

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



ITEM: 3.6
(ID # 25726)

MEETING DATE:
Tuesday, September 10, 2024

FROM : AGRICULTURAL COMMISSIONER

SUBJECT: AGRICULTURAL COMMISSIONER: Introduction of Ordinance No. 620.5, an Amendment to Riverside County Ordinance No. 620 to adjust rates to be charged for Agricultural Services consisting of fees charged for inspection of devices for weighing and measurement pursuant to Business and Professions Code section 12110, et seq. All Districts

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce, read title, and waive further reading of, and adopt on successive weeks proposed Ordinance No. 620.5, an ordinance of the County of Riverside amending Ordinance No. 620 to provide for an adjustment to the fees charged pursuant to Government Code section 12110, *et seq.* for testing services provided by the Agricultural Commissioner for weighing and measurement devices within the County.

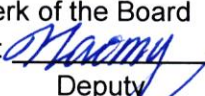
ACTION:Policy


Delia Cioc, Assistant Agricultural Commissioner. 8/19/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Gutierrez, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: September 10, 2024
xc: Agric. Comm.

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Reimbursement for Services Provided 100%			Budget Adjustment:	No
			For Fiscal Year:	2024/25

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

The Agricultural Commissioner’s Office Weights and Measures division is responsible for protecting both consumers and businesses that conduct business with Riverside County. This is done by ensuring that commercial weighing and measuring devices are accurate and reliable. The office is entrusted with the mission of fostering confidence and equity in the marketplace through education and the fair and uniform enforcement of laws, regulation, and ordinances enacted by the people of the State of California and the County of Riverside.

On June 8, 2006, pursuant to the authority granted in California Business and Professions Code §12210, the Board of Supervisors adopted Ordinance No. 620 entitled “An Ordinance of the County of Riverside Amending Ordinance No. 620 Providing for Imposition of Charges for Inspection and Testing of Certain Commercial and Non-Commercial Weighing and Measuring Instruments,” which is known as the “Inspection and Testing of Non-Commercial Weighing and Measuring Instruments Ordinance.”

Ordinance No. 620 established fees for the testing of non-commercial weighing and measuring instruments. Actual time expended is comprised of an hourly rate and mileage accrued of the inspector at the time services are rendered multiplied by the hours or fraction of hours expended in ¼ hour increments. Since Ordinance No. 620 has been adopted, the Agricultural Commissioner’s Office, based on departmental cost analysis, deems it necessary to amend the hourly rate for services requested to recuperate a portion of the department overhead for cost recovery. The proposed rates have been made based on comparative analysis of hourly rates assessed by neighboring counties for similar performed work, departmental revenue, expenditures, and labor costs.

Initiation of this amendment to Ordinance No. 620 was not required per Board Policy A-67 because it is an amendment to adjust fees for service charges.

It is recommended that the Board of Supervisors introduce, read title, and waive further reading of Ordinance No. 620.

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

ATTACHMENTS:

Attachment A: Riverside County Ordinance No. 620

 Douglas Cordonez Jr. 9/4/2024

 Aaron Gettis, Chief of Deputy County Counsel 9/4/2024

ORDINANCE NO. 620.5
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE
NO. 620 PROVIDING FOR IMPOSITION OF CHARGES FOR INSPECTION AND
TESTING OF CERTAIN COMMERCIAL AND NON-COMMERCIAL WEIGHING AND
MEASURING INSTRUMENTS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Subsection A. of Section 5. of Ordinance No 620 is amended to read as follows:

A. The fees for the inspection and testing of non-commercial weighing and measuring devices shall be paid in accordance with the following schedule. All charges to be on a portal-to-portal basis plus mileage charges, as indicated. Standby time will be computed at the same hourly rate as indicated for the specified device, at 15-minute intervals (or 0.25-hours), and at a minimum inspection charge of 30-minutes (or 0.5-hours):

<u>Type of Device</u>	<u>Price Per Hour</u>
Small Capacity Scales, Retail Gasoline Dispensers, Liquified Petroleum Gas, other Compressed Natural Gas Meters & All Other Devices	\$150.00*
Large Capacity Scales (scales exceeding 2,000 lbs. capacity) & Vehicle-Tank Meters	\$200.00*

***Mileage charge to be added for scale testing.**

\$2.50 per mile for any vehicle up to 10,000 lbs. GVW, plus \$150.00 or \$200.00 per hour.
\$3.00 per mile for vehicles 10,000 lbs. to 40,000 lbs. GVW, plus \$200.00 per hour.
\$3.75 per mile for vehicles exceeding 40,000 lbs. GVW, plus \$200.00 per hour.

Section 2. Subsection G. is added to Section 5. of Ordinance No. 620 as follows:

G. Devices must be picked up by the responsible party within thirty (30) days of notification that inspection has been completed. An additional storage charge of \$50 per day will be incurred for devices that are not picked up within thirty (30) days. Devices that are not picked up after sixty (60) days of notification of completed inspection work will be discarded by the County Agricultural Department.

Section 3. Section 6. of Ordinance No. 620 is amended to read as follows:

A. The fees for the inspection and testing of commercial weighing and measuring devices shall be

1 paid in accordance with the following schedule. All charges to be on a portal-to-portal basis
2 plus mileage charges, as indicated. Standby time will be computed at the same hourly rate as
3 indicated for the specified device, at 15-minute intervals (or 0.25-hours), and at a minimum
inspection charge of 30-minutes (or 0.5-hours):

<u>Type of Device</u>	<u>Price Per Hour</u>
4 Small Capacity Scales, Retail	\$150.00*
5 Gasoline Dispensers, Liquefied 6 Petroleum Gas, other 7 Compressed Natural Gas Meters & All Other Devices	
8 Large Capacity Scales (scales 9 exceeding 2,000 lbs. capacity) & Vehicle-Tank Meters	\$200.00*

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11 ***Mileage charge to be added for scale testing.**

12 \$2.50 per mile for any vehicle up to 10,000 lbs. GVW, plus \$150.00 or \$200.00
per hour.

13 \$3.00 per mile for vehicles 10,000 lbs. to 40,000 lbs. GVW, plus \$200.00 per hour.

14 \$3.75 per mile for vehicles exceeding 40,000 lbs. GVW, plus \$200.00 per hour.

15 **Section 4. Severability**

16 Should any fee herein established by held to be invalid or otherwise unenforceable, such determination shall
17 not affect the validity of all remaining fee provisions.

18 **Section 5. Effective Date**

19 This ordinance shall take effect thirty (30) days after its adoption.

20 BOARD OF SUPERVISORS OF THE COUNTY
21 OF RIVERSIDE, STATE OF CALIFORNIA

22 By: _____
23 Chairman

1 ATTEST:

2 CLERK OF THE BOARD:

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4 By: _____

Deputy
(SEAL)

6 APPROVED AS TO FORM:
September 4, 2024

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8 By: _____

Braden Holly
Deputy County Counsel

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**County of Riverside Agricultural Commissioner
Proposed Fee Schedule**

