

File No. 130132

Committee Item No. 3

Board Item No. 2

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Sub-Committee

Date 04/17/2013

Board of Supervisors Meeting

Date may 7, 2013

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Notice of Hearing</u>
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Completed by: Victor Young

Date April 12, 2013

Completed by: Victor Young

Date 4/18/13

[Administrative Code - Weights and Measures Fees]

Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings.

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike through italics Times New Roman~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130132 and is incorporated herein by reference.

Section 2. The San Francisco Administrative Code is hereby amended by Section 1.13-5, to read as follows:

SEC. 1.13-5. WEIGHTS AND MEASURES – PERMITS AND FEES.

(a) **Registration Fees.** All weighing and measuring devices used for commercial purposes, as defined in subdivision (e) of Section 12500 of the Business and Professions Code, shall be registered annually with the County Sealer of Weights and Measures. The fee charged by the County Sealer for such registration shall be used to offset the costs of inspecting and testing of said devices pursuant to Section 12240 of the Business and Professions Code and to recover the cost of carrying out Business and Professions Code Section 12211.

1 (b) **Calculation of Fees.** The amount of the fees shall be set to recover the total
2 costs of inspection and testing incurred by the County Sealer for each annual registration, but
3 shall not exceed the maximum annual charges authorized under California Business and
4 Professions Code Section 12240. Each registration fee shall include ~~both~~ a business location
5 component; ~~and~~ a device fee component; and a State of California administrative charge. The
6 registration fees shall be according to the following schedule:

7 Beginning January 1, 2008~~13~~, and thereafter, the registration fee shall be one hundred
8 dollars (\$100) per business location, plus a device fee listed in subsection (c) below.

9 (c) **Device Fees.**

10 (1) For large capacity weighing devices, other than livestock, with capacities of
11 10,000 pounds or greater, the device fee shall not exceed two hundred fifty dollars (\$250) per
12 device;

13 (2) For smaller capacity weighing devices, other than livestock scales, with
14 capacities of a least 2,000 pounds but less than 10,000 pounds, the device fee shall not
15 exceed one hundred fifty dollars (\$150) per device;

16 (3) For livestock scales with capacities of 10,000 pounds or greater, the device
17 fee shall not exceed one hundred fifty dollars (\$150) per device;

18 (4) For livestock scales with capacities of at least 2,000 pounds but less than
19 10,000 pounds, the device fee shall not exceed one hundred dollars (\$100) per device;

20 (5) For liquefied petroleum gas meters, truck mounted or stationary, the device
21 fee shall not exceed one hundred ~~seventy-eighty~~-five dollars (~~\$175~~185) per device.

22 (6) For wholesale and vehicle meters, the device fee shall not exceed
23 ~~twentyseventy~~-five dollars (~~\$25~~75) per device;

24 (7) For computing scales, the device fee shall not exceed twenty (\$20) per device. For
25 purposes of this subsection, a computing scale shall be a weighing device with a capacity of less than

1 100 pounds that indicates the money value of any commodity weighed, at predetermined unit prices,
2 throughout all or part of the weighing range of the scale. For the purposes of this subsection, the
3 portion of the annual registration fee consisting of the business location fee and the device fees
4 authorized by this subsection shall not exceed the sum of one thousand dollars (\$1000) for each
5 business location.

6 (8) For jewelry and prescription scales, the device fee shall not exceed eighty
7 dollars (\$80) per device. For purposes of this subsection, a jewelry or prescription scale is a scale that
8 meets the specifications, tolerances and sensitivity established pursuant to California Business and
9 Professions Code Section 12107.

10 (9) For weighing devices, other than [computing,] jewelry and prescription scales as
11 defined in subsection (7), with capacities of at least 100 pounds, but less than 2,000 pounds, the device
12 fee shall not exceed fifty dollars (\$50) per device.

13 (10) For vehicle odometers utilized to charge mileage usage fees in vehicle rental
14 transactions or in computing other charges for service, including, but not limited to, ambulance, towing
15 or limousine services, the device fee shall not exceed sixty dollars (\$60) per device.

16 (A) This subsection does not apply to odometers in rental passenger vehicles,
17 as defined by California Vehicle Code Section 465, that are subject to California Civil Code Section
18 1936. If a person files a complaint with the County Sealer of Weights and Measures, regarding the
19 accuracy of rental passenger vehicle odometer, the County Sealer may charge a fee to the operator of
20 the vehicle rental business sufficient to recover, but not to exceed, the reasonable cost of testing the
21 device in investigation of the complaint.

22 (B) For vehicle odometers utilized to charge mileage usage fees in vehicle
23 rental transactions involving nonpassenger vehicles that are not subject to California Civil Code
24 Section 1936, the portion of the annual registration fee consisting of the business location fee and the
25

1 device authorized under subsection (10) shall not exceed three hundred forty dollars (\$340) for each
2 business location.

3 (711) For all other commercial weighing or measuring devices not listed above,
4 the device fee shall not exceed twenty dollars (\$20) per device. For purposes of this
5 subsection (c)(712), the total annual registration fee shall not exceed the sum of one thousand
6 dollars (\$1,000) for each business location.

7 (d) **Business Locations.** For purposes of this Section, a single business location is
8 defined as:

9 (1) Each vehicle, except for those vehicles that are employed in vehicle rental transactions
10 containing one or more commercial devices; or,

11 (2) (A) for vehicles that are employed in vehicle rental transactions that are not subject to
12 Cal Civil Code Section 1936, each business location at which vehicles are stored or maintained by a
13 vehicle rental company for the purposes of renting vehicles to customers.

14 (B) A facility that meets all of the following criteria shall not be considered a business
15 location for the purposes of this paragraph:

16 (i) The facility is not wholly, or in any part, owned, leased or operated by the
17 vehicle rental company.

18 (ii) The facility not operated or staffed by an employee of the vehicle rental
19 company.

20 (iii) The facility stores or maintains, on a temporary basis, vehicles at the
21 location for customer convenience.

22 (C) If a person files a complaint with the county sealer regarding the accuracy of an
23 odometer in vehicle found or located at facility described in subsection (B), above, the county sealer
24 may charge a fee to the operator of vehicle rental company sufficient to recover, but not to exceed the
25 reasonable cost of testing the device in investigation of the complaint.

(B3) each business location that uses different categories or types of commercial devices that require the use of specialized testing equipment and that necessitates not more than one inspection trip by a weights and measures official.

(e) **Utility Meters.** For marinas, mobilehome parks, recreational vehicle parks, and apartment complexes, where the owner of the marina, park, or complex owns and is responsible for the utility meters, the device fee shall not exceed the following:

(1) For water submeters, two dollars (\$2) per device per space or apartment.

(2) For electric submeters, three dollars (\$3) per device per space or apartment.

(3) For vapor submeters, four dollars (\$4) per device per space or apartment.

Marinas, mobilehome parks, recreational vehicle parks, and apartment complexes for which the above fees are assessed, shall be inspected and tested as frequently as required by regulation.

(f) State of California Fees. In addition to the fees set forth above, the California Code of Regulations, Title 4, Division 9, Chapter 3, Article 3, Section 4075, requires each county office of weights and measures to collect the following fees on behalf of the California Department of Food and Agriculture for recovery of the Department's administrative costs, and to remit these funds to the Department.

<u>Device Category</u>	<u>Administrative Fee</u>
<u>Electric Submeter</u>	<u>\$0.10</u>
<u>Water Submeter</u>	<u>\$0.10</u>
<u>Vapor Submeter</u>	<u>\$0.10</u>
<u>CNG Meter</u>	<u>\$1.10</u>
<u>Fabric, Cordage, Wire Meter</u>	<u>\$1.10</u>
<u>Grease and Lube Meter</u>	<u>\$1.10</u>
<u>Odometer</u>	<u>\$1.10</u>

1	<u>Retail Motor Fuel Dispenser</u>	<u>\$1.10</u>
2	<u>Retail Meter</u>	<u>\$1.10</u>
3	<u>Retail Water Meter</u>	<u>\$1.10</u>
4	<u>Tank (Liquid Test)</u>	<u>\$1.10</u>
5	<u>Taximeter</u>	<u>\$1.10</u>
6	<u>Vehicle Meter</u>	<u>\$1.10</u>
7	<u>Wholesale Meter</u>	<u>\$1.10</u>
8	<u>Miscellaneous Measuring Device</u>	<u>\$1.10</u>
9	<u>Scales less than 2,000 pounds capacity</u>	<u>\$1.10</u>
10	<u>Liquefied Gas Meter</u>	<u>\$8.00</u>
11	<u>Scales 2,000 to 10,000 pounds capacity</u>	<u>\$8.00</u>
12	<u>Scales greater than 10,000 pounds capacity</u>	<u>\$12.00</u>

14 (fg) **Rules and Regulations.** The County Sealer shall promulgate such rules and
15 regulations as are reasonable and necessary to implement this ordinance.

