



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 3/21/2023

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**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Andrew F. Smith, (707) 565-2371

**Vote Requirement:** 4/5th

**Supervisorial District(s):** Countywide

**Title:**

Consolidated Fee Hearings - FY 23-24 for the Department of Agriculture/Weights & Measures

**Recommended Action:**

Adopt a resolution reading the title and waiving further reading of the proposed ordinance to amend Sonoma County Code Section 30-14 to update fees for automatic point of sale station registration fees and to adjust fees for the Certified Unified Program Agency Hazardous Materials program, Vineyard and Orchard Site Development (VESCO) program, Agricultural Grading and Drainage program, Cannabis Cultivation program, Certified Farmers' Market program, Pest Control Operator and Farm Labor Contractor registrations to recover the estimated reasonable costs of providing these services. The new fees will become effective on July 1, 2023.

**Executive Summary:**

The County of Sonoma engaged with a consultant, NBS (Consultant) to perform a User Fee Study (Study) in FY 19-20. The goal of the Study was to present findings regarding maximum allowable cost recovery amounts from the various fee analyses performed as part of the Study, and to provide the County with the information needed to update and establish user and regulatory fees for service. It was determined through that Study that a majority of the fees collected by the Department of Agriculture/Weights & Measures (Department) were significantly under the cost recovery amount. During the FY 22-23 consolidated fee hearings the Board directed staff to use a phased approach to reaching full cost recovery. The Consolidated Fee Hearings for FY 23-24 would be the second year of that phased approach.

**Discussion:**

California cities, counties, and special districts may impose user and regulatory fees for services and activities they provide through provisions set forth in the State Constitution, Article XIII C §1(e)(1)-(3). Under this legal framework, a fee may not exceed the reasonable cost of providing the service or performing the activity. For a fee to qualify as such, it must relate to a service or activity performed at the request of an individual or entity upon which the fee is performed, or their actions specifically cause the local government agency to perform additional activities.

The methods applied by the Consultant to develop the 100% full cost of service calculations presented in their report rely on industry standard approaches to fee analysis that are quantitative in nature. The Consultant provided the 100% full cost of service calculation, in FY 2019-20 dollars, for each fee as well as the policy making framework the County can consider when adjusting the amount of cost recovery in accordance with its broader goals as they pertain to code compliance, cost recovery, economic development, and social values.

The Department's fee increases prior to FY 22-23 were based on the San Francisco Bay Area's consumer price index or increased labor costs. Based on the Study, the Department learned that it was recovering 54% of total estimated costs associated with providing user and regulator fee-related services. There were other local policy considerations that supported adopting some fees at less than the calculated full cost recovery amount. The Department took the approach to incrementally increase fees over a three-year period where full cost recovery was desired. Where there were other considerations to maintain a fee subsidy for the benefit to the community or to encourage compliance, a modest incremental increase was planned over a three-year period. The Department is now in year two of these increases. The increase approach varied for each division and is described in the following sections below.

The Department is approximately 70% self-funded through state grant revenue and costs for services (fees) and receives approximately \$2.2 million in General Fund support to offset the balance. While the overarching goal is to implement fees for services that cover departmental costs, significant consideration was given to community impacts. There are fees that have a great community benefit and support additional funding through a maintenance of effort.

### **Agriculture Division**

The Agricultural Division acts under the jurisdiction and direction of the California Department of Food and Agriculture (CDFA), and the California Department of Pesticide Regulation (DPR), and works in cooperation with various federal, state, regional, and local agencies. The Agricultural Commissioner enforces the laws and regulations of the California Food and Agricultural Code, the California Code of Regulations, and local ordinances while serving at the discretion of the County Board of Supervisors and the CDFA Secretary of Agriculture.

Historically, fees in the Agricultural Division have remained far below full cost recovery to help support the local agricultural community, and as a result, the General Fund is used to supplement division costs. In turn, the amount of General Fund contributed to the Agricultural Division supports the County's Maintenance of Effort (MOE) for unclaimed gas tax revenue and helps leverage additional funding from the CDFA. Fee revenues for Agricultural services (excluding Cannabis) comprise only about 2-3% of the division's total revenues.

