**To:** Board of Supervisors of Sonoma County

**Department or Agency Name(s):** Agriculture/Weights and Measures

Staff Name and Phone Number: Sue Ostrom 565-3836

Vote Requirement: Majority

**Supervisorial District(s):** Countywide

#### Title:

Adoption of Department of Agriculture/Weights and Measures' Fees and Staff Hourly Rates

### **Recommended Actions:**

Adopt a resolution to adjust the Department of Agriculture/Weights and Measures' fees to help recover the reasonable cost of providing services including hazardous materials storage permits, vineyard and orchard site development, agricultural grading and drainage, the cannabis cultivation program, and other new programs authorized by the Board to recover costs through an hourly rate.

## **Executive Summary:**

The Department of Agriculture/Weights and Measures requests authorization to adjust its fees to help recover reasonable costs of providing an array of services pertaining to local, state, and federal regulation of agriculture, cannabis, and industrial hemp in Sonoma County. These services include: the hazardous materials program [Certified Unified Program Agency (CUPA)], Vineyard and Orchard Site Development (VESCO) program, Agricultural Grading and Drainage program, cannabis cultivation program, and other new programs authorized by the Board to recover reasonable costs through an hourly rate. The Department has performed internal time studies to ensure its fees do not exceed the reasonable cost to provide these services. In addition, the Department is working with County Counsel and the CAO to retain a fee study consultant to do an additional fee study for all of the services provided.

### **Discussion:**

Hazardous Materials Program: The Department is requesting approval for the increase of fees to recover its reasonable costs to provide its hazardous materials program called the Certified Unified Program Agency (CUPA) Hazardous Materials program. Under this program, permits are issued to agricultural operations that store or generate hazardous materials/waste. The cost to provide these services has increased. The requested fees would increase 3%, to help recover increases in costs to provide these services. Individual fees are increasing \$4 to \$7 per permit, which range in cost from \$141-\$240. An hourly staff rate of \$177 is used in the Agricultural Division for performing complex specialized services requested by the fee payor that are not covered under the normal fee schedule. There is a ¼-hour minimum for the hourly rate.

**Cannabis Cultivation Program:** The Department is requesting approval for the increase of fees to provide its cannabis cultivation program to recover the reasonable cost of providing these services. Fees are imposed for a specific benefit conferred or service provided directly to the payor that is not provided to those not charged, and which do not exceed the reasonable costs

to provide the benefit or service. Fees are also imposed for reasonable regulatory costs including enforcement inspections, investigations and audits. The requested fees would increase 3% to help recover increases in costs to provide these services. The 3% increase is based on increased overhead costs including internal services and supply costs, and negotiated salary and benefit increases. Zoning Permit application and site review for outdoor cultivation of less than 10,001 square feet are from \$2,400 to \$3,600. If any services are required above the normal permit inspection and design review (additional inspections or application changes, for example) those additional services would be charged at the staff hourly rate. Requested service to inspect for crop loss of any site permitted by Permit Sonoma or the Department would be charged at the staff hourly rate. Hourly rates for these additional services will be charged at ¼-hour minimums. An hourly staff rate of \$177 is used in the Agricultural Division for performing complex specialized services requested by the fee payor that are not covered under the normal fee schedule. There is a ¼-hour minimum for the hourly rate.

Vineyard and Orchard Site Development (VESCO) Program: The Department is requesting approval of Vineyard and Orchard Site Development (VESCO) program, Agricultural Grading and Drainage project fees and section staff hourly rates to help recover the reasonable cost of providing permit and site review and related program services as authorized by Sonoma County Code Section 36-10-040. These fees are imposed for a specific benefit conferred or service provided directly to the payor that is not provided to those not charged, and which do not exceed the reasonable costs to provide the benefit or service. Fees are also imposed for reasonable regulatory costs including enforcement inspections, investigations and audits. The project fees would increase by 3% for each of the 28 different project types/sizes to help offset the cost to provide these services. Fees range from \$635 for the smallest least complex projects to \$12,763 for the largest, most complex projects. Fee increase amounts would be equal to \$19 to \$382. These projects are subject to additional hourly rate charges for section staff and contract engineer/geologist reviews beyond the flat rate fees. The 3% increase is based on increased overhead costs including internal services and supply costs, and negotiated salary and benefit increase. An hourly staff rate of \$162 is used in the Land Stewardship Division for performing complex specialized services requested by the fee payor that are not covered under the normal fee schedule. There is a ¼-hour minimum for the hourly rate.

