

DEPARTMENT: Agricultural Commissioner

BY: Cathi Boze
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RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution approving fee increases for registration fees for Pest Control Operators, Pest Control Advisors, Pest Control Aircraft Pilots, Maintenance Gardeners, Structural Pest Control Operators, and Farm Labor Contractors and implement fees for registration amendments.

The proposed registration fee increases are reflective of changes in State statutes, are in line with surrounding counties, and take into account the increased costs of registration by the department. In addition, AB 1717 effective January 1, 2008, added Food and Agricultural Code section 15204.5 and amended section 15204 which allows agricultural commissioners to charge registration fees for structural pest control registration and amendments. This change is being done by resolution as Government Code section 54985 (c) 4 states that any fees charged or collected by the agricultural commissioner are exempt from the public hearing process. The last change to the fee schedule was in 1999 when the fees were increased due to increases mandated by the State by Resolution No. 99-84.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has previously increased fees to cover costs.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Fee schedule will remain unchanged.

Financial Impact? () Yes (X) No	Current FY Cost:	Annual Recurring Cost: \$0
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Background Information _____
Source:		Proposed fee schedule _____
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other _____		_____

CLERK'S USE ONLY:

Res. No.: 08-538 Ord. No. _____
Vote - Ayes: 4 Noes: _____
Absent: Richard
AMW Approved
() Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

CAO: *[Signature]*

**MARIPOSA COUNTY DEPARTMENT OF AGRICULTURE
& WEIGHTS AND MEASURES**

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**Background Information - Mariposa County proposed fee schedule –
Agricultural Commissioner/Sealer**

All persons engaged in any pest control services for hire in Mariposa County are subject to annual registration fees as per the attached schedule.

This change is being done by resolution because Government Code Section 54985 (c) 4 pertaining to fee changes noted below states that any fees charged or collected by the agricultural commissioner are exempt from the public hearing process.

CALIFORNIA CODES -- GOVERNMENT CODE (pertaining to increasing fees)

54985. (a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be limited to those items that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

(b) If any person disputes whether a fee or charge levied pursuant to subdivision (a) is reasonable, the board of supervisors may request the county auditor to conduct a study and to determine whether the fee or charge is reasonable.

Nothing in this subdivision shall be construed to mean that the county shall not continue to be subject to fee review procedures required by Article XIII B of the California Constitution.

(c) This chapter shall not apply to any of the following:

(1) Any fee charged or collected by a court clerk pursuant to Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of the Code of Civil Procedure, Title 8 (commencing with Section 68070) of the Government Code, or Section 103470 of the Health and Safety Code, or any other fee or charge that may be assessed, charged, collected, or levied pursuant to law for filing judicial documents or for other judicial functions.

(2) Any fees charged or collected pursuant to Chapter 2 (commencing with Section 6100) of Division 7 of Title 1.

(3) Any standby or availability assessment or charge.

(4) ***Any fee charged or collected by a county agricultural commissioner.***

The sections of the Food and Agricultural Code and the Labor Code below list the county registration requirements as well as the allowed registration fees for each category. Recent legislation (AB 1717) established new county registration requirements for the structural pest control industry and those changes are noted below and on the attached proposed fee schedule.

Pest Control Business Operator Registration

Section 11732 of the Food and Agricultural Code states that “It is unlawful for any person to advertise, solicit, or operate as a pest control business in any county unless the person has registered with the commissioner for the current calendar year.” Section 11734 then further states that “The board of supervisors of any county may establish reasonable fees for the registration required under Section 11732. Payment of the fee shall be due by the date designated by the commissioner. However, registration fees for pest control businesses licensed pursuant to Section 11704 (maintenance gardener registration) shall be that amount necessary to cover the costs of registration, but shall not exceed twenty-five dollars (\$25) per year.”

