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## **Review of Agriculture Commissioner/Sealer of Weights and Measures Division**

### **Issue Statement**

How well does the San Mateo County Agriculture Commissioner/Sealer of Weights and Measures Division fulfill its responsibilities to administer mandated regulatory programs to protect consumers and the environment?

### **Summary**

The Agriculture Commissioner/Sealer of Weights and Measures Division is a quiet Division that performs a variety of important services behind the scenes in an efficient and professional manner. Every day its services come in contact with the citizens of the County in countless ways. The Division is divided into two distinct functions – Agriculture, and Weights and Measures. It has an annual budget of approximately \$2.9 million and employs 38 people, including 22 biologists and other technical personnel. It serves the community from its main office in Redwood City and field offices in South San Francisco and Half Moon Bay.

San Mateo County has a significant agricultural industry, mainly along the coast, with a production value of \$180-\$200 million annually. The Agriculture function administers regulations to prevent and eradicate unwanted pests and diseases, ensures product quality, and educates and protects workers and the general public by promoting the safe use of pesticides.

Weights and Measures has over 2000 businesses in San Mateo County that come under its jurisdiction. It is responsible for calibrating and ensuring the accuracy of various weighing and measuring devices in compliance with Federal, State and County regulations. During the course of a year the Weights and Measures will test over 2000 retail scales, more than 675 price scanner systems at retail businesses, and 2400 retail fuel meters.

Weights and Measures exhibited leadership with the creation of the retail price scanner program to the benefit of the consumers of the County. It maintains a high level of customer satisfaction (95% to 98%) for services rated as “Good” or “Better”. The recent San Mateo County Cares survey indicated a high approval rating for the Department’s courteous and responsible services.



## **Review of Agriculture Commissioner/Sealer of Weights and Measures Division**

### **Issue**

How well does the San Mateo County Agriculture Commissioner/Sealer of Weights and Measures Division fulfill its responsibilities to administer mandated regulatory programs to protect consumers and the environment?

### **Background**

The Division conducts federal and state mandated regulatory programs and provides other related services to protect consumers and the environment. The Division is divided into two distinct functions – Agriculture, and Weights and Measures. The Agricultural Commissioner/Sealer of Weights and Measures directs the Division. The Division is a part of the San Mateo County Environmental Services Agency.

The Division has an annual budget of approximately \$2.9 million and employs 38 people, including 22 biologists and other technical personnel and ten part-time seasonal employees. About 60 % of its funding comes from federal and state agencies with the balance from licenses, fees, and the County general fund. It serves the community from its main office in Redwood City and from field offices in South San Francisco and Half Moon Bay.

### **Agriculture**

San Mateo County has a significant agricultural industry with a production value of \$180-\$200 million annually. Its principal crops are potted nursery plants, fresh-cut flowers, and cool-growing vegetables such as artichokes, Brussels sprouts, and pumpkins.

Agriculture administers regulations to prevent, detect, and eradicate unwanted pests, to ensure product quality, and to educate and protect workers and the general public by promoting the safe use of pesticides. It enforces quarantines to prevent the introduction of damaging plant pests and diseases by inspecting plants and produce at entry locations, including the San Francisco Airport and various air and surface freight facilities. It inspects 45 wholesale nurseries in the County annually for pests, and responds to complaints at retail nurseries. It certifies export shipments to 39 other states and countries assuring that shipments are pest free.

For local markets, Agriculture inspects wholesale produce daily at the Golden Gate Produce Terminal in South San Francisco. It also monitors the nine Certified Farmers Markets in the County and organic producers and retailers for pests and cleanliness. Annually, Agriculture compiles crop statistics and publishes a San Mateo County Crop Report.

## **Weights and Measures**

There are over 2000 businesses in San Mateo County that come under the jurisdiction of Weights and Measures. Weights and Measures is responsible for calibrating and ensuring the accuracy of various weighing and measuring devices in compliance with Federal, State and County regulations. During the course of a year Weights and Measures will test over 2000 retail scales, more than 675 price scanner systems at retail businesses, and 2400 retail fuel meters.

