

February 14, 2006

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, California 94901

**SUBJECT: ADJUSTMENT TO WEIGHTS AND MEASURES DEVICE REGISTRATION FEE
AND ADOPTION OF MODIFICATION TO SECTION 5.44.030 (C) OF THE MARIN COUNTY
CODE**

Dear Supervisors:

RECOMMENDATION:

1. First reading of proposed increase of weights and measures device registration fee
2. Publicly notice proposed fee increase
3. Schedule merit hearing date on proposed schedule of fees
4. Adoption of modified County Code Section 5.44.030(c).

SUMMARY: County weights and measures device inspection is mandated by State law. Section 12240 of the Business and Professions Code authorizes County weights and measures departments to charge a device registration fee to provide recovery of some program costs. Section 12240 also sets the maximum allowable fee that weights and measures departments may charge. The recent passage of Assembly Bill 889 modified Business and Professions Code Section 12240 and increased the maximum allowable fee.

The department is recommending that your Board adopt the new fee schedule as authorized by 12240 and modified by AB 889. Under the current fee schedule, Marin County generated \$41K in device registration fees against program expenditures of \$134K in FY 2004-05. This fee increase is to be implemented over three years, the first year being 2006 and the full authorized fee being applied in 2008 and continuing thereafter. Applying the revised fee schedule for the current fiscal year (FY 2005-06) would recover 53% of program costs and, assuming program costs remain steady, 72% in FY 2006-07, and 88% of County costs in FY 2007-08.

County residents and competing businesses benefit when commercial weighing and measuring devices, such as gasoline pumps and market scales, are inspected and incorrect devices are identified and repaired before further use. The departments fiscal soundness is improved as annual revenues increase to meet the staffing costs relative to the actual workload. Revenues are anticipated to increase from the current level of \$41K to \$72K in 2006 and, ultimately, to \$118K in 2008.

Business and Professions Code Section 12240 also provides that device registration fees may be used by counties to offset the costs of the inspection of packaged commodities for accurate net quantity labeling. The regulatory work of weights and measures inspectors protects businesses from unfair competition, and consumers from negligent or unscrupulous packers of consumer commodities. Current departmental staffing only allows inspection of packaged commodities on a complaint basis. Increasing device registration fees is expected to result in improved oversight of the manufacturers that are packaging and selling products in the county.

The changes to Marin County Code 5.44.030 (c) are recommended as this code section specifies device registration fees are due by March 15 of each year. Because the Agriculture/Weights and Measures department is recommending your Board adopt an uncodified, revised, device registration fee schedule, the March 15 date does not provide reasonable time for businesses to pay the 2006 device registration fee without incurring penalty.

FISCAL IMPACT: The existing fee allows the department to collect \$41K in device registration fees. It is estimated that the adoption of the revised fee would provide \$72K in departmental revenue in FY 2005-06, \$96K in FY 2006-07, and \$118K in FY07/08. Adjustments for FY 2005-06 will be made during A&E.

REVIEWED BY:	<input type="checkbox"/> Auditor-Controller	<input checked="" type="checkbox"/> N/A
	<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
	<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

Respectfully submitted,

Stacy K. Carlsen
Agricultural Commissioner
Director of Weights and Measures