

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
SAN ANTONIO METROPOLITAN HEALTH DISTRICT**

TO: Mayor and City Council

FROM: Fernando A. Guerra, MD, MPH, Director of Health

THROUGH: Terry M. Brechtel, City Manager

COPIES: Frances A. Gonzalez, Assistant City Manager; File

SUBJECT: AMENDING THE CITY CODE CHAPTER 13-204, ENTITLED "FOOD AND FOOD HANDLERS – AMOUNT OF PERMIT FEES"

DATE: December 18, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance establishes a one-time fee of \$50.00 for costs associated with inspections to determine compliance by owners and operators of restaurants with certain provisions of the smoking ordinance (Ordinance Nos. 97895 and 97990, passed on August 7, 2003 and August 14, 2003, respectively).

Staff recommends approval.

BACKGROUND INFORMATION

Many cities in Texas and throughout the United States have adopted more restrictive or even total public smoking bans due to growing evidence that environmental tobacco smoke can be harmful to non-smokers. These public health concerns sparked a desire by the Mayor and City Council to review and update Chapter 36 of the City Code relating to smoking.

The smoking ordinance prohibits smoking in all enclosed public places, and provides for specific exceptions. One such exception allows for enclosed bar, dining and outdoor seating areas within restaurants to be designated as smoking areas, provided they comply with certain provisions in the smoking ordinance.

Sanitarians from the San Antonio Metropolitan Health District have the primary responsibility for enforcement of the smoking ordinance. Paragraph 36-12 "Additional Fee for Restaurants with Bars" of the smoking ordinance allows for the establishment of a reasonable fee to offset costs for additional inspections of restaurants to determine compliance with certain provisions of the ordinance.

The Health District developed a Methodology of Cost Calculation (See Attachment I). This calculation was reviewed and approved by the Office of Management and Budget. Because the

calculation supports a one-time estimated fee of at least \$48.05, staff recommends the establishment of a one-time fee of \$50.00 to charge owners or operators of restaurants. Penalties for non-payment of the established fee will be in the form of a fine of not more than one thousand dollars (\$1,000.00) for each separate offense.

The effective date to comply with the smoking ordinance is January 1, 2004.

POLICY ANALYSIS

In accordance with Ordinance No. 97895, a one-time inspection fee per owner or operator of a restaurant is recommended to be established.

FISCAL IMPACT


In order to cover costs associated with inspections by City Sanitarians, the Health District proposes that a one-time fee of \$50.00 per owner or operator of restaurants be established and authorized to be charged to ascertain compliance with certain provisions of the City's smoking ordinance. This fee will be deposited in the City General Fund.

COORDINATION

The Office of Management and Budget has reviewed and approved the fee which offset costs associated with performing inspections to ascertain compliance with the City's smoking ordinance.

SUPPLEMENTARY COMMENTS

Attachments: Attachment I: Methodology of Cost Calculation


Fernando A. Guerra, MD, MPH
Director of Health


Frances A. González
Assistant City Manager

APPROVED BY:


Terry M. Brechtel
City Manager

Estimate of Unit Costs to Provide Inspections for Smoking Areas In Food Establishments

FY 2004 Budget, Food Services (36-05-01):	\$ 1,978,720	
ADP Charges Allocated from Activities 36-07-03 & 36-01-18:	\$ 25,540	
Maintenance Charges Allocated from Activity 36-12-02:	\$ 48,910	
Gas & Electricity Budgeted for F&E Divisions (60%)	\$ 4,320	
Communication Charges from Activity 36-12-02:	\$ 23,400	
Indirect Costs (9.79% of Salaries)	\$ 123,071	
Subtotal	\$ 2,203,961	
Less Expenses to Provide Services to County:	\$ 121,459	
Less Salaries and Benefits of Staff at One Stop:	\$ 75,800	
Total Costs to Provide Inspection Services in City		\$ 2,006,702
 Total Hours Worked by 29 Food Sanitarian I's (240 days/year)	55,680	
 Total Hourly Cost to Provide Inspections	\$ 36.04	
 Estimated Time to Provide Inspection for Smoking (Minutes)		
Phone Consultation and Scheduling of Appointment	10	
Drive Time (To/From Food Establishment)	20	
Inspection Of Proposed Area (& Measurements As Needed)	20	
Personal Consultation With Owner/Manager	20	
Documentation of Visit	10	
Estimated Total Time For Inspection (Minutes)	80	
 Estimated Cost to Provide Inspection for Smoking	\$ 48.05	
 Recommended fee		\$ 50.00