Weights and Measures inspects and tests packaged products for proper weight, measure, and count, including meat audits, conducts undercover purchases, and monitors price scanner systems for accuracy. It inspects and tests a wide variety of commercial devices including scales, gasoline pumps, taximeters, liquid gas and petroleum dispensers, and electric meters for compliance with regulations. It annually reports to the California Departments of Food and Agriculture and Pesticide Regulation.

Weights and Measures investigates public complaints concerning inaccurate weighings and measurements or inaccurate computation of prices. Many of the problems with gasoline pumps or scales are caused by a loss of calibration rather than by fraud. When there is a report of an error or non-compliance, the meter or gauge is immediately tagged for adjustment or repair. Violators are usually given a period of time to correct the problem after which they are subject to a fine. Consumer complaints number about 100 annually representing about five percent of total inspections.

The price scanner program, created by Weights and Measures and approved by the San Mateo County Board of Supervisors in June 2003, provides for annual registration and inspection of the scanner systems. Retail point-of-sale stations exhibit a bright yellow and blue sticker that advises customers of their rights and how to lodge a complaint. Retail businesses are charged a fee to support this program.

## **Findings**

1. Agriculture performs vital services of education, inspection, and quarantine to prevent pests and diseases from infecting both imported and exported plants in a thorough and efficient manner.
2. Agriculture ensured that 95 % of agricultural and pest control businesses in the County in 2003 were in compliance with all pesticide regulatory requirements.
3. Agriculture, in collaboration with the California Department of Food and Agriculture, developed a unique certification program that now allows for the export of plants to Canada from Sudden Oak Death-infected counties including San Mateo County. Plant shipments to Canada from infected counties had been prohibited since November 2001.

4. Weights and Measures monitors the calibration and accuracy of various weighing scales and measuring devices for over 2000 businesses in the County in a timely and efficient manner.
5. Weights and Measures exhibited leadership with the creation of the price scanner program to the benefit of the consumers of San Mateo County.
6. Weights and Measures has cross-trained employees to be more flexible in the face of personnel cutbacks and has managed the budget challenges of the past few years in a responsible manner.
7. Weights and Measures maintains a high level of customer satisfaction (95% to 98%) for services rated as “Good” or “Better”. The recent San Mateo County Cares survey indicated a high approval rating for Weights and Measures’ courteous and responsible services.

## **Conclusion**

The Grand Jury finds that the Agriculture Commissioner/ Sealer of Weights and Measures Division is well managed and commends the Division for the quality of service provided.



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

County Manager's Office

**DATE:** March 14, 2005  
**BOARD MEETING DATE:** March 29, 2005  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors  
**FROM:** John L. Maltbie, County Manager  
**SUBJECT:** County Responses to Grand Jury Reports and Recommendations

**RECOMMENDATION**

Accept this report containing the County's response to the 2004-05 Grand Jury report on Agriculture Commissioner/Sealer of Weights and Measures and updates to prior responses to 1999 and 2003-04 Grand Jury recommendations.

**VISION ALIGNMENT:**

**Commitment:** Responsive, effective and collaborative government.

**Goal 20:** Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

This activity contributes to the goal by ensuring that all Grand Jury findings and recommendations are thoroughly reviewed by the appropriate County departments and that, when appropriate, process improvements are made to improve the quality and efficiency of services provided to the public and other agencies.

**DISCUSSION**

The County is mandated to respond to the Grand Jury within 90 days from the date that reports are filed with the County Clerk and Elected Officials are mandated to respond within 60 days. It is also the County's policy to provide periodic updates to the Board and the Grand Jury on the progress of past Grand Jury recommendations requiring ongoing or further action. To that end, attached is the County's response to the Agriculture Commissioner/Sealer report issued January 14, 2005 and updates to prior responses for the Hall of Justice Seismic Retrofit Project (1999), and the Whistleblower Recommendation and San Mateo County Jails (2003-04). You will continue to receive updates on the progress of implementing recommendations requiring ongoing or further action.