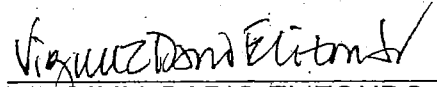
16 (gh) **Penalties.** The penalty for fees not paid within 30 days of billing shall be 100
17 percent.

18 Section 3. Effective Date. This ordinance shall become effective 30 days from the
19 date of passage.

20 Section 4. This section is uncoded. In enacting this Ordinance, the Board intends to
21 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
22 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that
23 are explicitly shown in this legislation as additions, deletions, Board amendment additions,
24 and Board amendment deletions in accordance with the "Note" that appears under the official
25 title of the legislation.

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By:


4 VIRGINIA DARIO ELIZONDO
5 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Weights and Measures Fees]

Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings.

Existing Law

California law requires all weighing and measuring devices used for commercial purposes, as defined in the California Business and Professions Code Section 12500(e), to register annually with the County Sealer of Weights and Measures. The fee charged by the County Sealer for such registration is used to offset the costs of inspecting and testing of these devices, and to recover the cost of carrying out this requirement. The State sets the maximum fee that can be recovered by a county.

Amendments to Current Law

In 2012, State law was amended to increase the fees a county may charge for inspecting and testing weighing and measuring devices. Additionally the State of California requires counties to collect a fee to cover the California Department of Food and Agriculture's administrative costs and remit those fees to the State.

Item 3 File 13-0132	Department: Department of Public Health (DPH)
EXECUTIVE SUMMARY	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> The proposed ordinance would amend Section 1.13-5 of the Administrative Code to (1) increase annual registration fees charged by the County Sealer of Weights and Measures to the new not-to-exceed amounts authorized by the State for the inspection and testing of weighing and measuring devices used for commercial purposes by retail businesses located in San Francisco, and (2) codify new State administrative fees that the County Sealer of Weights and Measures is required to collect on behalf of the California Department of Food and Agriculture. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> The County Sealer of Weights and Measures is responsible for consumer and merchant protection through the regulation of all weighing and measuring devices used in commercial transactions in San Francisco. Section 1.13-5 of the City's Administrative Code requires all such devices to be registered annually with the County Sealer of Weights and Measures and authorizes the County Sealer to charge businesses a registration fee to recover the costs of inspecting and testing such devices. Prior to January 1, 2013, San Francisco's Weights and Measures registration fees were set to the not-to-exceed amounts allowed under State law; however, effective January 1, 2013, the State Legislature increased the not-to-exceed amounts for certain types of devices and introduced new State administrative fees that County Sealers are required to collect and remit to the California Department of Food and Agriculture. The proposed ordinance would therefore increase annual registration fees charged by the County Sealer of Weights and Measures to the new not-to-exceed amounts for certain types of devices, and would codify the new State administrative fees that the County Sealer of Weights and Measures is required to collect and remit to the California Department of Food and Agriculture. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> The proposed ordinance would increase the estimated annual revenues realized from Weights and Measures registration fees by \$29,573, from \$489,547 to \$519,120. The proposed registration fees would increase the recovery of program costs from 65.0 percent under the current registration fees to 68.9 percent under the proposed registration fees. <p style="text-align: center;">Policy Consideration</p> <ul style="list-style-type: none"> Because the amounts of the not-to-exceed registration fees are set by the State, the County Sealer of Weights and Measures does not have the flexibility to charge registration fees sufficient to ensure that revenues fully recover the costs of administering the Weights and Measures Program. As such, revenues realized from registration fees historically have not recovered the costs of administering the program. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> Approve the proposed ordinance. 	

MANDATE STATEMENT / BACKGROUND**Mandate Statement**

In accordance with Section 2.105 of the City's Charter, amendments to the City's Administrative Code are subject to approval by ordinance of the Board of Supervisors.

Background

The County Sealer of Weights and Measures is responsible for consumer and merchant protection through the regulation of all weighing and measuring devices used in commercial transactions in San Francisco, as required under Section 12210 of the California Business and Professions Code. Each year, the Weights and Measures Program of the Department of Public Health performs inspections and testing on various commercial weighing and measuring devices used by retail businesses, including but not limited to liquefied petroleum gas meters, wholesale and vehicle meters, computing scales, livestock scales, jewelry scales, prescription scales, odometers, and price scanning equipment. According to Mr. Miguel Monroy, San Francisco's Sealer of Weights and Measures, the Weights and Measures Program inspected 10,502 devices at 3,192 registered San Francisco business locations in FY 2011-12.