**Hourly Rate:** It is anticipated from time to time that the Board of Supervisors will adopt new ordinances and/or new programs in the upcoming fiscal year where there is not time to conduct a full fee study. In those instances, the department will use the staff hourly rate to provide services to the fee payer until such a time that a time study can be done to determine the cost of service. Once a time study has been completed in coordination with the County's fee consultant, the department will return to the Board of Supervisors with an appropriate fee

amount to provide the new services. Hourly rates are billed at a ¼-hour minimum and are posted as follows:

• Agricultural Division: \$177/hour

• Land Stewardship Division: \$162/hour

• Weights & Measures Division: \$158/hour

## **Prior Board Actions:**

12/20/2016, adopted Medical Cannabis Ordinance

04/26/2016, adopted revised CUPA Hazardous Materials program fees, VESCO and Agricultural grading and drainage program fees, and Agriculture Division and Land Stewardship Section staff hourly rates

06/11/2013, adopted department hourly staff rates.

## **FISCAL SUMMARY**

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$589,000	\$606,670	
Additional Appropriation Requested			
Total Expenditures	\$589,000	\$606,670	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$589,000	\$606,670	
Use of Fund Balance			
Contingencies			
Total Sources	\$589,000	\$606,670	

# **Narrative Explanation of Fiscal Impacts:**

Fee revenue will increase by 3% to offset the increases in labor costs for those same services.

Staffing Impacts:			

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (number)	Deletions (number)

# Narrative Explanation of Staffing Impacts (If Required):

n/a

## **Attachments:**

AWM Fee Hearings 05-14-19 Cover Sheet AWM Fee Hearings 05-14-19 Detail AWM Fee Hearings 05-14-19 Resolution

# Related Items "On File" with the Clerk of the Board:

Click or tap here to enter text.

Date: May 14, 2019	Item Number: Resolution Number:	
		☐ 4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California,
Adopting the Department of Agriculture/Weights and Measures' Fees for the
Certified Unified Program Agency (CUPA) Hazardous Materials Program,
Vineyard and Orchard Site Development and Agricultural Grading and Drainage (VESCO)
Project Review, Cannabis Cultivation Program, and for
Agriculture Division and Land Stewardship Section Staff Hourly Rates

Whereas, Sonoma County Code Chapter 29 authorizes the Board to adopt a schedule of fees and charges for services provided and permits issued pursuant to Chapter 29 of the Sonoma County Code to recover the reasonable cost of providing such services and issuing such permits; and

Whereas, Sonoma County Code Chapter 11 authorizes the Board of Supervisors by resolution to establish fees and hourly rates for providing various reviews, inspections, and services made, issued, and provided by the Department of Agriculture/Weights & Measures, and

Whereas, Government Code Section 6253.0, Sonoma County Code Chapter 26 and Chapter 36, and other provisions of the law authorize the Board of Supervisors by resolution to establish fees to recover the reasonable cost of providing for various inspections, reinspections, testing, certificates, registrations, and services made, issued and provided by the County Agricultural Commissioner/Sealer of Weights and Measures (hereinafter called "The Commissioner/Sealer")

**Now, Therefore, Be It Resolved** that to recover the reasonable cost of providing various reviews, inspections, and services made, issued, and provided by the Department of Agriculture/Weights & Measures, it is necessary to impose the fees and rates set forth below.

Agricultural Division Fees	
Cannabis Cottage Outdoor*	\$ 2,472
Cannabis Specialty Outdoor*	\$ 3,090
Cannabis Small Outdoor*	\$ 3,708
*Includes 1 permit application review and 1 site inspection, any additional	
time billed at hourly rate	
Hazmat Business Plan Program: Range 6	\$ 155
Hazmat Business Plan Program: Range 7, >1210 gals	\$ 247
Hazwaste Program: >325 gal/yr to <5 tons/yr w/ source reduction/recycle	\$ 225
Hazwaste Program: <325 gal/yr	\$ 145
Agricultural Division Hourly Rate for At-Cost Charges	\$ 177
Hourly staff rates charaed at 1/4 minimum	

			Ac	res		
Land Stewardship Division Fees	 <10	10	to <50	50	to <100	100+
VESCO Level 1 <sup>1</sup>	\$ 654	\$	1,296	\$	1,701	\$ 2,212
VESCO Level 1 with grading and drainage <sup>2</sup>	\$ 974	\$	1,609	\$	2,065	\$ 2,656
VESCO Level 2 <sup>3</sup>	\$ 4,536	\$	6,733	\$	8,589	\$ 11,376
VESCO Level 2 with grading and drainage <sup>4</sup>	\$ 4,850	\$	7,082	\$	9,004	\$ 11,875
VESCO Level 2 with tree removal <sup>5</sup>	\$ 5,262	\$	7,672	\$	9,629	\$ 12,649
VESCO Level 2 with grading and drainage and tree removal <sup>6</sup>	\$ 5,558	\$	8,047	\$	10,040	\$ 13,146
Ag Grading/Drainage Only <sup>7</sup>	\$ 682	\$	780	\$	923	\$ 1,069
Land Stewardship Division Hourly Rate for At-Cost Charges  Hourly staff rates charged at 1/4 minimum						\$ 162
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<sup>&</sup>lt;sup>1</sup>Includes 1 plan review and 1 site visit.

