



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Agricultural
Commissioner
Department No.: 051
For Agenda Of: August 24, 2021
Placement: Set hearing for
September 14,
2021(first reading) and
September 21, 2021
(second reading)
Estimated Time: 30 minutes (9/14/2021)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Cathleen Fisher, Agricultural Commissioner/Director
Director 805-681-5600
Contact Info: Matt Maiten, Deputy Sealer or Traci Lewis, Admin. 806-681-5600
SUBJECT: Agriculture/Weights & Measures Department Revised Fee Schedule

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to Form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors set a hearing on September 14, 2021 to:

- A. Approve the introduction (first reading) of an Ordinance amending the Agricultural Commissioner's Fee Schedule; and
- B. Read the title, "Ordinance Amending Ordinance No. 4832, the Agricultural Commissioner's Fee Schedule," and waive further reading of the Ordinance; and
- C. Set a hearing to the Administrative Agenda of September 21, 2021, to consider the following recommendations:
 - Consider and approve the adoption (second reading) of "An Ordinance Amending the Ordinance No. 4832, The Agricultural Commissioner's Fee Schedule," and
 - Find that the proposed actions are administrative activities of the County, which will not result in direct or indirect physical changes in the environment, as they are fees necessary to cover operating expenses, and are therefore not a "project" as defined for the purposes of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines

sections 15273(a)(1), 15378(b)(54) and Public Resources Code Section 21080(b)(8)(A) and (B).

- D. Find that the proposed actions are administrative activities of the County, which will not result in direct or indirect physical changes in the environment, as they are fees necessary to cover operating expenses, and are therefore not a “project” as defined for the purposes of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15273(a)(1), 15378(b)(4) and Public Resources Code Section 21080(b)(8)(A) and (B).

Summary Text:

In accordance with the Board’s approved fee policy, the Agriculture/Weights & Measures Department (Department) reviewed the cost of services including the Weights & Measures permit fees, Agricultural Inspections and Registrations fees, and the fully burdened staff hourly fee. In August 2019, the Department contracted with MGT of America, Inc., a consulting firm with expertise in local government fee analysis, to perform a financial analysis using fiscal year 19/20 budgeted costs, staffing and operational information. The study was initially completed in April 2020 and updated in June 2021 with fiscal year 20/21 staff labor costs. The goal of this fee study was to provide a cost analysis which relates to the fee-for-service programs to insure full cost recovery where possible without negatively impacting the agricultural and commercial industries as they are recovering from this unprecedented pandemic. The cost of these services are supported through fees and County General Fund Contributions (GFC) subsidy.

Background:

The Department, in accordance with State law and County policy, collects fees to help defray the cost of providing agricultural and weights & measures inspection services to the agricultural and commercial businesses in Santa Barbara County. Program fees that were part of this fee study are Phytosanitary Certification, Direct Marketing, Weights & Measures Point of Sale (POS) Systems/Packer, and the department staff hourly fee. The last amendment to the department Fee Schedule for the Phytosanitary Certification inspections, Direct Marketing fees and hourly fee were approved on June 15, 2010. The last amendment to the Weights & Measures permit fees were approved on April 10, 2012.

Also included in the Ordinance amending the Department’s Fee Schedule are the Weights & Measures Device Inspection Program fees to be assessed at the maximum amount authorized in California Business & Professions Code (BPC) section 12240 to maintain parity with state statute. BPC 12240 gives the County Board of Supervisors, by ordinance, the authority to charge an annual registration fee to recover the costs of inspecting or testing weighing and measuring devices required of the County Sealer. The State statute also specifies the amount of the fees that can be charged for each type of device. The necessity for the County Board of Supervisors to establish adequate device registration fees to help fund the device inspection program is critical in carrying out the important goals of consumer protection and equity in the marketplace. Since 2012 when the County of Santa Barbara last increased its device fees which established parity with AB 889, the State device registration fees have been amended three times with AB-1623 (Yamada, 1/1/13), AB-347 (Chau 1/1/19) and AB-991 (1/1/20).

Due to the economic crisis created by the COVID-19 Pandemic and its negative impact to our local industries the Department requests an increase of the fees some of which will be implemented in a three-year phase-in while others will be flat fee increases. At this time the Department proposes to update the staff hourly fee to the fully burdened department staff hourly fee recommended by the MGT Fee Study. The current hourly fee during normal working hours is \$80 per hour and during outside normal working

hours it is \$120 per hour. Based on the MGT fee study the updated hourly fee for a 100% cost recovery for normal working hours is \$130 per hour and for outside normal working hours it would be \$195 per hour. This will be accomplished through a 3-year phase-in with the 1st year \$95, 2nd year \$110, and the 3rd year \$130 for normal working hours.

