



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: December 11, 2019

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TO: Board of Supervisors

SUBJECT

HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET (DISTRICTS: ALL)

OVERVIEW

A Boil Water Advisory (BWA) went into effect on November 30th in the City of Poway, causing 190 food processing facilities, such as restaurants, markets and other kitchens in licensed health care facilities and schools to immediately cease operations. If potable water cannot be provided, the food facility cannot safely prepare food, wash produce, properly clean and sanitize utensils, and food handlers cannot wash their hands, putting the facility at risk to spread foodborne or waterborne illness and requiring closure of the facility. Abruptly closing their doors has been crippling for restaurant owners and employees.

The Department of Environmental Health (DEH) has been working with locally impacted restaurants to find temporary revised ways to safely prepare and serve food, in compliance with the California Retail Food Code (CRFC). If certain food safety operational conditions can be met, DEH is able to authorize a temporary modified health permit, which allows food facilities to restore their operations under restricted conditions such as limiting the menu provided to foods that required minimal or no food preparation, utilizing produce that is sold pre-sliced and washed, using only bottled water for food preparation and food employee handwashing, serving only bottled beverages, using single-use disposable utensils, using boiled or bottled water for utensil washing, and purchasing hand washing set ups that allowed for washing of hands with bottled water under a continuous flow of water.

As of December 5th, 21 of the 190 impacted restaurants have already obtained a modified health permit to operate and serve food to the public. The modified health permit is helpful to establishments that want to quickly open their doors, but the \$459 processing fee is a financial hit when they are already losing thousands of dollars. In an effort to assist restaurant owners whose operations have been impacted by the Poway BWA, this Board action would allow a waiver of the \$459 fee for a DEH modified health permit.

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(DISTRICTS: ALL)**

**RECOMMENDATION(S)
CHAIRWOMAN DIANNE JACOB**

1. Find that this fee waiver is exempt from CEQA pursuant to section 15061(b)(3) of the CEQA guidelines because it can be seen with certainty that affected food facilities will not have a significant effect on the environment, individually or cumulatively.

2. Waive Board Policy B-29, Fees, Grants and Revenue Contracts, Department Responsibility for Full Cost Recovery to eliminate Department of Environmental Health’s fees for a modified health permit for restaurants within the City of Poway who had to close due to the Boil Water Advisory.

3. Reimburse the costs for restaurants in the City of Poway who already received a modified health permit.

4. Adopt an urgency ordinance adding the San Diego County Administrative Code section 360.1, relating to Fee Waivers to read as follows: SEC 360.1 FEE WAIVERS The Board of Supervisors may by resolution waive any fee adopted by ordinance and contained in the San Diego County Code of Administrative Ordinances or the San Diego County Code of Regulatory Ordinances. (4 votes)

5. Adopt a resolution entitled: “A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES”

FISCAL IMPACT

If approved, the waiver of the modified health permit fees associated with restaurants within the City of Poway impacted by the November 30, 2019 issued Boil Water Advisory will reduce revenues. To date, 21 restaurants have been approved for a modified health permit at the cost of \$459. Another 15 restaurants are in process of being considered for a modified health permit. To date, estimated costs associated with this fee waiver would be \$16,524. Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of Environmental Health (DEH). If approved, this request will result in reduced revenues of up to \$25,000 for these fee waivers based on existing appropriations in the DEH, Salaries and Benefits funded by General Purpose Revenue. There will be no increase in staff years.

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BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

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Respectfully submitted,



DIANNE JACOB
Chairwoman, 2nd District

ATTACHMENT(S)

Attachment A – ORDINANCE ADDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE SECTION 360.1, RELATING TO FEE WAIVERS

SUBJECT: HELPING RESTAURANTS QUICKLY GET BACK ON THEIR FEET
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Attachment B – “A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO WAIVE FEES FOR MODIFIED HEALTH PERMITS FOR FOOD FACILITIES IMPACTED BY THE BOIL WATER ADVISORY ISSUED BY THE CITY OF POWAY BEGINNING ON NOVEMBER 30, 2019 AND FUTURE BOIL WATER ADVISORIES”

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**
N/A

ORIGINATING DEPARTMENT: Districts 2, Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Name

Phone

E-mail

Name
(_____

Phone

E-mail