

Special Notice / Hearing: Yes (10 days' notice; Bus. & Prof. Code § 12243)
Vote Required: Majority

To: Honorable Board of Supervisors
From: Koren J. Widdel, Agricultural Commissioner/Sealer
Subject: Introduction of Ordinance Increasing Annual Device Registration Fees for Commercial Weighing and Measuring Devices

RECOMMENDATION:

Introduction of an ordinance amending Section 5.124.020 and adding a new Section 5.124.030 of Chapter 5.124 of title 5 of the San Mateo County Ordinance Code increasing annual device registration fees for commercial weighing and measuring devices and setting fees for out of county water meters, and waive the reading of the ordinance in its entirety.

BACKGROUND:

California Business and Professions Code (BPC) section 12240 authorizes county boards of supervisors, by ordinance, to charge an annual registration fee, not to exceed the county's total cost of inspecting or testing the devices as required by law, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer. The BPC sets maximum fees that counties may charge.

Consistent with this authority, on December 15, 2015, this Board of Supervisors approved an ordinance amendment (Ordinance No. 04750) to amend Chapter 5.124 the San Mateo County Ordinance Code to set the County's current device registration fee schedule.

DISCUSSION:

As noted, device registration fees authorized by BPC section 12240 fund the County's commercial weighing and measuring device inspection program. The proposed fee increase is for annual device registration starting in 2025. Inspection program costs have been developed using FY 2022-23 direct personnel hours and projected FY 2023-24 salaries and benefits, direct expenditures such as mileage and equipment, and associated indirect costs. The Division's salaries and benefits have increased 39% since the current fee schedule was updated and adopted in 2015, thus necessitating an increase in device registration fees.

This ordinance would amend Chapter 5.124 of the San Mateo County Ordinance Code to increase annual device registration fees for commercial weighing and measuring devices, reduce the late penalty from 100% to 50%, eliminate the location fee for non-

fixed location scales brought into the office for testing (amended Section 5.124.020) and to set fees for out of county water submeters (new Section 5.124.030).

Specifically, this updated fee schedule will amend Section 5.124.020 of the Ordinance Code to set all the County’s weighing and measuring device fees at the maximum rate authorized by BPC section 12240. The changes will also make the County’s device fees equivalent to the location and device fees of Alameda, Contra Costa, Monterey, Napa, Santa Clara and Santa Cruz Counties.

In addition, BPC Section 12210.3 requires counties that possess the appropriate equipment to perform tests on water submeters that are intended to be placed into service in another county upon the request of the operator of the water submeters. This proposed ordinance adds new Section 5.124.030 to the Ordinance Code to authorize the assessment of a cost recovery fee for testing water submeters that are intended to be placed into service in another county.

The proposed fee revenue is estimated to be \$86,000 less than full cost recovery for this program. The chart below outlines the current and proposed fee schedules for the affected devices.

DEVICE TYPE	Current Fee Schedule January 1, 2016	Proposed Fee Schedule effective 30 days after adoption
Water Submeters at marinas, mobile home parks, recreational vehicle parks, and apartments	\$100/Business Location Plus \$2 per Meter	\$120/Business Location Plus \$6 per Meter
Vapor Submeters at marinas, mobile home parks, recreational vehicle parks, and apartments	\$100/Business Location Plus \$4 per Meter	\$120/Business Location Plus \$10 per Meter
Electric Submeters at marinas, mobile home parks, recreational vehicle parks, and apartments	\$100/Business Location Plus \$3 per Meter	\$120/Business Location Plus \$3 per Meter
Scales (other than Livestock) at least 2,000 Pounds but less than 10,000 Pounds	\$100/Business Location Plus \$150 per Scale	\$120/Business Location Plus \$150 per Scale

Scales (other than Livestock) 10,000 Pounds or greater	\$100/Business Location Plus \$250 per Scale	\$120/Business Location Plus \$250 per Scale
Livestock Scales at least 2,000 Pounds but less than 10,000 Pounds	\$100/Business Location Plus \$100 per Scale	\$120/Business Location Plus \$100 per Scale
Livestock Scales 10,000 Pounds or greater	\$100/Business Location Plus \$150 per Scale	\$120/Business Location Plus \$150 per Scale
Prescription/ Jewelry Scale \$100/Business Location Plus \$80 per Scale	Prescription/ Jewelry Scale \$100/Business Location Plus \$80 per Scale	Prescription/ Jewelry Scale \$100/Business Location Plus \$80 per Scale
Stationary & Truck Mounted LPG Meters	\$100/Business Location Plus \$185 per Meter	\$120/Business Location Plus \$185 per Meter
Wholesale & Vehicle Meters	\$100/Business Location Plus \$25 per Meter	\$120/Business Location Plus \$75 per Meter
Computing scales and electronic counter scales interfaced with any point-of-sale system	\$100/Business Location Plus \$20 per Meter or Scale	\$120/Business Location Plus \$25 per Scale
All Other Commercial Weighing & Measuring Devices	\$100/Business Location Plus \$20 per Meter or Scale	\$120/Business Location Plus \$26 per Meter or Scale
Out of County Water Submeter Testing	\$70	\$117

PERFORMANCE MEASURE:

Measure	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Target
Percent of Commercial Weighing and Measuring Devices in compliance with State Regulations	94%	95%	94%

It is noted that BPC section 12243 requires that: (1) notice of the time and place of the meeting at which this matter is to be considered be mailed at least 14 days prior to the meeting to any interested party who have filed a written request with the board of supervisors, and (2) at least 10 days prior to the meeting, the Board shall make available to the public information indicating the amount of cost for which the fee is

charged and the revenue sources anticipated to provide the service. Consistent therewith, the Agricultural Commissioner/Sealer has timely provided the required notices to interested parties and posted the required public information on its website.

The proposed ordinance has been reviewed and approved by County Attorney.

FISCAL IMPACT:

The proposed fee increases will contribute to the Agricultural Commissioner/Sealer's ability to maintain customer service levels. It is projected that the new fees will result in an increase in annual revenue of \$152,900 which has been included in the Agricultural Commissioner/Sealer FY 2024-25 Adopted Budget. There is no impact on Net County Cost.