



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 5/9/2023

To: Board of Supervisors

Department or Agency Name(s): Agriculture/Weights & Measures

Staff Name and Phone Number: Gina Lehl, (707) 565-3448

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Department of Agriculture/Weights & Measures Allocation List

Recommended Action:

Adopt a Personnel Resolution amending the Department of Agriculture/Weights & Measures Department Allocation List to add 1.0 FTE Department Program Manager and delete 1.0 FTE Deputy Agricultural Commissioner effective May 9, 2023.

Executive Summary:

The Department of Agriculture/Weights & Measures (hereinafter "AWM" or "Department") has an immediate need to provide higher level management capacity in the cannabis and hemp programs by adding 1.0 FTE Department Program Manager and deleting 1.0 FTE Deputy Agricultural Commissioner position allocation.

The additional salary and benefits cost to the Department is \$12,270. These positions are funded through the cannabis tax revenue and other State revenue based on the assigned programs. There is no request for additional General Fund support. No additional revenue is sought for FY 2022-23 due to salary savings from the currently vacant Deputy Agricultural Commissioner position allocation.

Discussion:

Description of Programs and Staffing Needs

The cannabis program specifically is very complex and requires a considerable amount of managerial oversight. The assistant department head is currently filling this role which is not sustainable and does not allow enough bandwidth to be successful. The proposed position of a 1.0 FTE Department Program Manager would fill a gap of managerial need to support programs that do not require licensed staff, including the cannabis program, as well as the industrial hemp and Hazardous Materials Storage programs. The cannabis program has a higher need for independent decision authority due to a high level of enforcement activity and community contention within the cannabis program. This workload is not appropriate for a Deputy Agricultural Commissioner as this job class is a first line supervisor and not a management position. The proposed position would also support other non-licensed work being done in the Agricultural Division currently being supported by the Chief Deputy Agricultural Commissioner who is oversubscribed.

Since the cannabis ordinance was first adopted in 2016, the department has not added management bandwidth. The complexity of the program both in managing and creating processes necessary to administer

the Department's responsibilities within the countywide program as well as managing a high number of enforcement cases with considerable complexity including administrative hearings and testimony in court has created a high level of management involvement, stretching the Department's capacity beyond our ability to sustainably support this program without upgrading this position.

Department Program Manager Position Description:

- Reports to the Assistant Agricultural Commissioner/Sealer of Weights & Measures and would supervise subordinate unlicensed staff.
- Exercises considerable independent judgment in managing the activities of assigned programs.
- Manage the day-to-day operations of programs within the department which do not require state licensing including but not limited to the cannabis, industrial hemp, and Hazardous Materials Storage programs. This will entail planning, managing, and monitoring all parts of the programs, evaluating them for effectiveness, and determining any improvements needed and implementing those improvements. Activities managed would include but not be limited to budget, staffing needs, inspection work, permitting and registration activities, and enforcement activities.
- Utilize software tools in managing the programs assigned including Microsoft Office software (Outlook, Word, and Excel) to assign work and evaluate the program. Use Accela to track permits in progress and issued permits. Use Adobe Acrobat to create PDFs and use the California Environmental Reporting System to manage the Hazardous Materials Storage program.
- Develop training plans and procedures to ensure consistency in inspection and modify as needed to reflect changes to code.
- Primary liaison to other County departments working in the programs assigned (Permit Sonoma Planning, Code Enforcement and Fire Prevention and Hazardous Materials divisions, County Counsel, County Administrator's Office, Auditor-Controller-Treasurer-Tax Collector, Health Services, etc.) to provide input and coordinate activities. This involves multiple meetings each month with different department representatives.
- Primary contact to provide input to Permit Sonoma staff working on revisions to the Cannabis Ordinance, updating or changing of the existing Cannabis Land Use Ordinance, and coordinate any necessary updates to the Industrial Hemp Ordinance.
- Primary contact for the California Department of Cannabis Control. Manages contract with the California Department of Cannabis Control to perform inspection work within the County.
- Provide information to the public both individually and in groups about the programs managed.
- Consults with legal counsel on matters related to the program and proposed changes to policies and procedures.
- Prepare cases for and represent the Department at abatement hearings and in court related to enforcement activities.
- Assists in preparing items for and appears before the Board of Supervisors.

Applies knowledge of cannabis cultivation and State and County regulations and requirements to the

permitting of cannabis cultivation and to the enforcement of the regulations and code including potential enforcement cases.

This personnel change will allow for appropriate support for staff completing work in the cannabis and hemp programs and provide the management bandwidth to support those programs as well as other non-licensed programs. This position is related to regulatory oversight. This change will remove the necessary day-to-day management of the cannabis and hemp programs from the Assistant Agricultural Commissioner/Sealer of Weights & Measures including but not limited to preparing for abatement hearings, liaison activities with other County department staff and state staff, communication with permit holders, potential permit applicants, and concerned neighbors, monitoring of program activities and budget, and preparing cases for abatement hearings. The addition of this position will also remove workload from the Agricultural Commissioner/Sealer of Weights & Measures including but not limited to being the point of contact for county staff in other departments working in on the program, providing department input for the updating of the Cannabis Ordinance, and providing public information to groups about the cannabis program. This change would also remove some management oversight load from the Chief Deputy Agricultural Commissioner by taking over managerial roles with other non-licensed work including the Hazardous Materials Storage program and Industrial Hemp program.

Strategic Plan:

N/A

Prior Board Actions:

N/A

FISCAL SUMMARY

| Expenditures | FY 22-23 Adopted | FY23-24 Projected | FY 24-25 Projected |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | \$12,270 | \$192,379 | \$192,379 |
| Additional Appropriation Requested | | | |
| Total Expenditures | \$12,270 | \$192,379 | \$192,379 |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | \$12,270 | \$192,379 | \$192,379 |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | \$12,270 | \$192,379 | \$192,379 |

Narrative Explanation of Fiscal Impacts:

The additional salary and benefits cost for this position change in FY 2022-23 is \$12,270. There are sufficient budget appropriations to cover the increase in costs. The position is funded by the work performed, primarily the cannabis tax revenue, fees, and other state grant revenue, relevant to the assigned programs. There is no

impact to the General Fund.

| Staffing Impacts: | | | |
|--|--|---------------------------|---------------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
| Deputy Agricultural Commissioner | \$6,250.92 - \$7,598.86 | | (1.0) |
| Department Program Manager | \$7,111.86 - \$8,644.16 | 1.0 | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

There are no staffing impacts with deleting a vacant 1.0 FTE Deputy Agricultural Commissioner And adding a 1.0 FTE Department Program Manager. AWM will work with Human Resources to conduct a recruitment and fill the position.

Attachments:

Personnel Resolution

Related Items "On File" with the Clerk of the Board:

N/A