Last year staff proposed fee increases to bring the Division up to 62% full cost recovery and then have them remain flat after that. However, the full cost recovery amount used in the NBS Fee Study was based on FY 2019-20 costs. After escalating those costs for FY 20-21, FY 21-22 and FY 22-23, the Division will need to increase its fees modestly over the next two fiscal years to maintain 62% full cost recovery. The average fee increase for FY 2023-24 is 6%, which would bring the Division to approximately 57% full cost recovery for the fiscal year. It is important to note that most of these fees are relatively small (less than \$100), so fees are often only increasing by \$1-2 for this division.

### **Land Stewardship Division**

The Land Stewardship Division administers the Sonoma County Vineyard and Orchard Site Development Ordinance, also known as VESCO, as well as Agricultural Grading and Drainage. Growers planting new vineyards, orchards, or replanting existing vineyards or orchards are required to meet standards within the Sonoma County Code and comply with requirements including best management practices (BMP) as established in the Agricultural Commissioner's BMP Guidelines.

The VESCO fees are another example where fees have been held below full cost recovery to support the

public and local businesses. During last year's Fee Hearings, the Board of Supervisors authorized an annual \$145,000 General Fund subsidy to help offset VESCO costs and to moderate VESCO rate increases. The FY22-23 fees allowed the Division to achieve a cost recovery of approximately 57%, and had a goal of increase fees such that they reached 73% of full cost recovery. In order to continue working toward this goal, staff are proposing a 25% increase to fees in the Land Stewardship Division to help close that gap, bringing the cost recovery for the Division to approximately 59% for FY23-24. While increases were equal across all fee types, it should be noted that smaller projects are at a lower cost recovery percentage (about 33% cost recovery), while larger and more projects are closer to 70-80% cost recovery.

### **Weights & Measures Division**

The Weights & Measures Division is committed to protecting the economic health of the community by preserving and maintaining confidence in the accuracy of weighing and measuring instruments, product standards, and business practices used in commerce. Through this balanced commitment and timely response to citizen requests, consumers and businesses are assured the means of accurate value comparison and fair competition.

The Automated Point of Sale Fees are to cover costs for point-of-sale scanners compliance. This is ensuring correct charges when a store scans the bar code on a package and the price rings up at the checkout counter. The Division's staff inspects to ensure the products sold are charged the correct listed price. Noncompliance with these regulations tend to effect underrepresented communities where small overcharges can have greater effect. In this way these fees support the County's Strategic Plan pillar of Racial Equity and Social Justice.

The fees for the 1-3 Point of Scale Scanners and 4-9 Point of Scale Scanners reached full cost recovery with the FY 22-23 increase. However, as mentioned above, the annual cost escalation of the full cost recovery calculation from the NBS Study, put these two fees at closer to 90% full cost recovery. At this time, the Department is only recommending an increase to the 10 or greater Point of Scale Scanners by 15% for FY 23-24. Staff plan to return in during the FY 24-25 Fee Hearings with a proposal to bring all three fees to 100% cost recovery.

The Department plans to conduct an evaluation of its fees and cost recovery every 3-5 years with the goal of ensuring the public is only paying for the services they receive and the County is charging the appropriate cost recovery amount. Efforts are currently underway to examine efficiencies in order to keep costs for services flat or reduce the costs where warranted.

### **Strategic Plan:**

N/A

### **Prior Board Actions:**

03/22/2022 - Adoption of Department of Agriculture/Weights & Measures Fees and Staff Hourly Rates  
05/15/2019 - Adoption of Department of Agriculture/Weights & Measures Fees and Staff Hourly Rates  
04/18/2017 - Adoption of Department of Agriculture/Weights & Measures Fees and Staff Hourly Rates  
04/26/2016 - Adoption of Department of Agriculture/Weights & Measures Fees and Staff Hourly Rates

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 22-23 Adopted</b>	<b>FY23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses		\$62,503	
Additional Appropriation Requested			
<b>Total Expenditures</b>		<b>\$62,503</b>	
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other		\$62,503	
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>		<b>\$62,503</b>	

**Narrative Explanation of Fiscal Impacts:**

The Department anticipates an additional \$62,503 in revenue as a result of the proposed fee increases in FY 23-24.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

- FY 23-24 Fee Summary
- Resolution to Introduce and Waive Reading of Ordinance
- Ordinance
- Ordinance Exhibit A

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

None

2023-24 Fees Summary

Department	Division/unit	Type of change (Increase, decrease, new fee, replacement of fee, deletion of fee, other change)	Fee Description (short)	Fee Subcategory	Legal basis for fee	Requirement to adjust fee (resolution or ordinance)	FY2022-23 Units	Anticipated units, FY 2023-24	FY 2019-20 Full Cost Recovery per NBS Fee Study	Escalated Full Cost Recovery for FY 2023-24	Current fee amount	Proposed fee amount	Change in fee (%)	Proposed effective date	Additional revenue expected*	Last date fee changed	Amount prior to last change	Amount fee is subsidized by other funding (per unit), if any
Ag/Weights & Measures	Weights & Measures	Increase	Tow truck inspection fee	GW under 2 ton	(Code Citation)	Ordinance	79	80		\$0	\$ 100.00	\$ 105.00	5%	7/1/2023	\$400.00	7/1/2022	\$95.00	\$ -
Ag/Weights & Measures	Weights & Measures	Increase	Tow truck inspection fee	GW > 2 tons	(Code Citation)	Ordinance	12	10		\$0	\$ 125.00	\$ 130.00	4%	7/1/2023	\$50.00	7/1/2022	\$95.00	\$ -
Ag/Weights & Measures	Agriculture	Increase	Direct Marketing	Certified Producer's Certificate	3 CCR §1392.8	Resolution	11	15	\$785	\$875	\$76	\$78	3%	7/1/2023	\$34	7/1/2022	\$69	\$796
