

ORDINANCE NO. 5145

AN ORDINANCE AMENDING ORDINANCE NO. 4832, THE AGRICULTURAL COMMISSIONER'S FEE SCHEDULE

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1: Findings.

The "Whereas" section of Ordinance No. 4832, The Agricultural Commissioner's Fee Schedule, is hereby amended to add the following additional findings:

WHEREAS, on June 15, 2010, the Board of Supervisors for the County of Santa Barbara adopted Ordinance No. 4751, An Ordinance Amending the Agricultural Commissioner's Fee Schedule, which updated the hourly rate for the department to \$80 per hour, the current rate used by the department; and

WHEREAS, on April 10, 2012, the Board of Supervisors for the County of Santa Barbara adopted Ordinance No. 4832, An Ordinance Amending the Agricultural Commissioner's Fee Schedule, to update the fee schedule to include weights and measure fees and repealed Ordinance No. 4751; and

WHEREAS, MGT conducted a fee analysis of the Agricultural Commissioner's Office, which is attached to the August 24, 2021 Board Agenda Letter, to determine the reasonable cost for the Agricultural Commissioner's Office to provide required services, inspections and certifications, and determined that the hourly rate for the Agricultural Commissioner's staff time should be updated to \$130 per hour during normal working hours and \$195 per hour for overtime work outside of normal working hours; and

WHEREAS, the proposed fees are directly related to the cost reasonably necessary to provide services of the Agricultural Commissioner's Office; and

WHEREAS, pursuant to California Government Code Section 50076 and California Constitution Article XIIC, Section 1, subdivision (e)(1), (2) and (3), a fee for inspections, certifications, registrations, and other services provided by the Agricultural Commissioner's office may be charged by the local government provided that it does not exceed the reasonable cost of providing the service or regulatory activity for which the fee is charged; and

WHEREAS, on September 12, 2021, the County held a public hearing on the proposed Agricultural Commissioner Office fee update as part of a regularly scheduled meeting of the Board; and

WHEREAS, the Board finds that the fees set forth in this Ordinance are exempt from CEQA review pursuant to 14 CCR §§ 15273 and 15378(b)(4) and Public Resources Code Section 21080(b)(8)(A) and (B), in that the fees will be used for operating expenses, reimbursement for staff and consultants time and costs, etc.; and

Agricultural Commissioner's Fee Schedule Ordinance

Board Hearing Date: August 5, 2021

Page 2 of 9

WHEREAS, the Board hereby updates and sets the fees for the Agricultural Commissioner's Office in the attached Fee Schedule, as determined to be reasonable by said fee analysis.

SECTION 2: Updated Fees.

Exhibit A, Fee Schedule, attached to Ordinance No. 4832, An Ordinance Amending the Agricultural Commissioner's Fee Schedule, is hereby amended as attached to this Ordinance and incorporated herein to update the following hourly rate for the department:

- Hourly Rate*:
 - Normal working hours:

FY 21/22	\$95	(changed)
FY 22/23	\$110	(changed)
FY 23/24	\$130	(changed)

 - Outside normal working hours:

FY 21/22	\$140	(changed)
FY 22/23	\$165	(changed)
FY 23/24	\$195	(changed)

* The hourly rate fees set forth in Exhibit A shall be reviewed annually by the Agricultural Commissioner and may be adjusted pursuant to changes in the Consumer Price Index based on all urban consumers, Los Angeles-Riverside-Orange County area. Adjustments shall be rounded to the nearest dollar and become effective no earlier than June 1st each year and appropriate notice shall be provided to the public 30 days prior to the effective date of the adjustment.

SECTION 3: Updated Attachments.

Exhibit A, Fee Schedule, to Ordinance No. 4832, An Ordinance Amending the Agricultural Commissioner's Fee Schedule, is hereby amended as attached to this Ordinance and incorporated herein..

SECTION 4. Remainder of Ordinance No. 4832 Unchanged.

Except as amended by this Ordinance, Ordinance No. 4832, An Ordinance Amending the Agricultural Commissioner's Fee Schedule, shall remain unchanged and shall continue in full force and effect.

SECTION 5: Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6: Effective and Operative Date.

