pay the full amount of the overlay cost.
- For smaller utility cut areas, the fee will be based on the assumption that 10% of the area will result in an overlay.

The proposed fee is calculated to be \$7.30 per square foot of cut area for the smaller utility cuts based on historical construction costs of overlays in Stanislaus County. This compares to relevant study calculations of \$10.20 per square foot (given regional historical construction costs for that study).

The proposed new fee schedule is shown as Exhibit "A" in this document.

POLICY ISSUES:

Authority for the Department of Public Works to charge fees for use of County roads and inspection of constructions, excavations, and installations occurring in Stanislaus County streets is granted in California Street and Highways Code Chapter 5.5, Article 2, Section 1464. This action is consistent with the Board's priorities of A Well-Planned Infrastructure System and the Efficient Delivery of Public Services.

STAFFING IMPACT:

The proposed increases will enable Public Works staff to continue to provide services to the general public, development community and other County departments in a timely manner.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: 209-525-4153.

DH:sj

H:\Sylvia\2011 Board Items\Public Hearing Request for - Fee Increase-BOS2 3.22.11

EXHIBIT "A"

Public Works Inspection Fees			
Fee Description	Current Fee - 2010		Proposed Fee - 2011
	Fee Amount	Fiscal Year Adopted	Fee Amount
Excavation Permits			
California Street & Highways 1464; California Code of Regulations. Division 2, Chapter 5.5, Article 2			
Permit	\$ 20.00	2009	\$ 20.00
	includes \$5 ea FPA&GIS		includes \$5 ea FPA&GIS
Inspection fee per 500 ft of trench in unpaved areas	\$ 140.00	2010	\$ 160.00
Inspection fee per 250 ft of trench in paved area	\$ 140.00	2010	\$ 160.00
Encroachment Permits-Driveway construction	\$ 140.00	2010	\$ 160.00
Utility (trench) cuts*	No current fee		\$7.30/sf of trench area
*Exceptions: pavements not maintained by County; excavations performed at request of County; excavations in pavements scheduled for resurfacing within 2 years.			
Construction Permits - Street Improvements			
California Street & Highways 1464			
Permit	\$ 40.00	2009	\$ 40.00
	includes \$5 ea FPA&GIS		includes \$5 ea FPA&GIS
Curb & Gutter - for each 250 lineal feet	\$ 140.00	2010	\$ 160.00
Sidewalks - for each 250 lineal feet	\$ 140.00	2010	\$ 160.00
Matching Pavement for each 250 lineal feet	\$ 140.00	2010	\$ 160.00
Drywell Inspection	\$ 140.00	2010	\$ 160.00
Re-inspections (hourly rate)	\$ 70.00	2010	\$ 80.00
Construction Inspection (hourly rate)*	\$ 70.00	2010	\$ 80.00
Improvement Plan Checking (hourly rate)*	\$ 90.00	2009	\$ 90.00
	+ \$10 one-time chg		+ \$10 one-time chg
Road Use Permit			
California Street & Highways 982; California Code of Regulations. Division 2, Chapter 2			
Parade Permit	\$ 50.00	2009	\$ 50.00
Transportation Permit			
Annual	\$ 90.00	2009	\$ 90.00
Daily	\$ 16.00	2009	\$ 16.00
Land Survey			
Subdivision Map Act 66451.2, Chapter 3, Article 1			
Subdivision Map Processing (per map)	\$ 1,390.00	2004	\$ 1,390.00
Plus additional per lot and block	\$ 10.00		\$ 10.00
Parcel Map Processing (per map)	\$ 1,390.00	2004	\$ 1,390.00
Plus additional per parcel	\$ 10.00		\$ 10.00
Survey Map Processing (per request)	\$ 565.00	2004	\$ 565.00
Certificate of Compliance Processing (per request)	\$ 695.00	2004	\$ 695.00
Road Abandonment Processing (per request)	\$ 1,110.00	2004	\$ 1,110.00
Lot Line Adjustment Processing			
A2 Zoning District (per lot line application)	\$ 695.00	2004	\$ 695.00
All Other Zoning Districts (per lot line application)	\$ 210.00		\$ 210.00

EXHIBIT "B"

FEE ANALYSIS – JANUARY 2011

DETERMINING WEIGHTED RATES FOR VARIOUS TASK

1. Weighted Rate for Construction Inspection (with overhead)

Hourly rate charged by the construction inspector shall be \$111 per hour.

Assistant Engineer	1.0 hr @ \$ 78.07 = \$78.07
Clerical	0.1 hr @ \$ 36.50 = \$ 3.65
Sr. Civil Engineer	0.1 hr @ \$104.92 = \$10.49
Deputy Director	0.1 hr @ \$107.43 = <u>\$10.74</u>
	\$102.95

All work by others, including traffic engineering and additional inspectors, shall be charged at each individual's weighted labor rate. Per Stanislaus County Subdivision Ordinance 20.56.070, Inspection Fees shall be based on the actual costs incurred plus a reasonable sum for overhead and supervision.

2. Weighted Rate for Project Review (with overhead)

Hourly rate charged by the plan reviewer shall be \$111 per hour.

Assistant Engineer	1.0 hr @ \$ 78.07 = \$78.07
Clerical	0.1 hr @ \$ 36.50 = \$ 3.65
Sr. Civil Engineer	0.1 hr @ \$104.92 = \$10.49
Deputy Director	0.1 hr @ \$107.43 = \$10.74
Director	0.1 hr @ \$162.05 = <u>\$16.21</u>
	\$119.16

All work by others, including traffic engineering and additional inspectors, shall be charged at each individual's weighted labor rate. Per Stanislaus County Subdivision Ordinance 20.56.070, Inspection Fees shall be based on the actual costs incurred plus a reasonable sum for overhead and supervision.