## **Agriculture Commissioner/Sealer of Weights and Measures**

### **Findings:**

We agree with the findings of the Grand Jury and appreciate acknowledgment of the work provided by the Agriculture Commissioner/Sealer and staff.

### **Recommendations:**

None.

## Hall of Justice Seismic Retrofit

### Recommendation:

33. The San Mateo County 1999 Grand Jury recommends that the County Board of Supervisors direct the Director of Public Works to prepare a comprehensive time-phased plan for completion of the seismic retrofit and lead/asbestos abatement of the County Hall of Justice. Urgency should be placed on the development and implementation of the plan, including a detailed time-phased series of actions and the designation of personnel responsible for each action and associated deadlines. The plan should include details on office and employee relocation. The County Board of Supervisors should give high priority to implementation and funding of this program.

**Response:** Concur. The Director of Public Works will work with the Court on developing a tentative phasing plan that allows for the work to go forward on the 7<sup>th</sup> and 8<sup>th</sup> floors. A similar approach will be undertaken with the Probation Department for the 5<sup>th</sup> Floor. However, a key aspect of this plan will be to identify additional funding sources. An additional \$2.2 million will be required to complete the project. To date, the County has spent approximately \$1.6 million in the design of the seismic retrofit plan, the remediation work that was done immediately after the Loma Prieta Earthquake, and for the work completed or under construction on the 4<sup>th</sup> and 6<sup>th</sup> floors. Public Works estimates that it will take approximately two years to complete the work once funding is identified and agreement with the Court and Probation is obtained.

Abatement work is generally done in conjunction with other work on the structure, as encapsulated lead and asbestos in the building will remain in place and does not present a threat to either the citizens visiting the Hall of Justice or employees.

**Status:** Final Phase - Installation of Seismic Dampers and Roof Panels Retrofit

On June 8, 2004, the Board of Supervisor, under Resolution No. 66710, adopted plans and specifications, determining prevailing wage scales and calling for sealed bid proposals. On July 6, 2004, bids were accepted for this project and were subsequently referred to the Department of Public Works for checking and recommendation. The bids have been checked and the base bid of Gonsalves and Stronck Construction Company, Inc. was the lowest base bid received.

On August 31, 2004, the Board of Supervisor, under Resolution No.66898, awarded the contract to Gonsalves and Stronck Construction Company for the contract amount of \$2,599,251. On September 20, 2004, Department of Public Works issued a notice to proceed, authorizing the start of construction. The Contractor has mobilized and submitted shop drawings. The prototypes of the damper assembly are at UC Berkeley - PEER Center for testing. Further testing is required due to the unexpected splitting of the visco-elastic material. At the

same time the contractor is working on the roof panel connections upgrade and the 3<sup>rd</sup> floor installation of seismic bracing supports. The construction operations are taking place between the hours of 6:00 pm - 3:00 am, Monday through Friday. The seismic retrofit work has been coordinated with the departments that occupy the space in the Hall of Justice and Records. The offices and courts in the building will remain occupied while the work is being accomplished. The target completion date of this final phase is November 2005.



## Grand Jury Whistleblower Recommendation

### Findings:

Generally agree with findings.

### Recommendations:

- 2.1 **Establish a single point of contact for all such complaints within the Board of Supervisors offices or assign coordination to an outside agency under contract to the County. Complaints should be referred by this control point to the Board of Supervisors staff, County Counsel or the District Attorney, as appropriate, for investigation with provision to request regular status reports to the Board of Supervisors.**

**Response:** Concur in part. By the terms of the ordinance, the County Counsel's office will serve as the provider of complaint forms. The policies and procedures to be issued by the County Manager will ensure efficient management and coordination of the complaints.