Agricultural Pest Control Advisor Registration

Section 12031 states that “Each agricultural pest control adviser who makes any recommendation for agricultural use shall register in person with the agricultural commissioner in the county listed in the adviser's address on the license issued pursuant to Article 2 (commencing with Section 12021) or with the director if the county does not have an agricultural commissioner.” Section 12034 then further states that “County boards of supervisors may set fees for registration to cover the cost of registering pest control advisers, but in no case shall the fee total more than ten dollars (\$10) per year for a pest control adviser to register in person in the county listed in the adviser's address on the license issued pursuant to Article 2 (commencing with Section 12021) or the county of occupational choice, as the case may be, and five dollars (\$5) per year for an adviser to register in an additional county as provided in Section 12031.”

Pest Control Aircraft Pilot Registration

Section 11920 states that “It is unlawful for any person to act as a pest control aircraft pilot in any county without first registering with the appropriate county agricultural commissioner.” Section 11923 then further states that “County boards of supervisors may set fees for registration to cover the cost of registering pest control aircraft pilots but in no case shall such fee total more than ten dollars (\$10) per year for a pilot who registers in person in the county in which he intends to work, and five dollars (\$5) per year for a pilot already registered in another county and who is now registering in an additional county as provided in Section 11921.”

Structural Pest Control Operator Business Registration – Branch 1, 2, 3

Section 15204.5 states that “(a) It is unlawful for any licensed Branch 1 Structural Pest Controller licensee, including structural pest control operators, field representatives, applicators, and Structural Pest Control Board (SPCB) registered companies, as defined in Section 8506.1 of the Business and Professions Code, to conduct fumigations in any county unless that person or company has also registered for the current calendar year

with the commissioner in that county. The registration fee for the SPCB registered company including structural pest control operators and field representatives and applicators shall be set by the county Board of Supervisors, but shall not exceed the cost of processing the registration or twenty-five dollars (\$25), whichever is less. Payment of the fee shall be due at registration or on a date set by the commissioner. Structural pest control operators and field representatives may be added during the year, but the fee shall not exceed the actual cost of processing the registration or ten dollars (\$10), whichever is less.

Section 15204 states that “(a) Each licensed Branch 2 and Branch 3 structural pest control operator qualifying manager, as defined in Section 8506.2 of the Business and Professions Code, and Structural Pest Control Board registered company, as defined in Section 8506.1 of the Business and Professions Code, shall register with the commissioner prior to operating a structural pest control business in the county. The registration shall cover a calendar year. A fee may also be required at the time of registration. The fee shall be set by the county board of supervisors, except that in no case shall the fee exceed the actual cost of processing the registration or ten dollars (\$10), whichever is less. Payment of the fee shall be due by the date designated by the commissioner.”

Farm Labor Contractor Registration

Section 1695 of the Labor Code requires that:

(a) Every licensee shall do all of the following:

(8) Register annually with the agricultural commissioner of the county or counties in which the labor contractor has contracted with a grower.

(b) The board of supervisors of a county may establish fees to be charged each licensee for the recovery of the actual costs incurred by commissioners in the administration of registrations and change of address and the issuance of proofs of registration.

The attached proposed fee schedule is for the registration of agricultural pest control operators (PCO), agricultural pest control advisors (PCA), pest control aircraft pilots, maintenance gardeners, structural pest control operators (SPCO), and Farm Labor Contractors (FLC)

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The proposed fee schedule to be charged by the Agricultural Commissioner/Sealer:

Annual Registration – Pest Control Operator (PCO)	\$25.00 (\$50.00)
Annual Registration – Pest Control Advisor (PCA)	\$10.00 – in county \$ 5.00 – out of county
Annual Registration – Pest Control Aircraft Pilot	\$10.00 – in county \$ 5.00 – out of county
Annual Registration – Maintenance Gardeners	\$25.00
Annual Registration – Structural Pest Control Operators (SPCO)	
Branch 1	\$10.00 (\$25.00)
Branch 2, 3	\$10.00
Each amendment	(\$10.00)
Annual Registration – Farm Labor Contractors (FLC)	\$25.00

() – Indicates fee changes or additions to the previous fee schedule adopted 3/99.