This Ordinance shall take effect and be in force 30 days from the date of its adoption by the Board of Supervisors and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and

Certificate Of Completion

Envelope Id: 7A9EF8F8B8A8463992BB54381966B0AA
Subject: Ag Commissioner Fee Ordinance Amendment_3.pdf
Source Envelope:
Document Pages: 9
Certificate Pages: 3
AutoNav: Enabled
Envelopeld Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:
Mali Sheridan
105 East Anapamu Street
Santa Barbara, CA 93101
MSheridan@co.santa-barbara.ca.us
IP Address: 161.213.76.47

Record Tracking

Status: Original
8/11/2021 12:05:51 PM

Holder: Mali Sheridan
MSheridan@co.santa-barbara.ca.us

Location: DocuSign

Signer Events

Ray Aromatorio
raromatorio@countyofsb.org
Carahsoft OBO County of Santa Barbara
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:
Ray Aromatorio
D3DB8526E16F47F...

Signature Adoption: Pre-selected Style
Using IP Address: 161.213.76.52

Timestamp

Sent: 8/11/2021 12:17:44 PM
Viewed: 8/11/2021 12:36:07 PM
Signed: 8/11/2021 12:36:13 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Johannah Hartley
jhartley@co.santa-barbara.ca.us
Security Level: Email, Account Authentication (None)

DocuSigned by:
Johannah Hartley
8D0FDC916C3B468...

Signature Adoption: Pre-selected Style
Using IP Address: 70.185.146.15

Sent: 8/11/2021 12:36:14 PM
Viewed: 8/11/2021 1:58:57 PM
Signed: 8/11/2021 2:01:16 PM

Electronic Record and Signature Disclosure:
Accepted: 8/11/2021 1:58:57 PM
ID: 9297e756-270b-486d-8ff0-afdf9e9d058f

Ed Price
eprice@co.santa-barbara.ca.us
Assistant Auditor-Controller
County of Santa Barbara
Security Level: Email, Account Authentication (None)

DocuSigned by:
Ed Price
A99E05B0710D4FB...

Signature Adoption: Uploaded Signature Image
Using IP Address: 161.213.76.57

Sent: 8/11/2021 2:01:17 PM
Viewed: 8/11/2021 2:12:33 PM
Signed: 8/11/2021 2:24:08 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Carbon Copy Events

Auditor Inbox
 auditor@co.santa-barbara.ca.us
 Security Level: Email, Account Authentication
 (None)

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Status

COPIED

Timestamp

Sent: 8/11/2021 2:24:09 PM

Kendra Stites
 kstites@co.santa-barbara.ca.us
 Security Level: Email, Account Authentication
 (None)

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

COPIED

Sent: 8/11/2021 2:24:10 PM
 Viewed: 8/11/2021 2:27:34 PM

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent
 Certified Delivered
 Signing Complete
 Completed

Hashed/Encrypted
 Security Checked
 Security Checked
 Security Checked

8/11/2021 12:17:44 PM
 8/11/2021 2:12:33 PM
 8/11/2021 2:24:08 PM
 8/11/2021 2:24:10 PM

Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

Agricultural Commissioner's Fee Schedule Ordinance

Board Hearing Date: August 5, 2021

Page 4 of 9

**Exhibit A
Fee Schedule*****

Phytosanitary Inspections:

Per Inspection (10 units or less)	\$55.00	FY 21/22	(changed)
	\$85.00	FY 22/23	(changed)
	\$115.00	FY 23/24	(changed)
Per Inspection (11 or more units)	\$80.00	FY 21/22	(changed)
	\$120.00	FY 22/23	(changed)
	\$160.00	FY 23/24	(changed)
Retyping fee	\$15.00		(unchanged)
Hourly fee*			
o Normal working hours:	\$95	FY 21/22	(changed)
	\$110	FY 22/23	(changed)
	\$130	FY 23/24	(changed)
o Outside normal working hours:	\$140	FY 21/22	(changed)
	\$165	FY 22/23	(changed)
	\$195	FY 23/24	(changed)

Export Seed Inspections:

Per acre/per inspection	\$30.00		(unchanged)
	(\$120.00 minimum)		(unchanged)

Official Document Reproduction	\$.10 per page		(unchanged)
--------------------------------	----------------	--	-------------

Direct Marketing**

Certified Farmer's Market, 1-15 vendors	\$260.00	FY 21/22	(changed)
	\$275.00	FY 22/23	(changed)
	\$290.00	FY 23/24	(changed)
Certified Farmer's Market, 16-30 vendors	\$275.00	FY 21/22	(changed)
	\$300.00	FY 22/23	(changed)
	\$329.00	FY 23/24	(changed)
Certified Farmer's Market, over 30 vendors	\$295.00	FY 21/22	(changed)
	\$340.00	FY 22/23	(changed)
	\$387.00	FY 23/24	(changed)

Certified Producer Certificate	\$50.00 annually		(changed)
	plus \$30 per site		(changed)
Certificate Amendments	\$25.00		(changed)

Farm Labor Contractors:	\$25.00 annually		(unchanged)
-------------------------	------------------	--	-------------

Agricultural Commissioner's Fee Schedule Ordinance

Board Hearing Date: August 5, 2021

Page 5 of 9

Ag Pest Control Business Registration:	\$50.00 annually	(unchanged)
Maintenance Gardener Pest Control Registration:	\$25.00 annually	(unchanged)
Pest Control Advisor Registration:		
Home county registrants	\$10.00 annually	(unchanged)
Outside county registrants	\$5.00 annually	(unchanged)
Pest Control Pilot Registration:		
Home county registrants	\$10.00 annually	(unchanged)
Outside county registrants	\$5.00 annually	(unchanged)
Structural Pest Control Registration:	\$10.00 annually	(unchanged)
Structural Pesticide Applicator:		
License Examination	\$15.00 per exam	(unchanged)
Hourly Rate*:		
o Normal working hours:	\$95	FY 21/22 (changed)
	\$110	FY 22/23 (changed)
	\$130	FY 23/24 (changed)
o Outside normal working hours:	\$140	FY 21/22 (changed)
	\$165	FY 22/23 (changed)
	\$195	FY 23/24 (changed)

Weights & Measures Device, Point of Sale System, Packer Registration, and California Department of Food and Agriculture administrative fees (amended).

I. The annual registration fee for a business that uses a commercial weighing or measuring device or devices shall be assessed the maximum fees set forth in Business and Professions Code section 12240 and shall consist of a business location fee, a device fee, and a Department of Food and Agriculture administrative fee as authorized by Business and Professions Code section 12241 and set forth in 4 CCR §4075. The current business location fee and device fee are the following:**

- (a) A business location fee of one hundred dollars (\$100) per business location, plus the applicable device fee listed in subdivisions (b) to (n), inclusive.
- (b) For marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee shall not exceed the following:
 - (1) For water submeters, two dollars (\$2) per device per space or apartment.
 - (2) For electric submeters, three dollars (\$3) per device per space or apartment.
 - (3) For vapor submeters, four dollars (\$4) per device per space or apartment.

Agricultural Commissioner's Fee Schedule Ordinance

Board Hearing Date: August 5, 2021

Page 6 of 9

(c) For weighing devices, other than livestock scales, with capacities of 10,000 pounds or greater, the device fee shall be two hundred fifty dollars (\$250) per device; for weighing devices, other than livestock scales, with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall be one hundred fifty dollars (\$150) per device.

(d) For livestock scales with capacities of 10,000 pounds or greater, the device fee shall be one hundred fifty dollars (\$150) per device; for livestock scales with capacities of at least 2,000 pounds but less than 10,000 pounds, the device fee shall be one hundred dollars (\$100) per device.

(e) Farm milk tanks are exempt from registration certificate requirements and all annual registration fees.

(f) A scale or device used in a certified farmers' market, as defined by Section 113745 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer. Any resident of Santa Barbara County that brings a scale or device used in a certified farmers' market to a location specified by the office of weights and measures for testing shall be exempt from paying a business location fee for that device.

(g) (1) For liquefied petroleum gas (LPG) meters, truck mounted or stationary, the device fee shall be one hundred seventy-five dollars (\$185) per device.

(2) For compressed natural gas (CNG) and liquified natural gas (LNG) meters, truck mounted or stationary, the device fee shall not exceed one hundred eighty-five dollars (\$185) per device beginning in 2021.

(h) For wholesale and vehicle meters, the device fee shall be twenty-five dollars (\$75) per device.

(i) For computing scales, the device fee shall not exceed twenty-three dollars (\$23) per device. For purposes of this subdivision, a computing scale shall be a weighing device with a capacity of less than 100 pounds that indicates the money value of any commodity weighed, at predetermined unit prices, throughout all or part of the weighing range of the scale. For purposes of this subdivision, the portion of the annual registration fee consisting of the business location fee and the device fees authorized by this subdivision shall not exceed the sum of one thousand dollars (\$1,000) for each business location.

(j) For jewelry and prescription scales and scales marked as, or meeting the design and performance requirements of, a Class II weighing device, the device fee shall not exceed eighty dollars (\$80) per device. For purposes of this subdivision, a jewelry or prescription scale or a scale marked as, or meeting the design and performance requirements of, a Class II weighing device shall be a scale that meets the specifications, tolerances, and sensitivity requirements established or adopted by the secretary applicable to those devices in accordance with Section 12107.