**Be It Further Resolved**, based on information presented to this Board, this Board finds that the proposed fees comply with all legal requirements, including Art. XIII C of the California Constitution.

**Be It Further Resolved**, that in all other respects, previous fee resolutions setting Commissioner/Sealer fees and hourly rates shall remain in full force and effect.

**Be It Further Resolved**, that if any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portion of this resolution.

**Be It Further Resolved**, that in all other respects the fees and rates set forth in this Resolution for the Commissioner/Sealer are hereby adopted, effective, July 1, 2019.

<sup>&</sup>lt;sup>2</sup>Includes 1 plan review and 2 site visits, plus at-cost Engineer/Geologist

<sup>&</sup>lt;sup>3</sup>Includes 2 plan reviews and 2 site visits, plus at-cost Engineer/Geologist

<sup>&</sup>lt;sup>4</sup>Includes 2 plan reviews and 3 site visits, plus at-cost Engineer/Geologist

<sup>&</sup>lt;sup>5</sup>Includes 2 plan reviews and 2 site visits, plus at-cost Engineer/Geologist

<sup>&</sup>lt;sup>6</sup>Includes 2 plan reviews and 3 site visits, plus at-cost Engineer/Geologist

<sup>&</sup>lt;sup>7</sup>Includes 1 plan reviews and 1 site visit, plus at-cost Engineer/Geologist

Supervisors:				
Gorin:	Zane:	Gore:	Hopkins:	Rabbitt:
Ayes:	Noes:	Abser	nt:	Abstain:
			So Ordered.	

