



## Recommendation for Action

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**File #:** 21-1613, **Agenda Item #:** 12.

5/6/2021

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### **Posting Language**

Approve an ordinance amending the Fiscal Year 2020-2021 Schedule of Fees, Fines, and Other Charges to be charged or set by the City (Ordinance No. 20200812-002) to exempt charitable feeding organizations from the Austin Public Health Department's Food Establishment Permit Fee. Related to Item #13.

### **Lead Department**

Austin Public Health.

### **Fiscal Note**

Approval of this item will result in an estimated \$29,211 in unrealized General Fund revenue in Fiscal Year 2020-2021. A fiscal note is attached.

### **Prior Council Action:**

July 29, 2020 - Council approved Resolution No. 20200729-087 directing the City Manager to convene a collaborative working group to develop recommendations regarding amendments to the food enterprise permitting process and related fees for charitable feeding organizations, and encouraging the City Manager to cease enforcement, in order to reduce barriers of providing access to healthy foods for our community's vulnerable and food insecure populations, on a 10-0 vote with Mayor Adler off the dais.

### **For More Information:**

Stephanie Hayden-Howard, Director, 512-972-5010; Don Hastings, Assistant Director, APH Environmental Health Services Division, 512-978-0303; Marcel Elizondo, Program Manager II, APH Environmental Health Services Division, 512-978-0308; Lucy Thompson, Agenda Coordinator, APH, 512-972-5045; Jay Porter, Austin Water Division Manager, 512-972-1093.

### **Council Committee, Boards and Commission Action:**

October 14, 2020 - Presented a proposal regarding charitable feeding organizations to the Health and Human Services Committee.

November 18, 2020 - Presented a proposal regarding charitable feeding organization to the Zero Waste Advisory Commission.

December 9, 2020 - Presented a proposal regarding charitable feeding organizations to the Food Policy Board.

April 7, 2021 - Recommended by the Water and Wastewater Commission on a 9-0 vote with Commissioner Michel absent.

### **Additional Backup Information:**

Currently, the City regulates most charitable feeding organizations (CFO) in the same manner as commercial food establishments. Consistent with the policy direction set forth in Resolution No. 20200729-087, staff worked extensively with charitable feeding stakeholders (representatives of the Food Policy Board) and City Departments (Office of Sustainability, Austin Water, Austin Fire, Austin Resource Recovery, Development Services Department) to identify how City regulations, policies, and fees can be amended to reduce the barriers of providing access to healthy foods for our community's vulnerable and food insecure populations.

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To reduce CFO regulatory requirements without unduly compromising public safety, staff worked with the Office of Sustainability to identify four major types of CFO's based on food safety risk. Staff then formulated recommendations for regulatory and fee changes that are proportionate to the level of food safety risk posed by each CFO category, which resulted in the elimination of fees related to General Environment/Licensing Inspections and Food Establishments, wastewater discharge permit and surcharge fees, and certain grease trap requirements for CFO's.

The ongoing General Fund impact of the proposed Austin Public Health permit fee waivers is estimated to be \$77,895 per year.

To-date, staff has designated a supervisor-level Environmental Health Services Division ombudsman to work directly with CFO's on permitting and regulatory matters; drafted best management practices (also known as BMP's) for CFO's; and launched a beta version of a CFO webpage linked to the Austin Public Health/ Environmental Health Services Division webpage.

Resolution No. 20200729-087 also encouraged the City Manager to cease enforcement of structure-based requirements that do not impact life-safety and health until at least December 31, 2020 to avoid losing CFO resources at a time when demand for food access is growing due to COVID-19-related lay-offs. To staff's knowledge, this has been accomplished to-date and staff is not aware of any recent or pending CFO permitting issues.

**Strategic Outcome(s):**

Health and Environment.