Description	Current Rate	Hourly Fee (Total Proposed Rate)	Difference
AG & STANDARDS INVESTIGATOR IV	68.3	77.89	9.59
AG & STANDARDS INVESTIGATOR IV	72.54	81.13	8.59
AG & STANDARDS INVESTIGATOR IV	70.26	75.40	5.14
AG & STANDARDS INVESTIGATOR IV	78.26	87.21	8.95
DEP AG COMMISSIONER-SEALER	75.56	92.90	17.34
SUPV AG & STANDARDS INVESTIGTR	79.41	88.08	8.67
AG & STANDARDS INVESTIGATOR IV	72.73	80.94	8.21
AG & STANDARDS INVESTIGATOR IV	72.69	83.68	10.99
AG & STANDARDS INVESTIGATOR IV	72.83	77.92	5.09
DEP AG COMMISSIONER-SEALER	94.31	105.79	11.48
SUPV AG & STANDARDS INVESTIGTR	83.16	89.29	6.13
AG & STANDARDS INVESTIGATOR IV	78.09	83.52	5.43
AG & STANDARDS INVESTIGATOR IV	75.15	83.59	8.44
AG & STANDARDS INVESTIGATOR IV	75.56	81.15	5.59
AG & STANDARDS INVESTIGATOR IV	75.59	80.90	5.31
AG & STANDARDS INVESTIGATOR IV	75.54	81.14	5.60
AG & STANDARDS INVESTIGATOR IV	75.43	80.83	5.40
AG & STANDARDS INVESTIGATOR IV	77.73	83.41	5.68
AG & STANDARDS INVESTIGATOR IV	70.18	78.34	8.16
SUPV AG & STANDARDS INVESTIGTR	79.97	89.29	9.32
AG & STANDARDS INVESTIGATOR IV	67.86	78.04	10.18
AG & STANDARDS INVESTIGATOR IV	75.53	80.92	5.39
AG & STANDARDS INVESTIGATOR IV	75.6	83.63	8.03
AG & STANDARDS INVESTIGATOR IV	75.6	83.69	8.09
AG & STANDARDS INVESTIGATOR IV	72.7	80.98	8.28
AG & STANDARDS INVESTIGATOR IV	78.23	83.70	5.47
AG & STANDARDS INVESTIGATOR IV	72.84	78.17	5.33
AG & STANDARDS INVESTIGATOR IV	72.83	78.16	5.33
AG & STANDARDS INVESTIGATOR IV	75.5	80.74	5.24
SUPV AG & STANDARDS INVESTIGTR	83.13	89.29	6.16
AG & STANDARDS INVESTIGATOR IV	72.67	80.67	8.00
AG & STANDARDS INVESTIGATOR IV	68.12	78.16	10.04
AG & STANDARDS INVESTIGATOR IV	72.73	80.66	7.93
AG & STANDARDS INVESTIGATOR IV	75.48	80.92	5.44
DEP AG COMMISSIONER-SEALER	83.16	99.99	16.83
AG & STANDARDS INVESTIGATOR IV	67.84	80.67	12.83
AG & STANDARDS INVESTIGATOR IV	67.08	76.89	9.81
AG & STANDARDS INVESTIGATOR IV	75.45	81.12	5.67
AG & STANDARDS INVESTIGATOR IV	72.65	80.87	8.22
AG & STANDARDS INVESTIGATOR IV	75.58	80.90	5.32
AG & STANDARDS INVESTIGATOR IV	63.23	78.16	14.93
AG & STANDARDS INVESTIGATOR IV	68.27	80.52	12.25
AG & STANDARDS INVESTIGATOR IV	72.77	80.98	8.21
AG & STANDARDS INVESTIGATOR IV	75.56	81.11	5.55
AG & STANDARDS INVESTIGATOR IV	72.74	78.15	5.41

**ORDINANCE NO. 620
(AS AMENDED THROUGH 620.5)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE
NO. 620 PROVIDING FOR IMPOSITION OF CHARGES FOR INSPECTION AND
TESTING OF CERTAIN COMMERCIAL AND NON-COMMERCIAL WEIGHING AND
MEASURING INSTRUMENTS**

The Board of Supervisors of the County of Riverside, Ordains as Follows:

SECTION 1. TITLE. This ordinance shall be known as the "Inspection and Testing of Non-Commercial Weighing and Measuring Instruments Ordinance."

SECTION 2. PURPOSE AND AUTHORITY. The purpose of the ordinance is to establish a schedule of fees for inspecting and testing certain commercial and non-commercial weighing and measuring instruments when the testing can legally be performed by a registered repairman. Ordinance No. 599 provides for owners of commercial weighing and measuring instruments to pay registration fees to partially defray the costs of inspecting and testing the instruments. The Business and Professions Code mandates the inspection and testing of these instruments. However, the County has no provision to recover costs for inspecting and testing instruments that are not mandated by the Business and Professions Code, such as non-commercial devices. The authority for this ordinance is Division 5, Chapter 2, Article 2 (beginning with Section 12210) of the California Business and Professions Code. The ordinance is adopted pursuant to Title 3, Division 2, Part 2, Chapter 1, Article 7 (beginning with Section 25120) of the Government Code.

SECTION 3. DEFINITIONS. Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have meanings as set forth below:

- A.** "Weighing and measuring instruments" shall mean "weighing instruments" or "measuring instruments" as each are respectively defined by Section 12500 of the California Business and Professions Code.
- B.** "Commercial purposes" shall have the meaning assigned to it by Section 12500 of the California Business and Professions Code.
- C.** "Weights and Measures Division" means the Weights and Measures Division of the Department of Agriculture of the County of Riverside.
- D.** "Sealer" means the Sealer of Weights and Measures of the Department of Agriculture and his duly authorized agents.

SECTION 4. FEES. All fees shall be based on the recommended schedule of fees published by the Division of Measurement Standards, State Department of Food and Agriculture, as revised from time to time. All fees collected shall be credited to the General Fund of the County and used only for the administration and enforcement of laws pertaining to the Weights and Measures Division.