Section 1.13-5 of the City's Administrative Code requires all such devices to be registered annually with the County Sealer of Weights and Measures and authorizes the County Sealer to charge businesses a registration fee to recover the costs of inspecting and testing such devices. Section 12240 of the California Business and Professions Code establishes not-to-exceed registration fees for various types of weighing and measuring devices, which, by ordinance, the Board of Supervisors may authorize the County Sealer of Weights and Measures to charge registered businesses. Prior to January 1, 2013, San Francisco's Weights and Measures registration fees were set to the not-to-exceed amounts provided under Section 12240 of the California Business and Professions Code; however, effective January 1, 2013, the State increased the not-to-exceed amounts for certain types of weighing and measuring devices. In addition, the State introduced new administrative fees that County Sealers of Weights and Measures are required to collect and remit to the California Department of Food and Agriculture.

As shown in Table 1 below, annual revenues realized from Weights and Measures registration fees recovered approximately 74.2 percent of the County Sealer of Weights and Measures' costs in FY 2010-11, resulting in a needed General Fund expenditure of \$169,388, and approximately 68.4 percent of the County Sealer's costs in FY 2011-12, resulting in a needed General Fund expenditure of \$225,389.

Table 1: County Sealer of Weights and Measures Program Cost and Revenue Data

Year	Devices Registered	Business Locations Registered	Hours Expended	Estimated Cost	Registration Fee Revenues	General Fund Revenues Needed	% of Cost Recovered from Fee Revenues
FY 2010-11	10,225	3,468	6,818	\$656,662	\$487,274	\$169,388	74.2%
FY 2011-12	10,502	3,192	8,868	\$713,511	\$488,122	\$225,389	68.4%

Source: Department of Public Health Weights and Measures Program

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would amend Section 1.13-5 of the Administrative Code to (1) increase annual registration fees charged by the County Sealer of Weights and Measures to the new not-to-exceed amounts authorized by the State for the inspection and testing of weighing and measuring devices used for commercial purposes by retail businesses located in San Francisco, and (2) codify new State administrative fees that the County Sealer of Weights and Measures is required to collect on behalf of the California Department of Food and Agriculture. These annual registration fees will become effective upon approval of the proposed ordinance.¹

The registration fee for the Weights and Measures Program consists of three components: (1) a business location component of \$100 for each registered business location, (2) a device fee component for each registered device within a business location, which varies by type of device, and (3) a new State administrative fee that the County Sealer of Weights and Measures is required to collect and remit to the California Department of Food and Agriculture.

Increases to the Device Fee Component for Certain Types of Devices

The proposed ordinance would increase the device fee component of the registration fee to the new not-to-exceed amounts authorized by the State for certain types of weighing and measuring devices provided under Section 12240 of the California Business and Professions Code as of January 1, 2013, as shown in Table 2 below.

Table 2: Current and Proposed Device Fee Components of Weights and Measures Registration Fees

Type of Device	Current Device Fee Component	Proposed Device Fee Component	Increase	% Increase
Liquefied Petroleum Gas Meter	\$175	\$185	\$10	5.7%
Wholesale Meter	\$25	\$75	\$50	200%
Vehicle Meter	\$25	\$75	\$50	200%
Jewelry and Prescription Scales	\$20	\$80	\$60	300%
Scales ≥ 100 but $\leq 2,000$ Pounds	\$20	\$50	\$30	150%
Odometer (Non-passenger vehicles)	\$20	\$60	\$40	200%
Electric Sub-meter	\$2	\$3	\$1	50%
Vapor Sub-meter	\$2	\$4	\$2	100%

In addition, the proposed ordinance would establish caps on registration fees charged to each business with certain types of devices, which are:

- \$1,000 for businesses charged \$20 per device for the inspection and testing of computing scales with capacities of less than 100 pounds, inclusive of the \$100 business location component; and,

¹ The County Sealer of Weights and Measures collects annual registration fees from the registered businesses between January 1 and March 31; however, for FY 2012-13, the County Sealer of Weights and Measures has postponed the collection of annual registration fees pending approval of the proposed ordinance.

- \$340 for businesses charged \$60 per device for the inspection and testing of odometers, inclusive of the \$100 business location component.

State Administrative Fees

The proposed ordinance would codify, in Section 1.13-5 of the City's Administrative Code, new State administrative fees that the County Sealer of Weights and Measures is required to collect and remit to the California Department of Food and Agriculture. The amounts of these fees are shown in Table 3 below.