Ag/Weights & Measures	Agriculture	Increase	Direct Marketing	Certified Producer's Certificate Amendment	3 CCR §1392.8	Resolution	0	109	\$169	\$188	\$39	\$40	3%	7/1/2023	\$128	7/1/2022	\$35	\$148
Ag/Weights & Measures	Agriculture	Increase	Farm Labor Contract	Farm Labor Contractor Registration	CA LC §1695(b)	Resolution	115	116	\$106	\$118	\$42	\$43	3%	7/1/2023	\$146	7/1/2022	\$35	\$75
Ag/Weights & Measures	Agriculture	Increase	Hazardous Materials	Hazardous Materials Range 6	29 SCC §29-8	Resolution	258	256	\$420	\$468	\$186	\$199	7%	7/1/2023	\$3,333	7/1/2022	\$155	\$269
Ag/Weights & Measures	Agriculture	Increase	Hazardous Materials	Hazardous Materials Range 7	29 SCC §29-8	Resolution	99	96	\$476	\$530	\$306	\$327	7%	7/1/2023	\$2,056	7/1/2022	\$247	\$203
Ag/Weights & Measures	Agriculture	Increase	Hazardous Materials	Hazardous Waste (<325 gals waste/year)	29 SCC §29-8	Resolution	45	47	\$270	\$301	\$178	\$190	7%	7/1/2023	\$586	7/1/2022	\$145	\$110
Ag/Weights & Measures	Agriculture	Increase	Hazardous Materials	Hazardous Waste (>325 gals waste/year)	29 SCC §29-8	Resolution	15	13	\$288	\$321	\$244	\$261	7%	7/1/2023	\$222	7/1/2022	\$225	\$60
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	State Phyto Certificate - Individual	CA FAC §5851	Resolution	8	20	\$112	\$125	\$17	\$18	3%	7/1/2023	\$10	7/1/2022	\$15	\$107
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	State Phyto Certificate (Individual) – in Santa Rosa Office	CA FAC §5851	Resolution	0	0	\$56	\$62	\$9	\$10	7%	7/1/2023	\$0	7/1/2022	\$8	\$53
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	State Phyto Certificate (additional cert for the same visit)	CA FAC §5851	Resolution	1	7	\$74	\$82	\$12	\$13	5%	7/1/2023	\$4	7/1/2022	\$10	\$70
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	State Phyto Certificate (additional cert for the same visit) – in Santa Rosa Office	CA FAC §5851	Resolution	0	0	\$45	\$50	\$6	\$7	9%	7/1/2023	\$0	7/1/2022	\$5	\$44
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	Federal Phyto Certificate (Individual)	CA FAC §5851	Resolution	98	100	\$674	\$751	\$66	\$68	3%	7/1/2023	\$198	7/1/2022	\$57	\$683
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	Federal Phyto Certificate (Individual) – in Santa Rosa Office	CA FAC §5851	Resolution	20	20	\$562	\$626	\$33	\$34	3%	7/1/2023	\$20	7/1/2022	\$29	\$592

