



Agenda Date: 2/5/2008
Agenda Placement: 8B
Set Time: 9:00 AM PUBLIC HEARING
Estimated Report Time: 5 minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Greg Clark for Whitmer, David - Agricultural Commissioner
Agricultural Commissioner
REPORT BY: Greg Clark, Assistant Agricultural Commissioner/Sealer - 253-6169
SUBJECT: Request Adoption of Resolution Amending Fees for Services by Ag Commissioner/Sealer

RECOMMENDATION

Agricultural Commissioner/Sealer of Weights and Measures requests the adoption of a resolution establishing a new fee, and increasing existing fees for services provided by the Agricultural Commissioner/Sealer. The registration fee is paid by structural pest control businesses who are required to register with the Agricultural Commissioner prior to applying pesticides in the County.

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

EXECUTIVE SUMMARY

On October 8, 2007, AB 1717 (Parra) was chaptered after being signed by the Governor. The new law nullifies the annual "notification" that structural pest control companies were required to provide to county agricultural commissioners (CAC) prior to conducting business within a county. The law instead establishes a county "registration" requirement effective January 1, 2008 which allows for collecting registration fees with the approval of Board of Supervisors. The law also requires companies that conduct structural fumigations to notify the CAC at least 24 hours prior to commencing a fumigation. Finally, the law provides the CAC with authority to levy a civil penalty against a company or licensee that violates provisions of amended and new statutes. The Agricultural Commissioner/Sealer believes that implementing the requirements of the new law will allow the Department to better protect the public, environment and personal property as it relates to the pesticides applied by structural pest control businesses operating in the County.

Procedural Requirements:

1. Chair announces agenda item.
2. Chair declares the Public Hearing open.
3. Staff reports on the item.
4. Questions by the Board.
5. Chair invites public comment.

6. Chair declares the Public Hearing closed.
7. Chair invites a motion on the item.
8. Member makes a motion on the item.
9. Another member seconds the motion on the item.
10. Board discussion and debate.
11. Chair calls for the Vote on the motion on the item.
12. Chair announces the result of the Vote.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	The revenue source is from the structural pest control business registration fees.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	Approval of the proposed fee change for structural pest control business registration will result in total of approximately \$1,175 in registration revenue. This is an increase of \$275 over the FY2007/2008 approved budget. There should be no significant increases or decreases to this revenue in future years, given the relatively consistent number of structural pest control businesses (approximately 90-100) operating in Napa County from year to year.
Consequences if not approved:	The Agricultural Commissioner/Sealer will no longer have legal authority to collect any fees for the mandatory annual registration of structural pest control business operating in Napa County. The Agricultural Commissioner/Sealer would have to rely on existing resources to perform the registration process and result in a reduction in services performed by the department in other areas..

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On October 8, 2007, AB 1717 (Parra) was chaptered after being signed by the Governor. The legislation was passed to allow County Agricultural Commissioners (CAC), especially larger urban counties with large numbers of structural pest control businesses and fumigations, to increase revenue that more closely matched the cost of annually registering structural pest control businesses and provide CACs a greater awareness of all persons/companies engaging in structural pest control operations within the county.

Previously, structural pest control businesses provided annual "notification" to the Agricultural Commissioner prior to conducting business in the county. The new law nullifies the notification requirement and instead establishes a county "registration" requirement effective January 1, 2008. The law requires structural pest control businesses to register with each county prior to conducting business in that county. The previous notification fee was \$10.00 for all types of structural pest control businesses. The new law allows for fees to be set by the County Board of Supervisors and shall cover a calendar year. For Branch 2 (general pest control) and Branch 3 (termite control) companies, fees shall not exceed the actual cost of processing the registration or ten dollars (\$10), whichever is less. For Branch 1 (structural fumigation) companies, fees shall not exceed the cost of processing the registration or twenty-five dollars (\$25), whichever is less. For Branch 1 businesses, structural pest control operators and field representatives may be added during the year. A fee may be charged for the amendments, but shall not exceed the actual cost of processing or ten dollars (\$10), whichever is less. The fees that the Board is being asked to authorize will not recover 100% of program costs.

As a part of the registration process change, at least one responsible person with Branch 1 companies are required to complete their registration in person. This will allow the CAC to have more direct contact with the fumigation company representatives, and provide them with important information regarding general safety requirements and any pertinent changes in regulations. Branch 1 companies will also be required to notify the CAC at least 24 hours prior to commencing a structural fumigation. This notification requirement will allow the CAC greater awareness and oversight opportunities for structural fumigations occurring in Napa County. Finally, the law provides the CAC with authority to levy a civil penalty against a company or licensee that violates provisions of amended and new statutes. Branch 2 and Branch 3 are allowed to register in person or by mail.

The Agricultural Commissioner/Sealer believes that amending the Department's Fee Policy increasing structural pest control business registration fees will allow the Department to better protect the public, environment and personal property as it relates to the pesticides applied by structural pest control businesses operating in the County. The Agricultural Commissioner has notified structural pest control businesses that work in Napa County of the proposed amended fees, including written correspondence and discussions with local affected businesses. In addition, the fees are similar to the fees that will be charged by area counties.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi