

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

522



FROM: Executive Office

SUBMITTAL DATE:
July 11, 2006

**SUBJECT: 2005-2006 Grand Jury Report: Riverside County Agricultural
Commissioner Weights and Measures Division**

RECOMMENDED MOTION: That the Board instruct the Riverside County Agricultural Commissioner Weights and Measures Division to forward to the Executive Office – within 30 days – a draft of the Board’s response to the findings and recommendations of the Grand Jury that pertain to the Department’s operational areas; and direct the Executive Office to submit draft responses to the Board within 60 days.

BACKGROUND: The attached report has been issued by the Grand Jury.

Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury’s recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of Superior Court within 90 days.

Draft responses received from the affected department will be consolidated and presented for the Board’s consideration; the response ultimately approved by the Board will then be forwarded to the Grand Jury as required by statute.

Attachment

Gary M. Christmas
GARY M. CHRISTMAS
Deputy County Executive Officer

H:\DGRANT\GJURY\30dayAgComm06.doc

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE.

County Executive Office Signature

[Handwritten Signature]

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

STAMP: SUPP 7/11 -2 6/15/06
RECEIVED RIVERSIDE COUNTY



CONFIDENTIAL

RIVERSIDE COUNTY GRAND JURY

(909) 955-8990 OFFICE • (909) 955-8989 FAX

June 26, 2006

Riverside County Board of Supervisors
4080 Lemon Street, 1st Floor
Riverside, CA 92501

Subject: 2005-06 Grand Jury Report:
Riverside County Agricultural Commissioner Weights and Measures Division

Dear Board Members:

Please note that Penal Code Section 933 et seq., specifies that you respond within ninety days. Further, it specifies that this report be kept **confidential for a minimum of two working days** prior to public release. The contents of this report will be made public after the close of business **June 29, 2006**.

Sincerely,

Evelyn L. MacConnell, Foreperson
2005-06 Riverside County Grand Jury

ELM:gs
Attach.

2005-2006 GRAND JURY REPORT

Riverside County Agricultural Commissioner Weights and Measures Division

Background

Riverside County's Weights and Measures Division is mandated by state law to protect the interests of buyers and sellers in an effort to ensure the honesty and integrity of everyday business transactions. This protection is accomplished through continuous and systematic inspection of equipment that weighs and measures commodities that are sold. The Weights and Measures Division inspects scanner systems for pricing accuracy and packaged products for stated net contents.

Common complaints to the Weights and Measures Division are:

- Shelf prices and scanner do not agree
- Percentage discount not taken at register
- Deceptive packaging
- Short weight products
- Short measure gasoline delivery
- Octane rating in question
- Water in fuel
- Recycling inaccuracies
- Posted or advertised price not honored

Findings

1. A Business Registration and Licensing Program, a major component of the National Pollutant Discharge Elimination System (NPDES*), was approved by the Riverside County Board of Supervisors on March 21, 2006. A business registration/license database will provide the essential inventory information needed by Riverside County to meet NPDES requirements. This database will also identify current unlicensed businesses.
2. In fiscal year 2004-2005, the Weights and Measures Division completed a total of 1,202 scanner inspections of licensed businesses within the County. Forty-five percent of these inspections reflected pricing errors.

3. The Business and Profession Code Section 12015.3(a) gives Weights and Measures Division inspectors the authority to impose civil penalties, which can be up to \$1,000 for each violation.
4. Assembly Bill 889, Section 6, 13350(e) states, "The board of supervisors, by ordinance, may charge a reinspection fee for reinspections of a retail establishment that fails a standard inspection..." A Weights and Measures Scanner Inspection Program Report dated July 15, 2005, revealed that businesses are most often issued a Notice of Proposed Action rather than a fee.
5. Weights and Measures Division inspectors are frequently faced with business owners who do not recognize their authority.
6. The existence, functions and benefits of the Weights and Measures Division is not well known to the public. Its information pamphlet is not well distributed.

**NPDES is a formal water quality/storm water discharge inspection of specified commercial/industrial businesses within the unincorporated county areas.*

Recommendations

Riverside County Board of Supervisors Riverside County Agricultural Commissioner – Division of Weights and Measures

1. The Weights and Measures Division utilize the database being developed for the Business Registration and Licensing Program. This database will identify all businesses in Riverside County.
2. All retail establishments that fail an inspection be assessed a civil penalty and a reinspection fee.
3. The Board of Supervisors adopt an ordinance allowing the Weights and Measures Division to enforce reinspection fees as permitted by AB889.
4. All inspectors be issued standardized identification.

5. The Agricultural Commissioner take action to increase consumer awareness about the Weights and Measures Division. This should include, but not be limited to, distributing information to:

- Senior Centers
- Public Schools/ P.T.A.
- Public Libraries
- Local cable public information ads
- Public radio

Report Issued: 06/26/06
Report Public: 06/29/06
Response Due: 09/25/06