EXHIBIT "C"

Stanislaus County		Fee Comparison	January	2009	Municipalities					
	Proposed	Stan Co	Ceres	Fresno Co	Fresno	Modesto	Merced Co	Merced	Oakdale	
Excavation Permit	Effective Date	12/17/1991	9/11/2006	6/5/2007	1/7/2009	7/1/2007	9/11/2007	1/1/2007	5/21/2007	
Permit	No Change	\$10	\$100	\$25	\$175.00	\$50	\$54	\$25	\$150	
Inspection fee per 500 feet of trench in unpaved areas	\$60/hour	\$60	\$55	\$125+.21 LF	\$7.48 LF	\$20 LF	\$96	\$1 LF	\$115	
Inspection fee per 250 feet of trench in paved areas	\$60/hour	\$60	\$55	\$125+.77 LF		\$2.50 SF	\$138	\$1 LF	\$20/100 LF	
Pipelines under County Road (Requires Maintenance Agmnt)	\$60/hour	\$60	\$100.00	\$125	\$150.00	\$70	\$138	\$75	\$75	
Manholes, drain inlets	\$60/hour	\$60	\$100.00		\$104.00 ea					
Utility Company Excavation Permit										
Bellholes for new or cut off service	Deleted, will use excavation Permit	\$20.00	\$50.00	\$125	\$150.00	\$245	\$96	\$75	\$80	
Encroachment Permit										
Commercial or Residential Driveway Permit	\$60/hour	\$35	\$50.00	\$275+.23 SF	\$3.43 LF	\$198	\$96	\$35	\$80	
Plancheck fee										
Improvement Plan Checking (hourly rate)	No change + \$10 charge	\$80 HR	\$255	\$640	\$750.00	1.6% of ee	\$250	\$250	TBD	
Construction Permits – Street Improvements										
Permit	\$10 charge + \$60/hour	\$30	\$50.00	\$25		\$50	\$96	3%		
Curb and Gutter- for 250 LF	\$60/hour	\$60	\$200.00	\$275+.77 LF	\$0.85 LF	\$198	.05 x EE	\$1 LF	\$80	
Sidewalks - for each 250 LF	\$60/hour	\$60	\$200.00	\$10+.10 SF	\$0.69 LF	\$198	.05 x EE	\$1 LF	\$80	
Matching Pavement	\$60/hour	\$260	\$100.00	\$275+1.15SY	\$0.07 SF	\$439	.05 x EE	\$1 LF		
Drywell Inspection	\$10 charge + \$60/hour	\$60	\$100.00	\$68	\$100.00	\$245	.05 x EE	\$35		
Re-inspections (hourly rate)	\$60/hour	\$60	\$150.00	\$25	\$100.00	\$35	\$96	\$110		
Construction Inspection (hourly rate)	\$10 charge + \$60/hour									
Parade Permit										
	\$50	\$25	\$50.00	\$77	\$250.00	\$245	\$35	\$50		

ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING A NEW FEE AND AMEND EXISTING FEES
COLLECTED BY THE DEPARTMENT OF PUBLIC WORKS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE
OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Fees to be collected by the Department of Public Works are adopted and amended as set forth in the Department of Public Works Fee Schedule attached hereto as Exhibit A and incorporated by reference, copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded
by Supervisor _____, the foregoing Ordinance was
passed and adopted at a regular meeting of the Board of Supervisors of the
County of Stanislaus, State of California, this ____ day of _____,
2011, by the following called-vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Dick Monteith, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

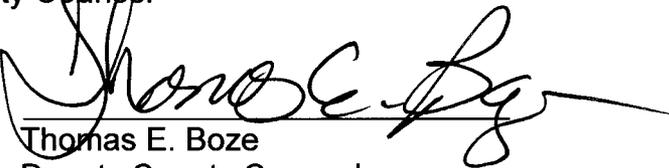
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By: 

Thomas E. Boze
Deputy County Counsel

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on May 10, 2011, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances:

- A. An ordinance to establish new and amend existing fees for the Department of Parks and Recreation (for further information, contact Sonya Harrigfeld, Director of Parks and Recreation, at (209) 525-6750, between the hours of 8:00 a.m. and 5:00 p.m. or visit the offices at 3800 Cornucopia Way, Suite C, Modesto, CA).
- B. An ordinance to establish a new fare for a Senior/Disabled bus card and to amend existing transit fares for Stanislaus Regional Transit (StaRT), the County's intercity public transportation system (for further information, contact Brad Christian, Stanislaus County Public Works Department, Transit Division at (209) 525-7538 between the hours of 8:00 a.m. and 5:00 p.m. or visit the offices at 1010 10th Street, Suite 4204, Modesto, CA).

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee/Fare Schedules will be available for review on April 29, 2011, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 15, 2011

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 15, 2011, Apr 21, 2011

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 26, 2011, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances:

A. An ordinance to establish a new fee and amend existing fees for the Department of Public Works - Engineering Division (for further information, contact Diane Haugh at (209) 525-4100 between the hours of 8:00 a.m. and 5:00 p.m. or visit the offices at 1716 Morgan Road, Modesto, CA).

B. An ordinance to establish a new fee for processing delayed claims for an exclusion from reassessment for transfers between parents-children and grandparents-grandchildren in the Stanislaus County Assessor's Office (for further information, contact Mercy Maya at (209) 525-6461, between the hours of 8:30 a.m. and 4:30 p.m., or visit the offices at 1010 10th Street, Suite 2400, Modesto, CA).

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 15, 2011, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: March 22, 2011.
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California; BY: Elizabeth A. King, Assistant Clerk

Pub Dates Apr. 15, 21, 2011

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

April 21st, 2011

(By Electronic Facsimile Signature)

Marie Dieckmann