Table 3: State Administrative Fees

Type of Device	Administrative Fee
Electric Sub-meter	\$0.10
Water Sub-meter	\$0.10
Vapor Sub-meter	\$0.10
CNG Meter	\$1.10
Fabric, Cordage, Wire Meter	\$1.10
Grease and Lube Meter	\$1.10
Odometer	\$1.10
Retail Motor Fuel Dispenser	\$1.10
Retail Meter	\$1.10
Retail Water Meter	\$1.10
Tank (Liquid Test)	\$1.10
Taximeter	\$1.10
Vehicle Meter	\$1.10
Wholesale Meter	\$1.10
Miscellaneous Measuring Device	\$1.10
Scale < 2,000 Pounds	\$1.10
Liquefied Gas Meter	\$8.00
Scales 2,000 to 10,000 Pounds	\$8.00
Scales > 10,000 Pounds	\$12.00

According to Mr. Monroy, the County Sealer of Weights and Measures is permitted to retain 15 percent of the revenues realized from State administrative fees in order to offset the cost of collecting and remitting the fees to the California Department of Food and Agriculture. According to the City Attorney's Office, the County Sealer of Weights and Measures is required to collect and remit these State administrative fees to the California Department of Food and Agriculture regardless of whether these fees are included in San Francisco's Administrative Code. Ms. Dario Elizondo of the City Attorney's Office advises that codifying these State administrative fees in the City's Administrative Code would further clarify to businesses the role of the County Sealer of Weights and Measures in collecting such fees.

FISCAL IMPACT

According to estimates provided by the County Sealer of Weights and Measures, the proposed ordinance would increase the estimated annual revenues realized from registration fees, charged to retail businesses located in San Francisco for the inspection and testing of weighing and measuring devices, by \$29,573, from \$489,547 to \$519,120, as shown in Table 4 below.

Table 4: County Sealer of Weights and Measures Estimated Annual Program Costs and Revenues under Current versus Proposed Registration Fees

	Hours Expended	Estimated Cost	Estimated Annual Registration Fee Revenues ²	Estimated General Fund Revenues Needed	% of Cost Recovered from Fee Revenues
Current Fees	8,868	\$753,188	\$489,547	\$263,641	65.0%
Proposed Fees	8,868	\$753,188	\$519,120	\$234,068	68.9%

As shown in Table 4 above, the proposed registration fees would increase the recovery of program costs from 65.0 percent under the current registration fees to 68.9 percent under the proposed registration fees.

POLICY CONSIDERATION

According to Section 1.13-5 of the City's Administrative Code, the annual registration fees charged by the County Sealer of Weights and Measures are intended to offset the costs of administering the Weight and Measures Program. However, because the amounts of the not-to-exceed registration fees are set by the State, the County Sealer of Weights and Measures does not have the flexibility to charge registration fees sufficient to ensure that revenues fully recover the costs of administering the Weights and Measures Program. According to data provided by the County Sealer of Weights and Measures, the revenues realized from annual registration fees historically have not recovered the costs of administering the Weights and Measures Program, with the exception of FY 2007-08,³ as shown in Table 5 below.

² The estimated registration fee revenues shown in Table 4 include 15 percent of the estimated \$9,501, or \$1,425, the program will receive for collecting the State administrative fees on behalf of the California Department of Food and Agriculture. These State administrative fees are included in the revenue estimates of current and proposed registration fees because the County Sealer of Weights and Measures is required as of January 1, 2013 to collect and remit these fees to the California Department of Food and Agriculture regardless of whether these fees are codified in San Francisco's Administrative Code.

³ Mr. Monroy advises that the registration fee revenues for FY 2007-08 were higher than other years because some registration fee revenues for FY 2006-07 were received in FY 2007-08.

Table 5: Weights and Measures Program Cost Recovery, FY 2004-05 to Present

Year	Estimated Costs	Actual Registration Fee Revenues	Needed General Fund Revenues	% of Cost Recovered from Fee Revenues
FY 2004-05	\$523,240	\$123,967	\$399,273	24%
FY 2005-06	\$478,185	\$300,676	\$177,509	63%
FY 2006-07	\$534,246	\$441,492	\$92,754	83%
FY 2007-08	\$575,385	\$634,979	(\$59,594)	110%
FY 2008-09	\$669,505	\$528,294	\$141,211	79%
FY 2009-10	\$674,265	\$538,494	\$135,771	80%
FY 2010-11	\$656,662	\$487,274	\$169,388	74%
FY 2011-12	\$713,511	\$488,122	\$225,389	68%

RECOMMENDATION

Approve the proposed ordinance.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

April 11, 2013

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

File No. 130132 [Administrative Code- Weights and Measures Fees]

Small Business Commission Recommendation: Approval

Dear Ms. Calvillo:

On March 25, 2013 the Small Business Commission (SBC) voted 6-0 to recommend approval of BOS File No. 130132.