Agricultural Commissioner's Fee Schedule Ordinance

Board Hearing Date: August 5, 2021

Page 7 of 9

(k) For weighing devices, other than computing, jewelry, and prescription scales and scales marked as, or meeting the design and performance requirements of, a Class II weighing device, as defined in subdivisions (n) and (o), with capacities of at least 100 pounds but less than 2,000 pounds, the device fee shall not exceed fifty dollars (\$50) per device.

(l) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions or in computing other charges for service, including, but not limited to, ambulance, towing, or limousine services, the device fee shall not exceed sixty dollars (\$60) per device.

(m) For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions involving non-passenger vehicles that are not subject to Chapter 1.5 (commencing with Section 1939.01) of Title 5 of Part 4 of Division 3 of the Civil Code, the portion of the annual registration fee consisting of the business location fee and the device fee authorized pursuant to subdivision (q) shall not exceed the sum of three hundred forty dollars (\$340) for each business location.

(n) For all other commercial weighing or measuring devices not listed in subdivisions (b) to (m), inclusive, the device fee shall be twenty dollars (\$20) per device. For the purposes of this subdivision, the total annual registration fee shall not exceed the sum of one thousand dollars (\$1,000) for each business location.

II. The annual registration fee for each location with point of sale systems shall consist of a device fee with no location fee and no Department of Food and Agriculture administrative fee. Pursuant to Business and Professions Code section 13350, the following fees shall apply:

Number of Point of Sale Stations	Annual Registration Fee
1-3	\$95.00 per location FY 21/22
	\$110.00 per location FY 22/23
	\$130.00 per location FY 23/24
4-9	\$190.00 per location FY 21/22
	\$225.00 per location FY 22/23
	\$260.00 per location FY 23/24
10 or more	\$290.00 per location FY 21/22
	\$340.00 per location FY 22/23
	\$390.00 per location FY 23/24

In addition, a fee for any reinspection as authorized by Business and Professions Code section 13350 shall be billed at the hourly rate for one inspector as approved by the Board of Supervisors.

III. As authorized by Business and Professions Code section 12240, the annual registration fee for a packer shall be as follows:

Agricultural Commissioner’s Fee Schedule Ordinance

Board Hearing Date: August 5, 2021

Page 8 of 9

Number of Packages per Year	Annual Registration Fee
Less than 10,000	Exempt
10,000 or more	\$290.00 FY 21/22
	\$340.00 FY 22/23
	\$390.00 FY 23/24

IV. As authorized by Business and Professions Code section 12241, and set forth in 4 CCR §4075, the California Department of Food and Agriculture administrative fee shall be as follows:

Commercial Device Type	Fee per Device
Electric Sub-meter	\$0.50
Vapor Sub-meter	
Water Sub-meter	
CNG Meter	\$2.20
Fabric, Cordage, Wire Meter	
Grease and Lube Meter	
Odometer	
Retail Motor Fuel Dispenser	
Retail Meter	
Retail Water Meter	
Tank (Liquid Test)	
Taximeter	
Vehicle Meter	
Wholesale Meter	
Miscellaneous Measuring Device	
Scales with less than 2,000 pounds capacity	
Electric Vehicle Fueling Systems (EVSE)	
Liquefied Gas Meter/Hydrogen Gas Meter	\$16.00
Scales with 2,000 pounds to 10,000 pounds capacity	
Mass Flow Meters	
Scales with greater than 10,000 pounds capacity	\$24.00

The CDFA administrative fees set forth above are subject to adoption and subsequent amendment by the California Department of Food and Agriculture, and, as required by law, shall be collected by the County office of weights and measures in the manner specified in 4 CCR §4075.

Agricultural Commissioner's Fee Schedule Ordinance

Board Hearing Date: August 5, 2021

Page 9 of 9

Fee Schedule Notes:

* Starting in FY24/25, the hourly rate fees set forth in Exhibit A shall be reviewed annually by the Agricultural Commissioner and may be adjusted pursuant to changes in the Consumer Price Index based on all urban consumers, Los Angeles-Riverside-Orange County area. Adjustments shall be rounded to the nearest dollar and become effective no earlier than June 1st each year and appropriate notice shall be provided to the public 30 days prior to the effective date of the adjustment.

** Veteran fee exemption pursuant to Business & Professions Code section 16001.8

*** Fees will be phased in as follows: fees noted FY 21/22 or noted "changed" will become effective on the effective date of this ordinance. Fees noted FY 22/23 will become effective July 1, 2022. Fees noted FY 23/24 will become effective July 1, 2023.