



COUNTY OF HUMBOLDT

For the meeting of: 6/22/2021

File #: 21-792

To: Board of Supervisors

From: Agricultural Commissioner

Agenda Section: Consent

SUBJECT:

Approval of Supplemental Budget Request for Budget Unit 1100261 and Establish Fixed Asset Account in Fiscal Year (FY 2020-21) for Purchase of Weights & Measures Inspection Test Standards, and CalCATS Timekeeping and Reporting Software (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize transfer of \$25,000 from the Deferred Maintenance Trust Fund (No. 3464) and approve the supplemental budget request (Attachment I) in fund 1100, budget unit 261, Agricultural Commissioner (4/5 vote required);
2. Establish Fixed Asset Line 8986 in the amount of \$49,596 for the purchase of a volumetric prover; and
3. Grant the Agricultural Commissioner's Office an exemption from the expenditure requirements in the Deferred Maintenance Fund Policy.

SOURCE OF FUNDING:

California Department of Food and Agriculture (CDFA) County Unclaimed Gas Tax Allocation, Department of Pesticide Regulation (DPR) Cannabis Pesticide Use Enforcement Compliance Inspection Reimbursements and Deferred Maintenance Funds; Deferred Maintenance Trust Fund; Agricultural Commissioner's Office (1100-261).

DISCUSSION:

Weights & Measures Test Standards:

The Sealer of Weights & Measures is locally responsible for enforcement of state law as it pertains to the regulation of weights and measures and serves all consumers as the sole local regulatory agency authorized to enforce state laws intended to ensure fairness and equity in commercial transactions. Local administration of weights and measures is established in the California Business and Professions Code and authorizes counties by ordinance (Humboldt County Ordinance 2408) to charge an annual registration fee, and recover costs associated with inspecting or testing weighing and measuring

devices as required of the County Sealer of Weights & Measures. Inspections of commercial weighing and measuring devices are performed as frequently as required by regulation and verify that weighing and measuring devices are accurate and performing as intended. These inspections require the use of highly specialized equipment, the needs for which evolve and change to meet the current inspection needs of the department.

The Commissioner/Sealer's Office is requesting approval of a supplemental budget to purchase weights and measures inspection test equipment for two types of commercial weighing devices; one for cannabis weighing devices and the other for retail petroleum devices.

Approval of this supplemental budget request will provide funding for two additional Class II test kits, providing all weights and measures staff with test standards for testing cannabis industry Class II scales. Passage of the State Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) required cannabis licensees to comply with applicable California Business and Professions Code sections pertaining to commercial weighing devices. CDFA Division of Measurement Standards (DMS) recommends that cannabis licensees use Accuracy Class II scales which prior to passage of MAUCRSA were not commonly used in commercial transaction in Humboldt County. The Commissioner/Sealer's Office has been acquiring the needed Class II mass standards to meet the inspection demand created by legal cannabis and the use of Class II scales. There are currently 449 Class II scales registered with the county's device registration program.

The department is also seeking approval to purchase trailer-mounted retail petroleum device provers. Current practice based on existing equipment used when inspecting retail petroleum devices (gas pumps) is to use two 5-gallon volumetric test standards (cans) to perform the required high- and slow-flow tests, which is a physically demanding and time-consuming process. Purchase of trailer-mounted provers will increase staff productivity, increase safety, and reduce liability. The trailer, which includes a 50-gallon test measure, will make it possible for staff to test all devices (gasoline and diesel) at a service station. Currently high-flow diesel tests must be performed with a separate trailer-towed, 50-gallon prover. The manufacturer provided test data estimates that staff productivity doubles when using slip-on trailer-mounted test measures. There are currently 1,692 gas and diesel pumps registered with the county's device registration program.

State Program Activity, Time and Expense Reporting and Weights & Measures Device Registration and Billing Software:

Lastly, Agricultural Commissioners are responsible for submitting multiple monthly and annual reports to CDFA, CDFA DMS and DPR detailing county staff time spent performing state program mandates. Agricultural Commissioners must also complete and submit an annual financial statement to CDFA. The department's current timekeeping program is a 10-year old, excel-based program developed by former staff. Approval of the requested supplemental budget will fund a subscription to CalCATS, a program specifically developed to meet the unique timekeeping and reporting needs of county Agricultural Commissioner's Offices. CalCATS offers an activity, time, and expense tracking entry for all Agricultural Commissioner programs (pest detection, pesticide use enforcement, pest exclusion, direct marketing, organic, weights & measures) and would also provide a replacement for the department's device registration program, which is more than 25 years old and which no current

county IT staff can service.

Unclaimed Gas Tax

Unclaimed gas tax revenues are allocated to Humboldt County provided certain criteria are met according the California Food and Agriculture Code (FAC Section 224.5). One requirement known as the maintenance of effort (MOE) requires counties to maintain county General Fund support for agricultural commissioner services at least equal to the average amount expended for the 5 preceding fiscal years (FAC Section 224.5.(a)(3)). Unanticipated unclaimed gas tax revenue received during FY 2020-21 will likely lower the county's net county cost below the 5-year average, resulting in the loss of unclaimed gas tax revenues in FY 2021-22.

Deferred Maintenance Trust Fund

The Agricultural Commissioner's Office established an allocation from the Deferred Maintenance Trust Fund in FY 2006-07 and of the funds originally available (\$209,733) only monies to repaint the Agricultural Center and perform asbestos testing have been expended consistent with their intended projects. The Deferred Maintenance Policy requires that expenditures be used for costs for maintenance and improvements to county-owned facilities and/or maintenance needs identified in the Facilities Master Plan and items identified and recommended by Public Works staff, upon Board approval. The request for exemption from these provisions of the policy are because the funds available have not been expended for an extended period of time, and the urgency of the need of the above-described expenditures.

FINANCIAL IMPACT:

Approval of the supplemental budget would add \$43,250 to the Agricultural Commissioner's budget (budget unit 1100-261). However, the county's annual unclaimed gas tax allocation is dependent on the county's MOE, or ability to contribute General Fund support to the Agricultural Commissioner that is at least equal to the average amount expended for the 5 preceding fiscal years. The additional unclaimed gas tax received in FY 2020-21 will put the county's General Fund contribution below the 5-year average, and may affect the county's FY 2021-22 allocation.

The deferred maintenance funds requested to be approved to acquire weights & measures equipment and agricultural program activity software were originally approved for Agricultural Center deferred maintenance projects in FY 2006-07 and have not been expended for their intended projects. Approving \$25,000 in expenditures from the Deferred Maintenance Trust Fund would leave \$131,949 for future Agricultural Center projects. The current overall balance in the Deferred Maintenance Trust Fund (No. 3464 is \$3,817,205).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

CDFA

ALTERNATIVES TO STAFF RECOMMENDATIONS:

A Board decision to deny approval to utilize deferred maintenance funds for equipment and timekeeping program will likely cause the Agriculture Department to fail to meet the MOE criteria as required by the California FAC.

ATTACHMENTS:

Supplemental Budget 1100261, weights and measures equipment estimates, CalCATS activity, time, and expense tracking for agricultural commissioner staff .

PREVIOUS ACTION/REFERRAL:

Board Order No.:

Meeting of:

File No.: