

August 24, 2020

Subject: Food Establishment License Fee Proposal

The Tulsa Health Department Food Protection Service (THD-FPS) Program mission is “to improve the health and well-being of all Tulsa County residents and visitors by reducing the likelihood of foodborne illnesses and by improving food safety-related behaviors and practices”. THD-FPS staff accomplish this mission by means of food establishment inspections, food safety education, and practical assistance that ultimately prevents or minimizes injury or illness to the public.

Broken Arrow has experienced exponential food establishment growth over the past ten years. There are approximately 4,721 licensed food establishments in Tulsa County with the second largest concentration in Broken Arrow at 568 food establishments. There were approximately 237 licensed food establishments in 2010 compared to the 568 food establishments that exist today, an increase of 243% in food establishments over the past ten years.

Of the 8,099 inspection activities conducted throughout Tulsa County last fiscal year (July 1, 2019 to June 30, 2020), THD-FPS conducted 940 inspection activities in Broken Arrow, Oklahoma. The following inspection activities encompass onsite activities beyond routine inspection visits:

- 14 food safety compliance inspection activities following a failing inspection
- 22 onsite management consultations to review food processes and offer technical assistance
- 29 onsite pre-operational inspection activities prior to licensure

The last Broken Arrow food establishment license increase occurred circa 1980. Since that time, THD-FPS has modified operational delivery features which include but are not limited to:

- a. Electronic Food Establishment Inspection System annual costs and maintenance which includes but is not limited to wireless data card subscriptions, software upgrades, and replacement of computer and portable printing equipment.
- b. “New” Food Establishment License applications generated onsite by inspector after verifying that establishment meets criteria for food establishment licensure.
- c. Collecting “New” Food Establishment license fee at time of licensing.
 - i. Inspector ensures that copy of Oklahoma Sales Tax Permit is obtained to send in with license application.
- d. THD-FPS mails the “New” Food Establishment License applications to Broken Arrow Permit office.
- e. Annual “Renewal” Food Establishment licenses generated, collated based on ownership, hand-stuffed into envelopes and mailed from THD-FPS office.
- f. THD-FPS inspectors verify that Broken Arrow food establishments are operating with current licenses and follow-up on delinquent licenses as necessary to ensure that food licenses are obtained in a timely manner.

Note: THD-FPS inspectors’ also work with food establishments to ensure that any Oklahoma Tax Commission sales reporting issues are resolved so that food establishment can purchase “new” or “renewal” license applications.

- g. THD-FPS inspectors act as Code Enforcement officers if citations are warranted for ongoing food establishment safety issues.
- h. Onsite consultations with food establishment management to review processes and written procedures, discuss training needs, review monitoring forms and long-term corrective action plan, offer assistance and discuss solutions to minimize risk factor violations that lead to foodborne illness in food establishments.

Due to Broken Arrow's rapid and continuing growth and aforementioned THD-FPS deliverables, we request that the City of Broken Arrow remit 70% (instead of 50%) of food establishment fees to the Tulsa Health Department.

License Fee Consideration

Broken Arrow Manual of Fees indicates that License/Registration Fees for Food Establishments and Food License Vehicles (Mobiles) is set "per county" with a June 30th expiration. Per Oklahoma Statute §63-1-217, license fees are authorized by municipal or county ordinances, rules or regulations and collected as such ordinances, rules or regulations may provide and such fees a part of the general revenue of the unit of government levying the same.

When issuing Broken Arrow food establishment licenses, THD-FPS uses the following food establishment license fee structure that was set by Broken Arrow at some point in the past. We request that the City Council review and consider replacing the current food establishment six level tiered fee structure (based on number of food employees) to a flat fee of \$155 (see chart below). If approved, this fee structure update would not only ensure that Tulsa County local municipality food establishment license fees are uniform but would also lower ad valorem tax budgetary supplement for the operating and financing THD-FPS program.

Current City Food Establishment License Fee Structure

Number of Employees	Tulsa	Bixby	Broken Arrow	30 Day Late Fee
1 – 3 employees	\$155	\$155	\$50	
4- 10 employees	\$155	\$155	\$80	
11 - 25 employees	\$155	\$155	\$115	
26 – 40 employees	\$155	\$155	\$185	
41 – 60 employees	\$155	\$155	\$250	
61 + employees	\$155	\$155	\$315	
Mobile/Pushcarts*	\$155	Vendor Limitations	\$60	
Mobile Food Establishment*	\$155	Vendor Limitations	\$150	50% of original license fee for all categories

* Additional Mobile Vendor or Itinerant Merchant Licensing through City Permit offices

There are currently 568 food establishments licensed in Broken Arrow and of those, 141 are fee exempt. The table below represents the 427 food establishments that currently pay for a Broken Arrow food establishment license and denotes the establishments monetary impact should Council be in favor of the proposition to enact a new food establishment fee schedule next fiscal year.

Food Establishment License Fee Breakdown

INCREASE	DECREASE
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# Employees	Old Fee	# Facilities	Fee	
1-3	\$50	157	\$155	+105
4-10	\$80	110	\$155	+75
11-25	\$115	96	\$155	+40
26-40	\$185	26	\$155	-30
41-60	\$250	19	\$155	-95
>60	\$315	19	\$155	-160

Total # of Establishments effective 8/24/2020: 568

Monday, August 24, 2020

Thank you for consideration of this proposal. Please let me know if I can assist with providing any additional clarification.

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