

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Sitting/Acting as (if applicable) Policy Session Worksheet

Presentation Date: 3/26/2019 **Approx Start Time:** 10:30 AM **Approx Length:** 30 min

Presentation Title: Public Health Environmental Health Program Fees

Department: Health, Housing and Human Services (H3S)

Presenters: Richard Swift, Health, Housing and Human Services Director and Interim Public Health Director; Julie Hamilton, Public Health Environmental Health Program Manager

Other Invitees: Sherry Olson, Public Health Business Services Manager; Julie Aalbers, Public Health Assistant Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Review and discussion of Environmental Health licensing and service fee structure, adjustments and proposed process for fee increases.

EXECUTIVE SUMMARY:

The Board of County Commissioners last reviewed and approved an Environmental Health license and service fee structure framework four years ago. In that session, Public Health staff were instructed to return to the Board of County Commissioners to request fee adjustments in accordance with cost of living, cost of operational increases and consider and propose percentage increases.

H3S staff will review the services provided by the Public Health Environmental Health Program and a fee structure that represents the full cost of provision of those services. The following factors contribute to the increasing Environmental Health license and service fees:

- Increase in Oregon Health Authority remittance fee from 10% to 17% of the license fee for all food licenses, effective July 1, 2019;
- Increased cost of business;
- Travel time to licensed facilities has increased due to growth, traffic and geographical dispersion;
- Rules have become more complex increasing time to complete license inspection;
- Historically, fee structure did not fully cover program costs.

The proposed fee structure will provide an additional \$128,000 in cost recovery. Currently, the program is understaffed by one full time Environmental Health Specialist 2; resulting in the program being increasingly pressured to perform all required inspections in a timely manner. Public Health Environmental Health completed 88% of required inspections in CY2018. The state administrative rule requires 90% of all licensed facilities to receive full service inspections. Additionally the program is subsidized by County general fund and death certificate revenue, diverting these funds from other critical Public Health programming and services. The cost recovery from this fee increase will allow us to fill the Environmental Health Specialist vacancy and bring us into compliance with State statute for inspections.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? \$ n/a What is the funding source? Fee for service

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?
 - Sustaining public health and wellness.

- How does this item align with the County's Performance Clackamas goals?
 - Ensuring safe, healthy, and secure communities.

LEGAL/POLICY REQUIREMENTS:

Mandated by County Code and State Statute. ORS 624, 446 and 448 and OAR 333-012-0053.

PUBLIC/GOVERNMENTAL PARTICIPATION: n/a

OPTIONS:

For the BCC's consideration, options include the following:

1. Adopt recommended fees at the June budget adoption.

2. Direct Public Health Staff to complete additional analysis and present at future session.

RECOMMENDATION:

Staff respectfully recommend the Board of County Commissioners select option 1.

ATTACHMENTS:

Presentation Slides
Fee worksheet

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____



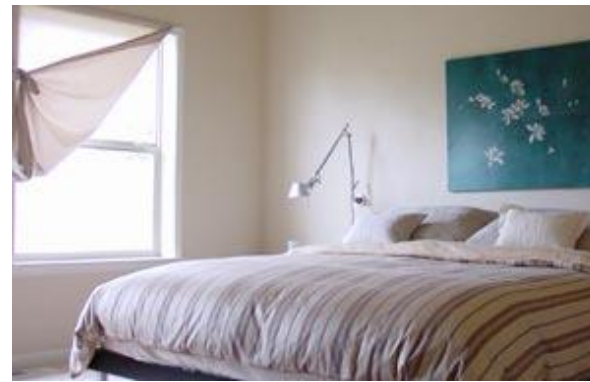
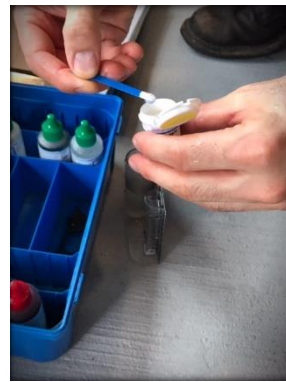
For information on this issue or copies of attachments, please contact Richard Swift @ 503-650-5694.