SECTION 5. FEES FOR NON-COMMERCIAL DEVICES.

- A. The fees for the inspection and testing of non-commercial weighing and measuring devices shall be paid in accordance with the following schedule. All charges to be on a portal-to-portal basis plus mileage charges, as indicated. Standby time will be computed at the same hourly rate as indicated for the specified device, **at 15-minute intervals (or 0.25-hours), and at a minimum inspection charge of 30-minutes (or 0.5-hours):**

<u>Type of Device</u>	<u>Price Per Hour</u>
Small Capacity Scales, Retail Gasoline Dispensers, Liquified Petroleum Gas, other Compressed Natural Gas Meters & All Other Devices	\$150.00*
Large Capacity Scales (scales exceeding 2,000 lbs. capacity) & Vehicle-Tank Meters	\$200.00*

***Mileage charge to be added for scale testing.**

\$2.50 per mile for any vehicle up to 10,000 lbs. GVW, plus **\$150.00 or \$200.00** per hour.
\$3.00 per mile for vehicles 10,000 lbs. to 40,000 lbs. GVW, plus **\$200.00** per hour.
\$3.75 per mile for vehicles exceeding 40,000 lbs. GVW, plus **\$200.00** per hour.

- B. An additional fee of equal amount shall be collected when devices are tested after 5:00 p.m. on weekdays, or on Saturdays, Sundays and Holidays.
- C. No devices will be tested between the hours of 8:00 p.m. and 8:00 a.m.
- D. Whenever a device cannot be sealed after the first test, and if additional tests are required, a fee of like amount shall be collected for each additional test.
- E. Whenever specialized equipment is rented to perform a requested test, the cost of the rented equipment will be prorated to the requesting agency.
- F. All requests for inspection will be made in writing.
- G. **Devices must be picked up by the responsible party within thirty (30) days of notification that inspection has been completed. An additional storage charge of \$50 per day will be incurred for devices that are not picked up within thirty (30) days. Devices that are not picked up after sixty (60) days of notification of completed inspection work will be discarded by the County Agricultural Department.**

SECTION 6. FEES FOR COMMERCIAL DEVICES WHEN REQUESTED BY OWNER/USER.

- A. The fees for the inspection and testing of commercial weighing and measuring devices shall be paid in accordance with the following schedule. All charges to be on a portal-to-portal basis plus mileage charges, as indicated. Standby time will be computed at the same hourly rate as indicated for the specified device, **at 15-minute intervals (or 0.25-hours), and at a minimum inspection charge of 30-minutes (or 0.5-hours):**

<u>Type of Device</u>	<u>Price Per Hour</u>
Small Capacity Scales, Retail Gasoline Dispensers, Liquified Petroleum Gas, other Compressed Natural Gas Meters & All Other Devices	\$150.00*
Large Capacity Scales (scales exceeding 2,000 lbs. capacity) & Vehicle-Tank Meters	\$200.00*

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\$2.50 per mile for any vehicle up to 10,000 lbs. GVW, plus **\$150.00 or \$200.00** per hour.
\$3.00 per mile for vehicles 10,000 lbs. to 40,000 lbs. GVW, plus **\$200.00** per hour.
\$3.75 per mile for vehicles exceeding 40,000 lbs. GVW, plus **\$200.00** per hour.

SECTION 7. PAYMENT OF FEES AND PENALTIES.

Fees for the inspection and testing of weighing and measuring devices shall be due and payable upon completion of the services. Fees not paid upon completion of the services shall be subject to a surcharge of 10% of the total fees together with a charge for costs of collection and attorney fees, if any.

SECTION 8:

This ordinance shall take effect thirty (30) days after adoption.

- Adopted:** 620 Item 3.4 of 12/31/1985 (Eff: 01/30/1986)
Amended: 620.1 Item 3.5 of 10/14/1986 (Eff: 11/13/1986)
 620.2 Item 3.5 of 10/20/1987 (Eff: 11/19/1987)
 620.3 Item 9.4 of 03/06/1990 (Eff: 04/05/1990)
 620.4 Item 9.3 of 05/09/2006 (Eff: 06/08/2006)
 620.5 Items 5 and 6 of XX/XX/XXXX (Eff: XX/XX/XXXX)