The Commission heard testimony from Miguel Monroy, Sealer of Weights and Measures, and determined that the fee increases were consistent with State legislation that enabled the fees to be levied. In addition, the Commission dutifully reviewed the fee structures of adjacent counties and found that all neighboring jurisdictions have adopted or are in the process of adopting the same fee structure and costs as the City and County of San Francisco is proposing.

The Commission is cognizant that some industries, including jewelers and pharmacies will see increases in their annual weights and measures licensing costs. The Commission however, determined that the state process for averaging out the cost to perform these inspections, along with the testimony of the Sealer, adequately demonstrated the justification for an increase in fee in these categories. The Commission notes that a majority of fees will remain unchanged, including the most common categories, which include grocery scales and taximeters.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

Cc: Jason Elliot, Mayor's Office
Miguel Monroy, Sealer of Weights and Measures

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6408



Edwin M. Lee
Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 FEB -8 PM 2:11

BY BA

Barbara A. Garcia, MPA
Director of Health

February 8, 2013

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and four copies of three proposed ordinances for Board of Supervisors approval, which are intended to conform the San Francisco Administrative Code to California Public Resources Code.

The following is a list of accompanying documents (five sets):

- Ordinance amending the San Francisco Administrative Code Section 1.10 to revise registration fees for inspecting agricultural products; and making environmental findings.
- Ordinance amending the San Francisco Administrative Code by amending Section 1.13-5 to revise registration fees for inspecting and testing weighing and measuring devices as provided by state law; making environmental findings.
- Legislative Digest for Ordinance amending the San Francisco Administrative Code by amending Section 1.13-15 to revise registration fees for inspecting and testing weighing and measuring devices as provided by state law; making environmental findings.
- Ordinance amending the San Francisco Administrative Code by adding Section 10.100-217 to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws, and making environmental findings.

There is no requirement for a special timeline for these items.

The following persons may be contacted regarding this matter: Richard Lee, DPH Director of Environmental Health Regulatory Program at 252-3992 or Jim Soos, DPH Assistant Director of Policy and Planning at 554-2633.

Sincerely,

A handwritten signature in dark ink, appearing to read "Barbara A. Garcia".

Barbara A. Garcia, MPA
Director of Health

SFDPH

Environmental HEALTH

improving environments
protecting health

San Francisco
Department of Public Health

Edwin M. Lee
Mayor

Barbara Garcia MPA
Director of Health

Rajiv Bhatia MD, MPH
Director of Environmental Health

MEMO

April 3, 2013

To: Angela Calvillo, Clerk of the Board
From: Miguel Monroy, Agricultural Commissioner/Sealer of Weights & Measures
Re: Proposed Amendments to W & M Ordinances in the CA Government Code

I am forwarding the information required to address Section 54986 of the California Government Code. This information pertains to the following proposed legislation:

Ordinance amending Administrative Code Section 1.10 revising inspection fees for the inspection and certification of agricultural products.

- The proposed fee will generate approximately \$22,200.00 in FY 12-13
- Estimated FY 12-13 program costs are approximately \$23,761.00
- In FY 11-12 the program cost was \$28,416.00. The FY 11-12 revenue was \$20,887.00

Ordinance amending Administrative Code Section 1.13-5 revising registration fees for inspecting and testing weighing and measuring devices as provided by state law.

- The proposed fee will generate approximately \$517,695.00 in FY 12-13
- The estimated cost of the program for FY 12-13 is \$713,511.00
- In FY 11-12 the program cost was \$713,511.00. The FY 11-12 revenues were \$488,122.00



Weights and Measures
Program

1390 Market Street
Suite 210

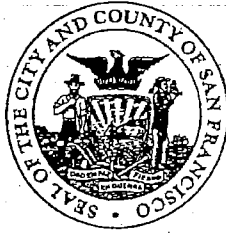
San Francisco, CA 94102

Phone 415.252.3884

Fax 415.252.3869

www.sfenvironmentalhealth.org

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Planning Department
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board *by my*

DATE: February 20, 2013

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors Budget and Finance Committee has received the following, which is being referred to the Planning Department for determination as to whether the proposed legislation will impact the environment.

Please provide your findings within 10 days from the date of referral.

File: 130132

Administrative Code - Weights and Measures Fees

Please return this cover sheet with the Commission's response to Victor Young, Clerk, Budget and Finance Committee.