Clackamas County
Public Health-
Environmental Health
Fees and Services, 2019

Programs and Services

Environmental Health:

- Food Program – Restaurants, Mobile Units (“Food Carts”), Commissaries & Warehouses (for Mobile Units), Vending Machines (perishable food only), Food Booths at events (“Temporary Restaurants”), School kitchens
- Public Swimming Pools, Spas, and Interactive Fountains
- Recreation & Tourist Facilities – Hotels, RV Parks, Organizational Camps, Bed & Breakfasts
- Child Care Sanitation Inspections – food service plus facility safety & disease prevention



Annual Licenses – Services Provided:

- 2 full unannounced inspections – “Semi-Annuals”: travel time, interactive inspections of entire facility, write report, review findings and report, answer questions
- Up to 2 re-check inspections for violations not completely corrected
- Investigate all general sanitation complaints and reports of illness
- Assist business owners and managers with questions throughout the year – example: Romaine lettuce recall
- All inspections are “Risk-Based” and must address violations more likely to cause illness & injury



Examples of Violations found during an inspection:



Example #1: Raw Sewage leak in restaurant kitchen



Example #2: Algae bloom in an apartment swimming pool, still open

Examples of Violations found during an inspection:



Example #3: Packages of raw meat left out unrefrigerated overnight to thaw



Example #4: New pool fence - built without review, too short and no gate

Examples of Violations found during an inspection:



Example #5: Found non-edible glitter being used to decorate cakes



Example #6: Packages of spoiled meat, manager planning to serve

Plan Review – Services Provided:

- Evaluate design for structural requirements per Oregon Health Codes
- Evaluate menu (if food), Policies & Procedures, and design for operational requirements per Oregon Health Codes
- Coordinate with other agencies (as applicable) – Building Department, Land Use/Zoning, OLCC, DEQ / DTD and State Drinking Water Program if municipal water and sewer are not being used
- Communicate and assist with compliance issues
- Review all revisions to original plans
- Write approval letter, includes customized to-do list for opening
- Pre-opening inspection to evaluate construction and readiness for operating (*Pools get 2)
- Up to 2 construction re-check inspections, as needed



Costs have increased

- OHA – Remittance Fee is increasing from 10% to 17% for all Food Program licenses for FY 19-20
- County general increases – COLA, employee health insurance, PERS, increases to allocated and indirect costs
- Travel time increases – growth, more traffic, geography
- Rules have increased and become more complex

What does EH look at during inspections?

Restaurant Inspection Checklist

AN EVALUATION OF SANITATION ON YOUR PREMISES HAS THIS DAY BEEN MADE AND YOU ARE HEREBY NOTIFIED OF THE VIOLATIONS FOUND UNDER ORS 439.040 AND OAR 833-130. SUCH VIOLATIONS MAY RESULT IN DENIAL, SUSPENSION, OR REVOCATION OF YOUR LICENSE, OR CLOSURE OF THE FOOD SERVICE FACILITY. THIS MAY RESULT FROM UNCORRECTED VIOLATIONS OR FAILURE TO MAINTAIN THE MINIMUM ACCEPTABLE SCORE. YOU MAY OBTAIN A CONTESTED CASE HEARING.

FOODBORNE ILLNESS RISK FACTORS			
With Compliance	OUT=Out of Compliance	NO=Not Observed during inspection	NA=Not Applicable to this facility
Supervision			
1	16	16	16
Employee Health			
2	17	17	17
Good Hygiene Practices			
3	18	18	18
4	19	19	19
Preventing Contamination by Hands			
5	20	20	20
6	21	21	21
7	22	22	22
8	23	23	23
Approved Source			
9	24	24	24
10	25	25	25
11	26	26	26
12	27	27	27
Protection from Contamination			
13	28	28	28
14	29	29	29
15	30	30	30
ADDITIONAL ITEMS OF PUBLIC HEALTH CONCERN			
Safe Food and Water			
28	41	41	41
29	42	42	42
30	43	43	43
Food Temperature Control			
31	44	44	44
32	45	45	45
33	46	46	46
34	47	47	47
Food Identification			
35	48	48	48
Prevention of Food Contamination			
36	49	49	49
37	50	50	50
38	51	51	51
39	52	52	52
40	53	53	53
Proper Use of Utensils			
41	54	54	54
42	55	55	55
43	56	56	56
44	57	57	57
Utensils, Equipment and Vending			
45	58	58	58
46	59	59	59
47	60	60	60
Physical Facilities			
48	61	61	61
49	62	62	62
50	63	63	63
51	64	64	64
52	65	65	65
53	66	66	66
54	67	67	67
55	68	68	68

Priority Item (P) means a provision that has a direct connection to preventing foodborne illness and compliance is a priority.