2023-24 Fees Summary

Department	Division/unit	Type of change (Increase, decrease, new fee, replacement of fee, deletion of fee, other change)	Fee Description (short)	Fee Subcategory	Legal basis for fee	Requirement to adjust fee (resolution or ordinance)	FY2022-23 Units	Anticipated units, FY 2023-24	FY 2019-20 Full Cost Recovery per NBS Fee Study	Escalated Full Cost Recovery for FY 2023-24	Current fee amount	Proposed fee amount	Change in fee (%)	Proposed effective date	Additional revenue expected*	Last date fee changed	Amount prior to last change	Amount fee is subsidized by other funding (per unit), if any	
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	Certificate of Quarantine Compliance (Individual)	CA FAC 55851	Resolution	0	0	\$112	\$125	\$17	\$18	3%	7/1/2023	\$0	7/1/2022	\$15	\$107	
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	Certificate of Quarantine Compliance (Individual) – in Santa Rosa Office	CA FAC 55851	Resolution	0	0	\$56	\$62	\$9	\$10	7%	7/1/2023	\$0	7/1/2022	\$8	\$53	
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	Certificate of Quarantine Compliance (additional cert for the same visit)	CA FAC 55851	Resolution	0	0	\$74	\$82	\$12	\$13	5%	7/1/2023	\$0	7/1/2022	\$10	\$70	
Ag/Weights & Measures	Agriculture	Increase	Phytosanitary Certificate/Certificate of Quarantine Compliance	Certificate of Quarantine Compliance (additional cert for the same visit) – in Santa Rosa Office	CA FAC 55851	Resolution	0	0	\$45	\$50	\$6	\$7	9%	7/1/2023	\$0	7/1/2022	\$5	\$44	
Ag/Weights & Measures	Agriculture	Increase	Cannabis	Monitoring - Indoor/Mixed Light Cultivation, Indoor Nursery	SCC §26-88-250(l)	Resolution	0	0	\$787	\$877	\$630	\$674	7%	7/1/2023	\$0	7/1/2022	\$600	\$203	
Ag/Weights & Measures	Agriculture	Increase	Cannabis	Monitoring - Outdoor Cultivation: Cottage and Specialty	SCC §26-88-250(l)	Resolution	0	0	\$787	\$877	\$630	\$674	7%	7/1/2023	\$0	7/1/2022	\$600	\$203	
Ag/Weights & Measures	Agriculture	Increase	Cannabis	Monitoring - Outdoor Cultivation: Small	SCC §26-88-250(l)	Resolution	5	3	\$899	\$1,002	\$630	\$674	7%	7/1/2023	\$132	7/1/2022	\$600	\$327	
Ag/Weights & Measures	Agriculture	Increase	Hemp	Registration	SCC §37-12	Resolution	5	3	\$1,124	\$1,252	\$926	\$991	7%	7/1/2023	\$194	7/1/2022	\$882	\$261	
<b>\$0</b>										<b>Total Additional Revenue (AG 10010100)</b>					<b>\$7,514</b>		<b>Total Subsidy (AG 10010100)</b>		
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	No Grading or Drainage <10 acres <sup>1</sup>	SCC §36-14-040	Resolution	53	45	\$3,677	\$4,096	\$866	\$1,083	25%	7/1/2023	\$9,743	7/1/2022	\$722	\$3,014	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	No Grading or Drainage 10 - <50 acres <sup>1</sup>	SCC §36-14-040	Resolution	31	20	\$3,638	\$4,053	\$1,637	\$2,046	25%	7/1/2023	\$8,185	7/1/2022	\$1,364	\$2,007	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	No Grading or Drainage 50 - <100 acres <sup>1</sup>	SCC §36-14-040	Resolution	6	5	\$4,222	\$4,703	\$2,123	\$2,654	25%	7/1/2023	\$2,654	7/1/2022	\$1,769	\$2,050	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	No Grading or Drainage >100 acres <sup>1</sup>	SCC §36-14-040	Resolution	2	0	\$4,538	\$5,055	\$2,736	\$3,420	25%	7/1/2023	\$0	7/1/2022	\$2,280	\$1,635	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	With Grading or Drainage <10 acres <sup>2</sup>	SCC §36-14-040	Resolution	4	2	\$5,345	\$5,954	\$1,272	\$1,590	25%	7/1/2023	\$636	7/1/2022	\$1,060	\$4,364	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	With Grading or Drainage 10 - <50 acres <sup>2</sup>	SCC §36-14-040	Resolution	2	2	\$6,026	\$6,713	\$2,034	\$2,543	25%	7/1/2023	\$1,017	7/1/2022	\$1,695	\$4,171	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	With Grading or Drainage 50 - <100 acres <sup>2</sup>	SCC §36-14-040	Resolution	2	0	\$6,901	\$7,688	\$2,581	\$3,226	25%	7/1/2023	\$0	7/1/2022	\$2,151	\$4,462	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level I	With Grading or Drainage >100 acres <sup>2</sup>	SCC §36-14-040	Resolution	0	0	\$7,728	\$8,609	\$3,290	\$4,113	25%	7/1/2023	\$0	7/1/2022	\$2,472	\$4,497	