There will be follow-up in future Grand Jury quarterly updates on the status of policies and procedures to implement the ordinance.

**Status:** On January 31, 2005 the County Manager issued and distributed to all County employees administrative policies and procedures implementing the County's whistleblower ordinance (Chapter 2.206 of the San Mateo County Ordinance Code.) To summarize, all complaints will be filed with County Counsel. County Counsel will forward complaints to the District Attorney to determine whether a criminal investigation will be conducted. If so, the District Attorney will advise County Counsel to suspend its investigation during the criminal investigation. If the District Attorney determines that a criminal investigation will not be conducted, County Counsel will determine the method of investigation. County Counsel will identify and work with the person or department in which the complaint originated to take the appropriate action to address the improper government activity. Lastly, County Counsel shall make a report to the Board of Supervisors within ninety days from the receipt of the initial complaint. If the investigation is not completed by the end of ninety days, County Counsel shall prepare an interim report. The policy includes a confidentiality clause to protect the identity of all parties involved.

A copy of the policy can be provided to the Grand Jury upon request.

## San Mateo County Jails

### **Findings:**

We generally agree with the findings of the Grand Jury and share its concern about jail overcrowding. To address this problem, the Board has initiated a Task Force with representatives from Court, Sheriff's Office, District Attorney's Office, Probation Department, Private Defender Program and the County Manager's Office to study the reasons for the rise in jail population and identify solutions. The Task Force will study jail population trends, explore alternatives to incarceration utilized in other counties, and evaluate the need for a new Women's Correctional Center. The Board will consider the results of the Task Force study and take steps to improve the living/working environment in the County's jail facilities. We share the Grand Jury's opinion regarding the professionalism and effectiveness of jail staff and appreciate the Grand Jury's remarks.

### **Recommendations:**

- 1. The Board of Supervisors and the Sheriff should develop and implement plans for reducing the populations or expanding capacity at the Maguire Correctional Facility and the Women's Correctional Center.**

**Response:** Disagree in part. Such a plan can only occur with the active involvement and support of the Courts. The Board has established a Task Force on Jail Overcrowding composed of representatives from the Court, Sheriff's Office, District Attorney's Office, Probation Department, and Private Defender Program. One component of the Task Force charge is to examine the need for a new Women's Correctional Center.

- 4. The Board of Supervisors and the Sheriff should immediately develop a plan to replace the existing Women's Correctional Center with a new facility with adequate space to meet the California Board of Corrections standards and incorporating room for multiple classes, more opportunities for work inside the facility, and childcare in an expanded visiting area.**

**Response:** Disagree. There are currently insufficient resources available for such an undertaking. However, the Jail Overcrowding Task Force will be examining the need for replacement of the Women's Correctional Center and should such need be identified steps will be taken to begin planning for the replacement.

- 5. The Board of Supervisors and the Sheriff should create a program to allow women inmates to pursue work opportunities outside the facility.**

**Response:** Concur. The Board supports the commercial baking program the Sheriff has put in place to help female inmates prepare for and pursue work opportunities outside the facility. The Board-established Jail Overcrowding Task Force will evaluate both the physical space needs and Court support for a work furlough program for female inmates as part of its study.

- 6. The Board of Supervisors and the Sheriff should develop a plan for a minimum security facility for women.**

**Response:** Concur. Agree to study.

**Status:** A task force to review the issues of jail overcrowding and the Women's Correctional Center was formed September 2004, following the FY 2004-05 Recommended Budget hearings. The task force includes representatives from the Board, the Sheriff's Office, Probation Department, District Attorney's Office, Private Defender Program, the Court and the public. An update on the task force's progress is being prepared for the Board of Supervisor's April 12, 2005 meeting and will include plans to pilot a Work Furlough Program and provide quarterly updates on jail population trends to task force members. The data elements to be tracked will include average daily population, average length of stay, pre-sentenced vs. sentenced populations, number of bookings, and number of criminal filings by types of crime.