C: Nannie Turrell, Major Environmental Analysis
Monica Pereira, Environmental Analysis
Joy Navarrete, Environmental Analysis

RESPONSE FROM PLANNING DEPARTMENT - Date: February 21, 2013

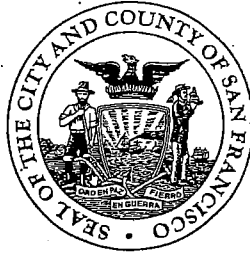
☐ No Comment
☒ Recommendation Attached

Nannie R. Turrell for
Bill Wycko, Environmental Review Officer

Referral - Fees

*Statutory Exemption CEQA
guide lines, Article 18,
Section 15273, Rates, Fills,
Fees and Charges.*

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BUDGET AND FINANCE SUB-COMMITTEE COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Budget and Finance Sub-Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Wednesday, April 17, 2013

Time: 10:00 a.m.

Location: Legislative Chamber, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 130132. Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings.

If the legislation passes, the following fees for inspecting and testing weighing and measuring devices will be increased as follows:

Device fee for liquefied petroleum gas meters, truck mounted or stationary, not to exceed amount shall be increased from \$175 to \$185.

Device fee for wholesale and vehicle meters, not to exceed amount shall be increased from \$25 to \$75.

Device fee for computing scales shall not exceed \$20 per device. The portion of the annual registration fee consisting of the business location fee and the device fee authorized by this subsection shall not exceed the sum of \$1000 for each business location.

Device fee for jewelry and prescription scales shall not exceed \$80 per device.

Device fee for weighing devices, other than computing, jewelry and prescription, with capacities of at least 100 pounds, but less than 2,000 pounds, shall not exceed \$50 per device.

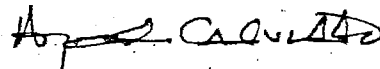
Device fee for vehicle odometers, utilized to charge mileage usage fee in vehicle rental transactions or in computing other charges for services, including, but not limited to, ambulances, towing, or limousine services, shall not exceed \$60 per device. For vehicle odometers utilized to charge mileage usage fees in vehicle rental transactions involving non-passenger vehicles that are not subject to CA Civil Code Section 1936, the portion of the annual registration fee consisting of the business location fee and the device authorization in subsection (10) shall not exceed \$340 for each business location.

Utility Meters device fee for water submeter shall be \$2; electric submeter shall be \$3; and vapor submeter shall be \$4 per device per space or apartment.

State of California Fees: In addition to fees set forth in Administrative Code, Section 1.13-5 (a-e), the following administrative fees shall be collected on behalf of the California Department of Food and Agriculture for recovery of the Department's administrative costs:

- Electric Submeter \$0.10;
- Water Submeter \$0.10;
- Vapor Submeter \$0.10;
- CNG Meter \$1.10;
- Fabric, Cordage, Wire Meter \$1.10;
- Grease and Lube Meter \$1.10;
- Odometer \$1.10;
- Retail Motor Fuel Dispenser \$1.10;
- Retail Meter \$1.10;
- Retail Water Meter \$1.10;
- Tank (Liquid Test) \$1.10;
- Taximeter \$1.10;
- Vehicle Meter \$1.10;
- Wholesale Meter \$1.10;
- Miscellaneous Measuring Device \$1.10;
- Scales less than 2,000 pounds capacity \$1.10;
- Liquefied Gas Meter \$8.00;
- Scales 2,000 to 10,000 pounds capacity \$8.00;
- Scales greater than 10,000 pounds capacity \$12.00.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, April 5, 2013.



Angela Calvillo, Clerk of the Board

DATED: April 5, 2013
POSTED: April 5, 2013
PUBLISHED: April 6 & 13, 2013

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Victor Young
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description: vy Fee Ad - 130131 and 130132 - Budget and Finance

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

04/06/2013, 04/13/2013

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NOTICE OF PUBLIC HEARING
BUDGET AND FINANCE SUB-
COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS
APRIL 17, 2013 - 10:00 A.M.
LEGISLATIVE CHAMBER, ROOM 250,
CITY HALL

1 DR CARLTON B GOODLETT PL,
SAN FRANCISCO, CA 94102
NOTICE IS HEREBY GIVEN THAT the
Budget and Finance Sub-Committee will
hold a public hearing to consider the following
proposal and said public hearing
will be held as follows, at which time all
interested parties may attend and be
heard:

File No. 130131. Ordinance amending
the Administrative Code, Section 1.10,
to revise registration fees for inspecting
agricultural products; and making environmental
findings.