2023-24 Fees Summary

Department	Division/unit	Type of change (Increase, decrease, new fee, replacement of fee, deletion of fee, other change)	Fee Description (short)	Fee Subcategory	Legal basis for fee	Requirement to adjust fee (resolution or ordinance)	FY2022-23 Units	Anticipated units, FY 2023-24	FY 2019-20 Full Cost Recovery per NBS Fee Study	Escalated Full Cost Recovery for FY 2023-24	Current fee amount	Proposed fee amount	Change in fee (%)	Proposed effective date	Additional revenue expected*	Last date fee changed	Amount prior to last change	Amount fee is subsidized by other funding (per unit), if any	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level II	No Grading or Drainage <10 acres <sup>3</sup>	SCC §36-14-040	Resolution	14	0	\$6,780	\$7,553	\$5,525	\$6,741	22%	7/1/2023	\$0	7/1/2022	\$4,604	\$813	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level II	With Grading or Drainage <10 acres <sup>4</sup>	SCC §36-14-040	Resolution	11	10	\$8,920	\$9,937	\$5,293	\$6,616	25%	7/1/2023	\$13,233	7/1/2022	\$4,936	\$3,321	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level II	With Grading or Drainage 10 - <50 acres <sup>4</sup>	SCC §36-14-040	Resolution	1	8	\$9,844	\$10,966	\$8,387	\$9,813	17%	7/1/2023	\$11,406	7/1/2022	\$5,330	\$1,154	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level II w/Tree Removal	No Grading or Drainage <10 acres <sup>3</sup>	SCC §36-14-040	Resolution	1	0	\$10,135	\$11,291	\$6,609	\$8,261	25%	7/1/2023	\$0	7/1/2022	\$5,177	\$3,029	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level II w/Tree Removal	With Grading or Drainage <10 acres <sup>4</sup>	SCC §36-14-040	Resolution	0	2	\$11,813	\$13,160	\$6,829	\$8,536	25%	7/1/2023	\$3,415	7/1/2022	\$5,644	\$4,624	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level II w/Tree Removal	With Grading or Drainage 10 - <50 acres <sup>4</sup>	SCC §36-14-040	Resolution	3	0	\$13,978	\$15,572	\$9,190	\$11,488	25%	7/1/2023	\$0	7/1/2022	\$8,133	\$4,084	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO - Level II w/Tree Removal	With Grading or Drainage 50 - <100 acres <sup>4</sup>	SCC §36-14-040	Resolution	0	0	\$15,364	\$17,116	\$11,240	\$14,050	25%	7/1/2023	\$0	7/1/2022	\$10,126	\$3,066	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO Grading and/or Drainage Only	<10 acres <sup>1</sup>	SCC §36-14-040	Resolution	2	2	\$4,226	\$4,708	\$938	\$1,173	25%	7/1/2023	\$469	7/1/2022	\$750	\$3,535	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO Grading and/or Drainage Only	10 - <50 acres <sup>1</sup>	SCC §36-14-040	Resolution	0	0	\$4,226	\$4,708	\$1,060	\$1,325	25%	7/1/2023	\$0	7/1/2022	\$848	\$3,383	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO Grading and/or Drainage Only	50 - <100 acres <sup>1</sup>	SCC §36-14-040	Resolution	0	0	\$4,226	\$4,708	\$1,239	\$1,549	25%	7/1/2023	\$0	7/1/2022	\$991	\$3,159	
Ag/Weights & Measures	Land Stewardship	Increase	VESCO Grading and/or Drainage Only	>100 acres <sup>1</sup>	SCC §36-14-040	Resolution	0	0	\$4,372	\$4,871	\$1,421	\$1,776	25%	7/1/2023	\$0	7/1/2022	\$1,137	\$3,094	
										\$0	<b>Total Additional Revenue (LS 10010600)</b>				\$50,757	<b>Total Subsidy (LS 10010600)</b>			
Ag/Weights & Measures	Weights & Measures	Increase	Automated Point of Sale	10 or greater	SCC §30-15	Ordinance	66	66	\$760	\$847	\$473	\$544	15%	7/1/2023	\$4,683	7/1/2022	\$378	\$303	
										<b>Total Additional Revenue (WM 10010200)</b>				\$4,683	<b>Total Subsidy (WM 10010200)</b>				
										<b>Total Additional Revenue (10010000)</b>				\$62,953	<b>Total Subsidy (10010000)</b>				

<sup>1</sup> Includes 1 plan review and 1 site visit

<sup>2</sup> Includes 1 plan review and 2 site visits

<sup>3</sup> Includes 2 plan reviews and 2 site visits

<sup>4</sup> Includes 2 plan reviews and 3 site visits



County of Sonoma  
State of California

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Date: March 21, 2023

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution of the Board of Supervisors of the County of Sonoma, State of California, Introducing, Reading the Title of and Waiving Further Reading of a Proposed Ordinance to Amend Sonoma County Code Chapter 30 to Increase Registration Fees for Automatic Point of Sale Stations (Commercial Retail Scanners) and Adjust Fees to Recover the Reasonable Cost to Provide Services for the Certified Unified Program Agency Hazardous Materials Program, Vineyard and Orchard Site Development and Agricultural Grading and Drainage (VESCO) Project Review, Cannabis Cultivation Program, Hemp Registration, Certified Farmers' Market Program, Pest Control Operator, Farm Labor Contractor Registrations, and Phytosanitary Certificate/Certificate of Compliance**