Priority Foundation Item (PF) includes an item that requires specific actions, equipment or procedures by management to control risk factors such as: personnel training, equipment, documentation, record keeping, and labeling.

Core Item includes an item that is usually related to general sanitation, operational controls, sanitation standard operating procedures (SOPs), facilities or structures, equipment design or general maintenance.

Priority and Priority Foundation Score

Core Item Total =

Swimming Pool Inspection Form

Primary Complaint Reinspection Construction Indoor

BELOW = VIOLATION See back of form for acceptable standards and required record-keeping

- 62-165 POOL WATER QUALITY**
 - a. Clarity _____ b. pH _____ c. Free Chlorine _____ d. Total Chlorine _____ e. Combined Chlorine _____
 - f. Bromine _____ g. Total Alkalinity _____ h. Temp _____ °F. i. Draining/Disinfect _____ (30 days)
 - j. Cyanuric Acid _____ k. Other _____
- 62-135 VALVES, METERS, GAUGES**
 - a. Flowmeter, Functional gpm
 - b. Inlet Pres., Funct. lbs./sq. in.
 - c. Outlet Press., Funct. lbs./sq. in.
- 62-165 TESTING EQUIPMENT**
 - a. DPD #1 c. pH
 - b. DPD #3 d. Cyanuric Acid
 - e. Thermometer f. Total Alkalinity
 - g. Other _____
- 62-175 SAFETY**
 - a. Timer - 15 Min., Location
 - b. Observation, Rules Enforced
- 62-080 ENCLOSURE**
 - a. Gate/Door, Self-Closing, Latching
 - b. Gate/Door 42", Fence 48"
 - c. Needs Repair
- 62-075 LADDERS, STEPS, STAIRWAYS**
 - a. Loose, Not Secure, Absent
- 62-120 HEATERS**
 - a. Temp/Pressure, Relief Valve
- 62-150 BATH HOUSE**
 - a. Clean, Hot Water
 - b. Soap, Lighting, San. Towels
 - c. Maintained, Ventilated
- 62-065 ILLUMINATION**
 - a. Spa Basin or Deck
- 62-125 DISINFECTANT AND CHEMICAL FEEDERS**
 - a. Auto Chlorinator in Use
 - b. Gas, Protection, Safety
 - c. Other _____
- 62-085 DECKS**
 - a. Cracked, Broken
 - b. Caulk Missing, Repair
 - c. Slope, Drains
 - d. Unapproved Surface
 - e. 6x8" Rescue Area
- 62-140 EQUIPMENT ROOM**
 - a. Adequate, Locked, Tidy, Ventilated
- 62-115 FILTERS**
 - a. Adequate, Maintained
- 62-145 GROUND FAULT INTERRUPTER**
- 62-070 VENTILATION**
- 62-180 SIGNS**
- 62-130 AIR INDUCTION SYSTEMS**
- 62-090 SKIMMERS**
 - a. Missing Weir
- 62-095 RECIRCULATION SYSTEM**
 - a. 30 Min. Turnover
 - b. Two Pump System
- 62-100 INLETS & OUTLETS**
 - a. Air Gaps, Vacuum Breaks
 - b. Broken Drain Cover
- 62-105 PIPING**
 - a. Metal or CVC 18" Heater
- 62-110 PUMPS**
- 62-160 WATER SUPPLY**
 - a. Backflow Device/ No Cross-Connection

Remarks _____

Protecting Clackamas County

\$4.5 Million Settlement Reached in Hepatitis A Class Action

OCT 20 2018

HONOLULU, Hawaii – A preliminary settlement of up to \$4,500,000.00 has been reached in a class action lawsuit filed on behalf of those who were exposed to hepatitis A related to eating at Genki Sushi restaurants in Hawaii in 2016, but who did not become ill with hepatitis A. The class is represented by Seattle based, Marler Clark, the

https://marlerclark.com/news_events/4-5-million-settlement-reached-in-hepatitis-a-class-action

E. Coli Traced To Water Ride

BY CBSNEWS.COM STAFF CBSNEWS.COM STAFF
JUNE 24, 1998 / 10:26 AM / CBS



A water amusement park ride was the source of a deadly bacterial illness that sickened at least three children in Georgia, doctors determined Wednesday. A separate outbreak of E. coli occurred in Chicago, possibly caused by bad potato salad.

