

**BUTTE COUNTY GRAND JURY REPORT 2008/2009
DEPARTMENT OF WEIGHTS AND MEASURES**

SUMMARY

The 2008/2009 Grand Jury visited the Butte County Department of Weights and Measures with the purpose of reviewing the functions of the Department and understanding its operation.

All fifty eight counties in California have a Weights and Measures Department. The Department is a regulatory agency within the Department of Agriculture performing under the jurisdiction and direction of the California Department of Food and Agriculture, and the Butte County Board of Supervisors. The Department also cooperates with various federal, state, regional, and local agencies.

Pro-actively and reactively, the Butte County Weights and Measures Department has responsibility for inspecting and monitoring almost 9,000 weights and measurement devices annually, including grocery scales, water and gas meters, and gasoline pumps. In addition, the Department licenses repair technicians and sellers of these devices and conducts random checks of marked prices against bar code readers at grocery and other commercial businesses.

Although the Department is well managed by a dedicated staff of three persons, a budget cut by the County would most likely result in a cut in staff. This Department would be unable to perform their required duties if this occurred. For this reason, it is recommended that the Department be exempt from any personnel cuts. It is also recommended that the budget include funds for new digital equipment.

DISCUSSION

The primary objective of Weights and Measures is to enforce the concept that “Equity Prevails” in the marketplace. This insures that all facets of commerce are uniform. To achieve this objective, the department enforces the laws and regulations of the Business and Professions Code of California and the California Code of Regulations. This enforcement protects and promotes the economy and commerce of Butte County. Each year, Weights and Measures Officials inspect and test packaged commodities and all commercially used devices.

The types of devices inspected by Weights and Measures Inspectors include:

- | | |
|----------------------|------------------|
| Electric Meters | Produce Scales |
| Wired Cordage Meters | Deli Scales |
| Propane Meters | Meat Scales |
| Fuel Dispensers | Shipping Scales |
| Water Meters | Livestock Scales |
| Gas Meters | Truck Scales |
| Coin Changers | Bar Code Readers |

The total number of weighing and measuring devices inspected in Butte County was 8982 as of July 1, 2008. Transactions derived from the use of such devices are also inspected for accuracy. In addition to inspection activities, Weights and Measures Officials provide education and training to the public as well as the regulated industries.

A quality control program allows inspectors to make unscheduled inspections of all types of packaged goods to insure that the content matches the measurement stated on the label. Weights and Measures is also a service agency. Persons that sell, rent, install, service, or repair commercial weighing and measuring devices are required to be licensed by the Butte County's Office of Weights and Measures.

Licensing of repair technicians assures the integrity of the devices. Weights and Measures Officials review this work to validate accuracy and proper use of devices. Bar code readers are randomly checked at grocery stores and other establishments. Prices shown at registers are checked against shelf prices. Petroleum products are periodically collected and sent to a lab for testing to insure the product meets national standards and is in fact the product advertised. In addition, Weights and Measures Inspectors examine vapor recovery systems at gasoline dispensing facilities.

Because of ongoing changes in technology, the Department is faced with the need to acquire new equipment. An example is gasoline fuel dispensers. Gasoline dispensing businesses are beginning to use digital computerized devices to change prices at the pumps, signs, and registers. The checking of these devices requires inspectors to use digital electronic testing devices. These new checking devices allow inspectors to obtain readings to insure that prices at the pump match those that are indicated on signage at the location, and the price shown on the receipt upon payment by the consumer. At present, Butte County does not have these devices. The current budget cannot provide for the purchase of these pieces of equipment that cost approximately \$28,000.00.

The Department is managed by the Director of the Butte County Agricultural Department and is supervised by the Deputy Director of Weights and Measures. Three permanent employees, in addition to temporary help, perform all the functions within the Department.

The enforcement of regulations is done both pro-actively and re-actively. Required pro-active inspections insure that the appropriate laws are being followed. Re-active enforcement includes monitoring complaints from consumers and violations discovered/ or observed by the inspectors.

The budget for fiscal year 2007/2008 for the Department was \$364,365.00. There is genuine concern over a reduction in county personnel in fiscal year 2008/2009 and subsequent years. The current budget allows only three paid positions. The loss of one employee would cripple the Department and leave it unable to perform required duties. Additionally, due to advances in technology and equipment necessary to accomplish tasks, the current budget will not be sufficient to support the full function of the Department in the future.

FINDINGS

- F1. The Department is well managed by three dedicated, highly trained, and knowledgeable personnel. A cut in the budget would most likely require a cut in staff.
- F2. The Department is operating within its budget. The testing laboratory and equipment are well maintained. However, additional funding is required to purchase devices to check digital computerized gasoline fuel dispensers. The devices currently cost approximately \$28,000.00 each.

RECOMMENDATIONS

- R1. It is strongly recommended that this Department be exempt from any personnel cuts.
- R2. It is strongly recommended that next year's budget include the funds necessary for the purchase of updated equipment.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

Butte County Weights and Measures Department

Butte County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

| |
|--|
| Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation. |
|--|

This Page Intentionally Left Blank