**Whereas**, a proposed ordinance titled "An Ordinance of the Board of Supervisors of the County of Sonoma, State of California, Amending Sonoma County Code Section 30-14 to Increase Registration Fees for Automatic Point of Sale Stations (Commercial Retail Scanners) and Adjust Fees to Recover the Reasonable Cost to Provide Services for the Certified Unified Program Agency Hazardous Materials Program, Vineyard and Orchard Site Development and Agricultural Grading and Drainage (VESCO) Project Review, Cannabis Cultivation Program, Hemp Registration, Certified Farmers' Market Program, Pest Control Operator, Farm Labor Contractor Registrations, and Phytosanitary Certificate/Certificate of Compliance" has been introduced and the title read and a public hearing has been held on March 21, 2023 to consider the fee increases included in Exhibit A of the proposed ordinance; and

**Now, Therefore, Be It Resolved** that further reading of the ordinance is waived.

**Be It Further Resolved** that the Sonoma County Board of Supervisors will consider adoption of the proposed ordinance on consent calendar on April 25, 2023 in the Board of Supervisors Chambers, 575 Administration Drive, Room 102A, Santa Rosa, California.

**Supervisors:**



Resolution #23-  
Date: March 21, 2023  
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Gorin:            Rabbitt:            Gore:            Hopkins:            Coursey:

Ayes:            Noes:            Absent:            Abstain:

**So Ordered.**

# ORDINANCE NO. ( )

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SONOMA COUNTY CODE SECTION 30-14 TO INCREASE REGISTRATION FEES FOR AUTOMATIC POINT OF SALE STATIONS (COMMERCIAL RETAIL SCANNERS) AND ADJUSTING FEES TO RECOVER THE REASONABLE COST TO PROVIDE SERVICES FOR THE CERTIFIED UNIFIED PROGRAM AGENCY HAZARDOUS MATERIALS PROGRAM, VINEYARD AND ORCHARD SITE DEVELOPMENT AND AGRICULTURAL GRADING AND DRAINAGE (VESCO) PROJECT REVIEW, CANNABIS CULTIVATION PROGRAM, HEMP REGISTRATION, CERTIFIED FARMERS' MARKET PROGRAM, FARM LABOR CONTRACTOR REGISTRATIONS, AND PHYTOSANITARY CERTIFICATE/CERTIFICATE OF COMPLIANCE FEES**

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I (CODIFIED). **Section 30-14 of the Sonoma County Code is hereby amended to read as follows:**

## Section 30-14 Annual Registration Fee

An annual registration fee is required of each business location in the county that operates a point-of-sale system for commercial purposes. The annual registration fees are established by the Board of Supervisors to recover the reasonable cost of providing that service as set forth in the Agricultural Commissioner's Fee Schedule attached hereto as Exhibit A.

Section II. In addition, 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

Section III. Health and Safety Code Chapter 6.95, Section 25513 authorizes the Board to adopt a schedule of fees to recover the costs incurred by the County in carrying out the provisions of Chapter 6.95 of Division 20 of the Health and Safety Code, and Sonoma County Code Chapter 11 and Chapter 36 authorizes the Board of Supervisors to establish fees and hourly rates for providing various reviews, inspections, permits and services made, issued and provided by the Department of Agriculture/Weights and Measures; and

Section IV. California Business and Professions Code Sections 12210, 12241 and 13350, California Code of Regulations Title 4, Chapter 3, Article 3, Section 4075 and Title 3, Section 1392. 8, California Food and Agriculture Code Section 11734 and Sections 5850-5852, Government Code Section 6253, Sonoma County Code Chapters 11, 26, 37 and other provisions of law authorize the Board of Supervisors 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 (collectively referred to as "Agricultural Commissioner Services").

Section V. To recover the reasonable costs of providing Agricultural Commissioner Services as documented by the NBS Consulting Fee Study dated August 21, 2021, it is necessary to adjust those Agricultural Commissioner fees as set forth in Exhibit A attached hereto and incorporated herein as though set forth in full (collectively referred to as "Agricultural Commissioner Fees"), commencing July 1, 2023.