Health officials said that the E. coli bacterium had contaminated a water ride at the White Water Amusement Park. The ride was closed on Saturday after experts determined that the chlorine levels of the water were too low. The Captain Kid's Cove pool was reopened

<https://www.cbsnews.com/news/e-coli-traced-to-water-ride/>



Other Services

Disaster Preparedness and Response:

- Shelter Inspections
- Contaminated Drinking Water
- Advising licensed businesses when it is safe to re-open



Respond to outbreaks of illness at public places exempt from licensing:

- Government Campgrounds
- Long Term Care Facilities
- Private Businesses

	FY 17-19 Clackamas Fees	FY Proposed Clackamas Fees
Restaurants		
0-15 seats	\$ 568	\$ 690
16-50 seats	\$ 637	\$ 765
51-150 seats	\$ 732	\$ 840
151+ seats	\$ 847	\$ 990
Limited	\$ 325	\$ 475
Temporary Restaurants		
Single Event	\$ 152	\$ 160
Intermittent	\$ 152	\$ 160
Seasonal	\$ 152	\$ 160
<i>late fee</i>	\$ 27	\$ 50
Benevolent - 1 day event	0	\$ 50
Benevolent - 2 day event	0	\$ 50
Benevolent - 3-4 day event	0	\$ 50
Benevolent - 5-30 day event	0	\$ 50
Benevolent - 90 day event	0	\$ 50
Mobile Units		
Class I	\$ 217	\$ 600
Class II	\$ 327	\$ 600
Class III	\$ 375	\$ 690
Class IV	\$ 391	\$ 708
Commissary	\$ 403	\$ 705
Combo Commissary	\$ 77	\$ 465
Warehouses	\$ 152	\$ 390
Pool/Spa		
Year round - primary	\$ 489	\$ 840
Year round - secondary	\$ 326	\$ 505
Seasonal - primary	\$ 267	\$ 465
Seasonal - secondary	\$ 191	\$ 280
Child Care		
Family Home (15 children max)	\$ 152	\$ 262

Washington (as of 7/1/18)	Multnomah (as of 1/1/19)	Benton (as of 2019)	Clark (as of 2019)	Marion (as of 1/1/19)	Diff (less than more than)
\$ 711	\$ 675	\$ 724	\$ 570	\$ 488	\$ 122
\$ 777	\$ 800	\$ 824	\$ 845	\$ 552	\$ 128
\$ 842	\$ 895	\$ 925	\$ 1,015	\$ 629	\$ 108
\$ 974	\$ 1,070	\$ 1,126	\$ 1,105	\$ 699	\$ 143
\$ 453	\$ 620	\$ 603	\$ 425	\$ 279	\$ 150
\$ 199	\$ 150	\$ 181	\$ 195	\$ 141	\$ 8
\$ 199	\$ 150	\$ 217	\$ 400	\$ 281	\$ 8
\$ 199	\$ 150	\$ 217	\$ 400	\$ 281	\$ 8
\$ 60	\$ 150	\$ 100	\$ 65	\$ 100	\$ 23
\$ 51	\$ 50	\$ 40		\$ 29	\$ 50
\$ 51	\$ 50	\$ 40		\$ 54	\$ 50
\$ 51	\$ 50	\$ 40		\$ 72	\$ 50
\$ 105	\$ 50	\$ 40		\$ 118	\$ 50
\$ 105	\$ 50	\$ 40		\$ -	\$ 50
\$ 573	\$ 525	\$ 302	\$ 367	\$ 230	\$ 383
\$ 573	\$ 525	\$ 302	\$ 800	\$ 230	\$ 273
\$ 631	\$ 525	\$ 302	\$ 800	\$ 230	\$ 315
\$ 692	\$ 640	\$ 332	\$ 1,400	\$ 230	\$ 317
\$ 632	\$ 500	\$ 442		\$ 384	\$ 302
\$ 572	\$ -	\$ 322		\$ 308	\$ 388
\$ 428	\$ 440	\$ 302		\$ 156	\$ 238
\$ 545	\$ 810	\$ 704	\$ 1,230	\$ 403	\$ 351
\$ 441	\$ 285	\$ 535	\$ 321	\$ 263	\$ 179
\$ 295	\$ 415	\$ 472	\$ 837	\$ 403	\$ 198
\$ 243	\$ 285	\$ 362	\$ 321	\$ 263	\$ 89
\$ 251	\$ 265	\$ 151		\$ 191	\$ 110

