



Board Agenda Item 7

DATE: December 12, 2023

TO: Board of Supervisors

SUBMITTED BY: Melissa Cregan, Agricultural Commissioner/Sealer of Weights and Measures

SUBJECT: Amendment to Master Schedule of Fees - Department of Agriculture

RECOMMENDED ACTION(S):

1. **Conduct first hearing to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending subsection 3305 of Section 3300-Agriculture (Weights & Measures); waive reading of the Ordinance in its entirety; and set second hearing for January 9, 2024;**
2. **Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
3. **Direct the Clerk of the Board to post and publish the required summary of the proposed Ordinance in accordance with Government Code Section 25124(b)(1).**

Assembly Bill (AB) 1304 approved by the Governor on October 8, 2023, amends Sections 12240 and 12246 of the Business and Professions Code, relating to weights and measures. AB 1304 extends, until January 1, 2029, the authority for a county sealer to recover the costs related to the inspection and testing of weighing and measuring devices; increases the business location fees for all specified devices; increases the per device fee on: water submeters, vapor meters, computing and electronic counter scales interfaced with a cash register or any point-of-sale system, and any other commercial weighing and measuring device not specified; and increases the per location fee cap for specified devices. These changes require an amendment to the Fresno County Master Schedule of Fees (MSF), which requires approval by the Board of Supervisors. The Department would like to adopt the new fee maximums set by the State legislature in AB 1304 by updating the MSF for 2024. The new fee caps allow the Department to recover a larger portion of program expenses associated with inspecting and testing of devices. This item is countywide.

ALTERNATIVE ACTION(S):

Should the Board choose not to approve the increases to the MSF, the Department would not receive additional revenue from providing mandated inspection services.

FISCAL IMPACT:

The recommended action will allow the Department to collect higher fees for the testing and inspection of selected weighing and measuring devices. The revenue increase is estimated to be \$150,000 per year. The increase in revenue will offset a portion of the costs of operating the Weights and Measures Division. As the State legislature sets the maximum fees a county can charge, typically the Weights and Measures Division does not generate enough revenue to cover all of its expenses. The unreimbursed costs are funded by an allocation from the General Fund.

DISCUSSION:

Existing law authorizes the Board of Supervisors, by ordinance, to charge fees, not to exceed the county's total cost of inspecting or testing weighing and measuring devices required of the county sealer, to recover the costs of the county sealer to perform these duties. The revenues generated from these fees by the County of Fresno Weights and Measure Division do not cover the total cost of the program. For example, for FY 2022/23 the generated revenue covered approximately 61% of the costs. The approval of the recommended actions will allow the Department to recover a larger portion of its expenses.

The last time your Board approved amendments to the Weights and Measures MSF was on January 8, 2019. There have been no fee changes since then. The recommended actions provide for a subsequent amendment to the MSF by increasing certain fees to match the AB 1304 caps. Specifically, the amendment to the MSF would increase the business location fee from \$100 per location to \$120 per location. The fee for water submeters would increase from \$2 per meter to \$6 per meter. The fee for vapor meters would increase from \$4 per meter to \$10 per meter. Fees for computing and electronic counter scales interfaced with a cash register or any point-of-sale system would increase from \$23 per scale to \$25 per scale. The fee for the category of all other commercial weighing and measuring devices as indicated on the MSF would increase from \$23 per device to \$26 per device. The fee for produce scales, both spring and electronic, would increase from \$20 and \$23 per scale, to \$26 and \$25 per scale respectively. The device fee and location fee in total would be capped at \$1200 for specified locations and commercial weighing and measuring devices. These increased fees will affect approximately 21,200 commercial weighing and measuring devices and 2,000 locations within Fresno County. A fee schedule comparison is included in Attachment A.

With your Board's approval, the ordinance amendment will take effect 30 days if and after it is adopted during the second reading.

REFERENCE MATERIAL:

BAI #34, January 8, 2019
BAI #6, December 11, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Fee Schedule Comparison
Ordinance
On file with Clerk - Summary of Ordinance

CAO ANALYST:

Ahla Yang