Section VI. Based on information presented to this Board, this Board finds that the proposed Agricultural Commissioner Fees comply with all legal requirements, including Art. XIII C, Section 1(e)(1)-(3) of the California Constitution.

Section VII. In all other respects, previous fee resolutions and ordinances setting Agricultural Commissioner Fees and hourly rates shall remain in full force and effect.

Section VIII. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IX. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 21st day of March, 2023, and finally passed and adopted this 9th day of May, 2023, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin:                Rabbitt:                Gore:                Hopkins:                Coursey:

Ayes:                Noes:                Absent:                Abstain:

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Christina Rivera,  
Clerk of the Board of Supervisors

## EXHIBIT A

### AGRICULTURE DIVISION

#### Direct Marketing Program

Program Fee	Fee Amount
Certified Producer's Certificate	\$ 78
Certified Producer's Certificate Amendment	\$ 40

#### Farm Labor Contractor

Program Fee	Fee Amount
Registration	\$ 43

#### Hazardous Materials Program

Program Fee	Fee Amount
Hazardous Materials Range 6	\$ 199
Hazardous Materials Range 7	\$ 327
Hazardous Waste (<325 gals waste/year)	\$ 190
Hazardous Waste (>325 gals waste/year)	\$ 261

#### Phytosanitary Certificate/Certificate of Compliance

Program Fee	Fee Amount
State Phyto Certificate - Individual	\$ 18
State Phyto Certificate (Individual) – in Santa Rosa Office	\$ 10
State Phyto Certificate (additional cert for the same visit)	\$ 13
State Phyto Certificate (additional cert for the same visit) – in Santa Rosa Office	\$ 7
Federal Phyto Certificate (Individual)	\$ 68
Federal Phyto Certificate (Individual) – in Santa Rosa Office	\$ 34
Certificate of Quarantine Compliance (Individual)	\$ 18
Certificate of Quarantine Compliance (Individual) – in Santa Rosa Office	\$ 10
Certificate of Quarantine Compliance (additional cert for the same visit)	\$ 13
Certificate of Quarantine Compliance (additional cert for the same visit) – in Santa Rosa Office	\$ 7

#### Cannabis

Program Fee	Fee Amount
Monitoring - Indoor/Mixed Light Cultivation, Indoor Nursery	\$ 674
Monitoring - Outdoor Cultivation: Cottage and Specialty	\$ 674
Monitoring - Outdoor Cultivation: Small	\$ 674

#### Hemp

Program Fee	Fee Amount
Registration	\$ 991

## LAND STEWARDSHIP DIVISION

### VESCO Level I

Program Fee	Fee Amount
No Grading or Drainage <10 acres	\$ 1,083
No Grading or Drainage 10 - <50 acres	\$ 2,046
No Grading or Drainage 50 - <100 acres	\$ 2,654
No Grading or Drainage >100 acres	\$ 3,420
With Grading or Drainage <10 acres	\$ 1,590
With Grading or Drainage 10 - <50 acres	\$ 2,543
With Grading or Drainage 50 - <100 acres	\$ 3,226
With Grading or Drainage >100 acres	\$ 4,113

### VESCO Level II

Program Fee	Fee Amount
No Grading or Drainage <10 acres	\$ 6,796
With Grading or Drainage <10 acres	\$ 6,616
With Grading or Drainage 10 - <50 acres	\$ 9,813

### VESCO Level II with Tree Removal

Program Fee	Fee Amount
No Grading or Drainage <10 acres	\$ 8,261
With Grading or Drainage <10 acres	\$ 8,536
With Grading or Drainage 10 - <50 acres	\$ 11,488
With Grading or Drainage 50 - <100 acres	\$ 14,050

### VESCO Grading and/or Drainage Only

Program Fee	Fee Amount
<10 acres	\$ 1,173
10 - <50 acres	\$ 1,325
50 - <100 acres	\$ 1,549
>100 acres	\$ 1,776

## WEIGHTS & MEASURES DIVISION

### Automated Point of Sale Registration

Program Fee	Fee Amount
10 or greater	\$ 544