	FY 17-19 Clackamas Fees	FY Proposed Clackamas Fees
School Care Facility	\$ 227	\$ 262
Child Care Centers (1-40 children)	\$ 303	\$ 337
Child Care Centers (41+ children)	\$ 346	\$ 412
Tourist Accommodations		
1-10 units	\$ 191	\$ 300
11-25 units	\$ 227	\$ 337
26-50 units	\$ 341	\$ 450
51-75 units	\$ 341	\$ 487
76 -100 units	\$ 341	\$ 525
101 + units	\$ 341	\$ 562
Organizational Camps		
No food	\$ 164	\$ 600
With food	\$ 408	\$ 825
Picnic Park		
Picnic Park	\$ 228	\$ 450
Recreation Vehicle Parks		
1-10 spaces	\$ 333	\$ 570
11-25 spaces	\$ 348	\$ 600
26-50 spaces	\$ 378	\$ 675
51-75 spaces	\$ 378	\$ 750
76 + spaces	\$ 378	\$ 825
Schools		
Full Kitchen	\$ 303	\$ 431
Satellite Kitchen	\$ 227	\$ 337
Bed & Breakfast		
Breakfast only	\$ 243	\$ 465
Real Estate Evaluations		
Well Inspections	\$ 403	\$ 525

Washington (as of 7/1/18)	Multnomah (as of 1/1/19)	Benton (as of 2019)	Clark (as of 2019)	Marion (as of 1/1/19)	Diff (less than more than)
\$ 190	\$ 260	\$ 151		\$ 191	\$ 35
\$ 251	\$ 270	\$ 201		\$ 191	\$ 34
\$ 313	\$ 285	\$ 251		\$ 191	\$ 66
\$ 249	\$ 345	\$ 382		\$ 242	\$ 109
\$ 249	\$ 345	\$ 402		\$ 263	\$ 110
\$ 249	\$ 355	\$ 462		\$ 330	\$ 109
\$ 282	\$ 425	\$ 523		\$ 477	\$ 146
\$ 357	\$ 455	\$ 563		\$ 660	\$ 184
\$ 435	\$ 475	\$ 569		\$ 733	\$ 221
\$ 967	\$ 350	\$ 402		\$ 409	\$ 436
\$ 967	\$ 530	\$ 402		\$ 409	\$ 417
\$ 465	\$ 390	\$ 201		\$ 109	\$ 222
\$ 465	\$ 710	\$ 382		\$ 230	\$ 237
\$ 465	\$ 710	\$ 402		\$ 250	\$ 252
\$ 465	\$ 725	\$ 462		\$ 330	\$ 297
\$ 539	\$ 740	\$ 523		\$ 477	\$ 372
\$ 696	\$ 770	\$ 563		\$ 733	\$ 447
\$ 251	\$ 290	\$ 402	\$ 744	\$ 294	\$ 128
\$ 190	\$ 260	\$ 151	\$ 558	\$ 184	\$ 110
\$ 356	\$ 505	\$ 382	\$ 400	\$ 209	\$ 222
			\$ 525	\$ 316	\$ 122