The Department proposes an increase to the Phytosanitary Inspection Certification fee for 1-10 packages from \$25 to full cost recovery of \$115. This will be accomplished through a 3-year phase-in with the 1st year \$55, 2nd year \$85, and the 3rd year \$115. For over 10 packages inspection certification, the current fee is \$40 with a full cost recovery being \$160. This will be accomplished through a 3-year phase-in with the 1st year \$80, 2nd year \$120, and the 3rd year \$160. At this time, the Department is requesting the GFC to continue providing subsidy for remaining costs for the first 2 years of the phase-in period.

The Department proposes an increase to the Direct Marketing fees. This will be accomplished through a 3-year phase-in of Certified Farmers Market (CFM) annual registration fee from \$250 to \$387. The 1st year Market registration for markets with 1-15 vendors will be in a 3-year phase-in with the 1st year registration of \$260, 2nd year registration of \$275, and 3rd year will be \$290. For markets with 16-30 vendors the 1st year registration will be \$275, 2nd year registration \$300, and the 3rd year will be \$329. For markets with over 30 vendors the 1st year registrations will be \$295, 2nd year registration of \$340, and 3rd year will be \$387. At this time, the Department is requesting the GFC to continue providing subsidy for remaining costs for the first 2 years of the phase-in period.

The Department proposes an increase to the Certified Producer Certificate (CPC) annual fee. The fee increase will be from \$25 to \$50 for each CPC. The CPC- per site fee will also be increased from \$15 to \$30 for each growing site on the CPC. For a CPC amendment the fee will be \$25. The Department is requesting the GFC to continue providing subsidy for remaining costs to cover these services.

The Department also proposes an increase to our Weights & Measures Point of Sale Systems/Packer program fees. This will be accomplished through a 3-year phase-in of POS systems annual registration fees from \$80-\$390. The 1st year POS system registration fee for 1-3 stations is \$95, 2nd year registration will be \$110, and the 3rd year registration will be \$130. The 1st year POS system registration fee for 4-9 stations will be \$190, 2nd year registration will be \$225, and the 3rd year registration will be \$260. The 1st year POS system registration fee for 10 or more stations will be \$290, 2nd year registration will be \$340, and the 3rd year registration will be \$390. The Department is requesting the GFC to continue providing subsidy for remaining costs to cover these services.

The increase to the County Packer fee will be accomplished through a 3-year phase-in from \$240 to \$390. The 1st year registration fee will be \$290, 2nd year registration fee will be \$340, and the 3rd year registration will be \$390. The Department is requesting the GFC provide subsidy for remaining costs to cover these services. The Department is requesting the GFC to continue providing subsidy for remaining costs to cover these services.

The Department also proposes to bring our Weights & Measures Device program fees into parity with AB-991 and to maintain these fees at the maximum amount authorized in BPC 12240. The device registration fees are found in attachment D. The Department is requesting the GFC to continue providing subsidy for remaining costs to cover these services.

Performance Measure:

N/A

Contract Renewals and Performance Outcomes:

N/A

Fiscal and Facilities Impacts:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>FY 22/23</u>	<u>FY23/24</u>
General Fund			
State	\$ -		
Federal			
Fees	\$ 150,000.00	\$ 592,675.00	\$ 874,595.00
Other:			
Total	\$ 150,000.00	\$ 592,675.00	\$ 874,595.00

Narrative: Current fiscal year projection represents the remainder of FY 21/22.

Special Instructions:

After the August 24, 2021 Hearing direct the Clerk of the Board to:

1. Publish a Notice of Public Hearing pursuant to Section 6066 of the Government Code (publish notice on August 31, 2021 and September 7, 2021 in the Santa Barbara News Press.)

After the September 21, 2021 Hearing direct the Clerk of the Board to:

1. Email a copy of the adopted Ordinance and a copy of the minute order to the Agricultural Commissioner and County Counsel.
2. Publish a copy of the ordinance or summary with names of the members of the Board of Supervisors voting for or against the Ordinances in the Santa Barbara News Press 15 days of adoption of the Ordinance.

Attachment A: Agricultural Commissioner’s Fee Ordinance

Attachment B: MGT Fee Study for the Agricultural Commissioner Office

Attachment C: Updated 2021 MGT Fee Study

Attachment D: Agricultural/Weights & Measures Proposed Fee

Authored by:

Matt Maiten

cc:

N/A