If the legislation passes, the following
fees for inspecting and certification for
agricultural products to be shipped will
be revised as follows:

The fee for inspection and certificates
for agricultural products to be shipped
shall be increased/reduced from \$29 for
1 package, \$35 for up to 101 packages,
\$40 for up to 201, and \$40 plus one cent
per package over 500 to \$40. The fees
for each certificate of origin shall be
\$30. The minimum charge for any single
certificate shall be \$25.

State of California Fees: In addition to
fees set forth in Administrative Code,
Section 1.10, the following administrative
fees shall be collected on behalf of
the California Department of Food and
Agriculture or recovery of the Department's
administrative costs: (1) Federal
Phytosanitary Certificates, per certificate:
A. U.S. Department of Agriculture
Phytosanitary Certificate Tracking System
(PCIT) \$5.30; B. If PCIT is not used
\$5.30; (2) State of California Certificates,
per certificate: A. Original State of
California Phytosanitary Certificate or
Certificate of Quarantine issued for interstate
movement, if PCIT is used
\$5.30; B. If PCIT is not used \$5.30.

Beginning in FY2013-2014 the fees may
be adjusted each year by the Controller,
without further action by the Board of
Supervisors, upward or downward to
ensure that the program recovers the
cost of operations without producing
revenue which is significantly more than
such costs.

File No. 130132. Ordinance amending
the Administrative Code, Section 1.13-5,
to revise registration fees for inspecting
and testing weighing and measuring devices
as provided by State law, and making
environmental findings.

If the legislation passes, the following
fees for inspecting and testing weighing
and measuring devices will be increased
as follows:

Device fee for liquefied petroleum gas
meters, truck mounted or stationary, not
to exceed amount shall be increased
from \$175 to \$185. Device fee for
wholesale and vehicle meters, not to
exceed amount shall be increased from
\$25 to \$75. Device fee for computing
scales shall not exceed \$20 per device.
The portion of the annual registration
fee consisting of the business location
fee and the device fee authorized by this

subsection shall not exceed the sum of
\$1000 for each business location. Device
fee for jewelry and prescription
scales shall not exceed \$80 per device.
Device fee for weighing devices, other
than computing, jewelry and prescription,
with capacities of at least 100
pounds, but less than 2,000 pounds,
shall not exceed \$50 per device. Device
fee for vehicle odometers, utilized to
charge mileage usage fee in vehicle
rental transactions or in computing other
charges for services, including, but not
limited to, ambulances, towing, or limousine
services, shall not exceed \$60
per device. For vehicle odometers utilized
to charge mileage usage fees in vehicle
rental transactions involving non-passenger
vehicles that are not subject to CA Civil Code
Section 1936, the portion of the annual
registration fee consisting of the business
location fee and the device fee authorized in
subsection (10) shall not exceed \$340 for each
business location. Utility Meters device
fee for water submeter shall be \$2; electric
submeter shall be \$3; and vapor
submeter shall be \$4 per device per
space or apartment.

State of California Fees: In addition to
fees set forth in Administrative Code,
Section 1.13-5 (a-e), the following administrative
fees shall be collected on behalf of the
California Department of Food and Agriculture
for recovery of the Department's administrative
costs: Electric Submeter \$0.10; Water Submeter
\$0.10; Vapor Submeter \$0.10; CNS Meter
\$1.10; Fabric, Cordage, Wire Meter
\$1.10; Grease and Lubricant Meter \$1.10;
Odometer \$1.10; Retail Motor Fuel Dispenser
\$1.10; Retail Meter \$1.10; Retail Water Meter
\$1.10; Tank (Liquid Test) \$1.10; Taximeter
\$1.10; Vehicle Meter \$1.10; Miscellaneous
Measuring Device \$1.10; Scales less than
2,000 pounds capacity \$1.10; Liquefied Gas
Meter \$8.00; Scales 2,000 to 10,000 pounds
capacity \$8.00; Scales greater than 10,000
pounds capacity \$12.00.

In accordance with San Francisco Administrative
Code, Section 67.7-1, persons who are unable
to attend the hearing on this matter may submit
written comments to the City Clerk prior to the
hearing begins. These comments will be made
a part of the official public record and shall be
brought to the attention of the Members of the
Committee. Written comments should be addressed
to Angela Calvillo, Clerk of the Board, Room 244,
City Hall, 1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102. Information relating to
the proposed fee is available in the Office of the
Clerk of the Board. Agenda information relating
to this matter will be available for public review
on Friday, April 5, 2013.

Angela Calvillo, Clerk of the Board



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