

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

April 6, 2021

FROM

ANDREW GOLDFRACH, Interim Director, Department of Public Health

SUBJECT

Report Regarding Microenterprise Home Kitchen Operations

RECOMMENDATION(S)

1. Receive report from the Department of Public Health regarding Microenterprise Home Kitchen Operations.
2. Discuss authorization of Microenterprise Home Kitchen Operations in San Bernardino County.
3. Provide direction to County Staff regarding Microenterprise Home Kitchen Operations in San Bernardino County.

(Presenter: Joshua Dugas, Assistant Director, 387-9146)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Create, Maintain and Grow Jobs and Economic Value in the County.

FINANCIAL IMPACT

The report to the Board of Supervisors (Board) regarding Microenterprise Home Kitchen Operations is non-financial; therefore, this item does not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

Existing law within the California Retail Food Code establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health (State), and requires local enforcement agencies (local health agencies) to enforce these provisions. A "food facility," as defined under State law, is an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, as specified. With the passage of California Assembly Bill (AB) 626, which became effective January 1, 2019, and AB 377, which became effective October 7, 2019, a Microenterprise Home Kitchen Operation is included within the State's definition of a "food facility."

Microenterprise Home Kitchen Operations (MEHKOs) are food facilities operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets specified requirements, including, among others, that the operation has no more than one full-time equivalent food employee and has no more than \$50,000 in verifiable gross annual sales. AB 626 and 377 further authorizes counties and cities with designated enforcement agencies to adopt ordinances or resolutions permitting MEHKOs within their jurisdiction, subject to various requirements set forth in the legislation. An authorization by

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the County would apply to all cities within San Bernardino County. AB 626 and 377 requires the local enforcement agency to issue permits via an application process, as well as inspections to be conducted to ensure compliance of food safety regulations.

On December 10, 2019 (Item No. 51), the Board of Supervisors (Board) received the initial report regarding AB 626 and 377 and Microenterprise Home Kitchen Operations from the Department of Public Health, Division of Environmental Health Services (EHS). The item further directed EHS to return to the Board in six months with recommendations regarding MEHKOs after conducting outreach and education to the cities and other key stakeholders.

EHS held four regional meetings with the cities and towns within San Bernardino County in late February/early March of 2020 to discuss what MEHKOs are and how their authorization in San Bernardino County may affect their city. The purpose of the meetings was not only to provide education on the new regulations on MEHKOs, but also to obtain their input. EHS consulted with Riverside County's Department of Environmental Health and City Code Enforcement agencies to evaluate the implementation of their MEHKO program. Of the 62 California Health Jurisdictions, six have 'Opted-In' and two have 'Opted-Out'. Upon presentation of this report, the Department of Public Health is requesting the Board to discuss the authorization of MEHKOs and provide the department further direction on how to proceed in regard to MEHKOs. If the Board decides to 'Opt-In', EHS is ready for implementation.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on March 23, 2021; Finance (Christopher Lange, Administrative Analyst, 386-8393) on March 24, 2021; and County Finance and Administration (Tanya Bratton, Deputy Executive Officer, 388-0332) on March 24, 2021.

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County of San Bernardino

Public Comment: Akshay Prabhu, Bill Disselhorst, Kulwant Sanghu, Manu Sanghu, Lyzzeth Mendoza, Mariela Jaquez, Irma Escobar, Monica Robles, Najayra Valdovinos, DeJonaé Shaw, Jane Hunt-Ruble, Thao Nguyen, Gina Turpel

Board Direction: The Board directed staff to return within three months with parameters for a potential pilot program, including a legal and operational review, and perform legislative outreach.

APPROVED WITH BOARD DIRECTION

Moved: Janice Rutherford Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 6, 2021



cc: File - Public Health w/ attachments

JLL 04/9/2021