	FY 17-19 Clackamas Fees	FY Proposed Clackamas Fees
Wells, second revisit	\$ 82	\$ 187
Vending Machines		
1 - 10 machines	\$ 43	\$ 375
11 - 20 machines	\$ 88	\$ 399
21 - 30 machines	\$ 132	\$ 426
31 - 40 machines	\$ 174	\$ 450
41 - 50 machines	\$ 217	\$ 474
51 - 75 machines	\$ 263	\$ 501
76 - 100 machines	\$ 322	\$ 546
101 - 250 machines	\$ 565	\$ 786
251 - 500 machines	\$ 888	\$ 1,104
501 - 750 machines	\$ 1,211	\$ 1,425
751 - 1000 machines	\$ 1,483	\$ 1,749
Plan Reviews		
Restaurants 0-50 seats	\$ 410	\$ 637
Restaurants 51-150 seats	\$ 574	\$ 712
Restaurants 151+ seats	\$ 683	\$ 787
Temporary Restaurant	\$ 58	\$ 75
Schools	\$ 529	\$ 637
Bed & Breakfast	\$ 380	\$ 487
Mobile Unit Class I	\$ 246	\$ 412
Mobile Unit Class II	\$ 304	\$ 412
Mobile Unit Class III	\$ 375	\$ 487
Mobile Unit Class IV	\$ 410	\$ 562
Commissary	\$ 380	\$ 487
Warehouses	\$ 159	\$ 262
Pool & Spa	\$ 897	\$ 1,200
Pool & Spa - Minor alterations	\$ 164	\$ 750
Pool & Spa- Add'l Const. Inspection	\$ 152	\$ 525
Tourist 1-10 units	\$ 245	\$ 412
Tourist 11-25 units	\$ 245	\$ 412
Tourist 26+	\$ 326	\$ 487
RV 1-5 spaces	\$ 227	\$ 337

Washington (as of 7/1/18)	Multnomah (as of 1/1/19)	Benton (as of 2019)	Clark (as of 2019)	Marion (as of 1/1/19)	Diff (less than more than)
					\$ 105
\$ 428	\$ 485	\$ 201		\$ 38	\$ 332
\$ 553	\$ 540	\$ 241		\$ 75	\$ 311
\$ 681	\$ 630	\$ 302		\$ 115	\$ 294
\$ 810	\$ 790	\$ 402		\$ 155	\$ 276
\$ 940	\$ 910	\$ 482		\$ 192	\$ 257
\$ 1,070	\$ 1,235			\$ 230	\$ 238
\$ 1,200	\$ 1,575			\$ 308	\$ 224
\$ 1,331	\$ 2,225			\$ 539	\$ 221
\$ 1,462	\$ 2,885			\$ 847	\$ 216
\$ 1,592	\$ 3,580			\$ 1,154	\$ 214
\$ 1,723	\$ 4,195			\$ 1,416	\$ 266
\$ 708	\$ 875	\$ 704	\$ 900	\$ 586	\$ 227
\$ 911	\$ 875	\$ 704	\$ 900	\$ 586	\$ 138
\$ 911	\$ 875	\$ 704	\$ 900	\$ 586	\$ 104
\$ 58	\$ 95	\$ 101		\$ 66	\$ 17
	\$ 875			\$ 379	\$ 108
		\$ 302			\$ 107
\$ 508	\$ 550	\$ 302		\$ 330	\$ 166
\$ 508	\$ 550	\$ 302	\$ 585	\$ 330	\$ 108
\$ 603	\$ 550	\$ 302	\$ 585	\$ 330	\$ 112
\$ 613	\$ 550	\$ 302	\$ 585	\$ 330	\$ 152
\$ 708		\$ 302		\$ 439	\$ 107
\$ 508		\$ 302		\$ 273	\$ 103
\$ 1,467	\$ 1,715	\$ 804	\$ 640	\$ 586	\$ 303
\$ 945	\$ 265			\$ 586	\$ 586
\$ 159	\$ 190	\$ 201			\$ 373
\$ 495		\$ 302			\$ 167
\$ 495		\$ 302			\$ 167
\$ 567		\$ 302			\$ 161
		\$ 302			\$ 110

	FY 17-19 Clackamas Fees	FY Proposed Clackamas Fees
RV 6-9 spaces	\$ 227	\$ 337
RV 10+ spaces	\$ 304	\$ 412
Organizational camps	\$ 455	\$ 562
Picnic Park	\$ 304	\$ 412
Day Care Centers	\$ 184	\$ 292

Washington (as of 7/1/18)	Multnomah (as of 1/1/19)	Benton (as of 2019)	Clark (as of 2019)	Marion (as of 1/1/19)	Diff (less than more than)
		\$ 302			\$ 110
		\$ 302			\$ 108
\$ 558		\$ 503		\$ 439	\$ 107
		\$ 201			\$ 108
\$ 605	\$ 310	\$ 402		\$ 379	\$ 108