Department: Agriculture/Weights & Measures Fee Hearing: Spring, 2019

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7 Hazwaste and Stewardship Divisi 8 VESCO Le 9 VESCO Le	e Program: <325 gal/yr ion (10010600) vel 1 <10 acres					\$ 218		\$ 247.20	3%	7/1/2019	\$ 720	7/1/2017	\$ 230.00	\$	247.20
nd Stewardship Divisi 8 VESCO Le 9 VESCO Le	ion (10010600) vel 1 <10 acres	Govt Code section 6253.0	Resolution	37	43		.00	\$ 224.54	3%	7/1/2019	\$ 105	7/1/2017	\$ 208.00	\$	224.54
8 VESCO Le 9 VESCO Le	vel 1 <10 acres					\$ 141	.00	\$ 145.23	3%	7/1/2019	\$ 182	7/1/2017	\$ 135.00	\$	145.23
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		SCC 36-10-040	Resolution	75	75			\$ 654.05	3%			7/1/2017	\$ 612.78	\$	
10 VESCO Le	vel 1 10 to 50 acres	SCC 36-10-040	Resolution	40	40			\$ 1,295.74	3%			7/1/2017	\$ 1,213.97	\$	1,295.74
		SCC 36-10-040	Resolution	-	6			\$ 1,700.53	3%			7/1/2017	\$ 1,593.22	\$	1,700.53
	vel 1 >100 acres	SCC 36-10-040	Resolution	0		\$ 2,148		\$ 2,212.44	3%			7/1/2017	\$ 2,072.82	\$	2,212.44
	vel 1 with grading /drainage (G/D) <10 acres	SCC 36-10-040	Resolution	0		\$ 946		\$ 974.38	3%			7/1/2017	\$ 912.89	\$	974.38
	vel 1 w/ G/D 10 to 50 acres	SCC 36-10-040	Resolution	1		\$ 1,562		\$ 1,608.86	3%			7/1/2017	\$ 1,507.33	\$	1,608.86
	vel 1 w/ G/D 50 to 100 acres	SCC 36-10-040	Resolution	0		\$ 2,005		\$ 2,065.15	3%			7/1/2017	\$ 1,934.83	\$	2,065.15
	vel 1 w/ G/D >100 acres	SCC 36-10-040	Resolution	0		\$ 2,579		\$ 2,656.37	3%			7/1/2017	\$ 2,488.74	\$	2,656.37
	vel 2 <10 acres	SCC 36-10-040	Resolution	16	16			\$ 4,536.12	3%			7/1/2017	\$ 4,249.86	\$	4,536.12
	vel 2 10 to 50 acres	SCC 36-10-040	Resolution	3		\$ 6,537		\$ 6,733.11	3%			7/1/2017	\$ 6,308.21	\$	6,733.11
	vel 2 50 to 100 acres	SCC 36-10-040	Resolution	2	2			\$ 8,589.17	3%			7/1/2017	\$ 8,047.14	\$	8,589.17
	vel 2 >100 acres	SCC 36-10-040	Resolution	0		\$ 11,045		\$11,376.35	3%			7/1/2017	\$ 10,658.43	\$	11,376.35
	vel 2 w/ G/D <10 acres	SCC 36-10-040	Resolution	15		\$ 4,709		\$ 4,850.27	3%			7/1/2017		\$	4,850.27
	vel 2 w/ G/D 10 to 50 acres	SCC 36-10-040	Resolution	6	6			\$ 7,082.28	3%			7/1/2017	\$ 6,635.34	\$	7,082.28
	vel 2 w/ G/D 50 to 100 acres	SCC 36-10-040	Resolution	1	1	\$ 8,742		\$ 9,004.26	3%			7/1/2017	\$ 8,436.03	\$	9,004.26
	vel 2 w/G/D >100 acres	SCC 36-10-040	Resolution	0	2	\$11,529		\$11,874.87	3%			7/1/2017	\$ 11,125.49	\$	11,874.87
	vel 2 with tree removal (TR) <10 acres	SCC 36-10-040	Resolution	0		\$ 5,109		\$ 5,262.27	3%			7/1/2017	\$ 4,930.19	\$	5,262.27
	vel 2 w/TR 10 to 50 acres	SCC 36-10-040	Resolution	1		\$ 7,449		\$ 7,672.47	3%			7/1/2017	\$ 7,188.29	\$	7,672.47
	vel 2 w/ TR 50 to 100 acres	SCC 36-10-040	Resolution	0		\$ 9,349		\$ 9,629.47	3%			7/1/2017	\$ 9,021.79	\$	9,629.47
	vel 2 w/TR >100 acres	SCC 36-10-040	Resolution	0		\$12,281		\$12,649.43	3%			7/1/2017	\$ 11,851.17	\$	12,649.43
	vel 2 w/ G/D and TR <10 acres	SCC 36-10-040	Resolution	1		\$ 5,396		\$ 5,557.88	3%			7/1/2017	\$ 5,207.14	\$	5,557.88
	vel 2 w/ G/D and TR 10 to 50 acres	SCC 36-10-040	Resolution	0		\$ 7,813		\$ 8,047.39	3%			7/1/2017	\$ 7,539.55	\$	8,047.39
	vel 2 w/ G/D and TR 50 to 100 acres	SCC 36-10-040	Resolution	0		\$ 9,748		\$10,040.44	3%			7/1/2017	\$ 9,406.82		10,040.44
	vel 2 w/ G/D and TR >100 acres	SCC 36-10-040	Resolution	0				\$13,145.89	3%			7/1/2017	\$ 12,316.30	\$	13,145.89
	ng/Drainage Only <10 acres	SCC 36-10-040	Resolution	1	1			\$ 681.86	3%			7/1/2017	\$ 638.83	\$	681.86
	ng/Drainage Only 10 to 50 acres	SCC 36-10-040	Resolution	0	0			\$ 779.71	3%			7/1/2017	\$ 730.51	\$	779.71
	ng/Drainage Only 50 to 100 acres	SCC 36-10-040	Resolution	0	0			\$ 922.88	3%			7/1/2017	\$ 864.64	\$	922.88
	ng/Drainage Only >100 acres	SCC 36-10-040	Resolution	0	0	\$ 1,038	.00	\$ 1,069.14	3%	7/1/2019	\$ -	7/1/2017	\$ 1,001.67	\$	1,069.14
36 Departm	ent Staff Hourly Rate for At-Cost Charges	SCC 36-10-040	Resolution	1								1			

Reference Number:		Fee Hearing:	Spring, 2019
Fee Description (Short):	Agriculture, Weights & Measures	Permitting Fees	
Legal basis for fee:	SCC 26.92.180, Govt Code Section	6253.0, SCC 36-10-040	
Current fee amount:	See Attached Fees Cover Sheet	Proposed fee amount:	See Attached Fees Cover Sheet
Change in fee	3%	Proposed effective date:	7/1/2019
Last date fee changed	7/1/2017	Amount prior to last change:	See Attached Fees Cover Sheet

## Description of fee:

The Department performs permitting and inspection services in various programs to ensure that they comply with safety, consumer protection, and land use requirements as laid out in State and County code. This fee recovers the cost of performing these inspections.

## Reason for increase (e.g. statutory increase, cost of service increase):

The cost of providing this service has increased due to negotiated labor agreements and the increased cost of supplies.

### Description of methodology:

The fees for Cannabis, HazMat, and VESCO are a cost recovery fee and complies with Proposition 26 requirements. The fee is calculated by taking the total cost of providing the service, including labor, materials, and overhead, and dividing by the expected number of inspections.

Note: please provide full fee calculation for you analyst