



**Tulare County Agricultural
Commissioner/Sealer
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: August 4, 2020 **REVISED**

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
CONTACT PERSON: Christopher Greer PHONE: 559-684-3371		

SUBJECT: Approve an Agreement with the California Department of Food and Agriculture for area wide Glassy-winged Sharpshooter control

REQUEST(S):

That the Board of Supervisors:

1. Approve an Agreement No. 19-0727-011-SF with the California Department of Food and Agriculture in the amount of \$1,160,000 to provide area wide Glassy-winged Sharpshooter control, retroactive from July 1, 2020 through June 30, 2022. The Agreement is retroactive because the document was not received from CDFA until June 23, 2020.
2. Find that the Board had authority to enter into the proposed Agreement as of July 1, 2020, and that it was in the County's best interest to enter into the Agreement on that date.
3. Authorize the Chairman to sign two copies of the Agreement.
4. Approve a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) Title 14 California Code of Regulations (CCR), Section 15061(b)(3) Common Sense Exemption and Section 15308 Actions by Regulatory Agencies for Protection of Environment.
5. Find there is no substantial evidence that the activity will have a significant effect on the environment and determine a Categorical Exemption is consistent with the CEQA Title 14 CCR, Section 15061(b)(3) Common Sense Exemption and Section 15308 Actions by Regulatory Agencies for Protection of the Environment, that was prepared for area-wide Glassy-winged

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Sharpshooter control reflects the independent judgement of the County and has been completed in compliance with the CEQA of 19970, as amended.

6. Direct and authorize the Environmental Assessment Officer, or designee, to sign and file the Notice of Exemption with the Tulare County Clerk-Recorder.

SUMMARY:

This Agreement is intended to subvent costs incurred by the County when providing continuation of an area wide pest management program to mitigate the presence of the Glassy-winged Sharpshooter (GWSS) and substantially reduce populations in order to decrease the potential for the spread of Pierce's Disease. This two-year Agreement will continue Tulare County's efforts to detect and suppress the insect pest through FY 21/22 reimbursing growers who participate in this program for pre-approved treatment costs.

This agreement deviates from County Contract Protocol in the following ways: 1) Both parties are required to indemnify one another, 2) In the case of litigation, the prevailing party is entitled to attorney's fees.

This agreement has been approved as to form by County Counsel.

In accordance with CEQA, the County has also determined that a categorical exemption is applicable to the proposed action: State CEQA Guidelines Section 15061(b)(3) Common Sense Exemption and Section 15308 Actions by Regulatory Agencies for Protection of the Environment.

FISCAL IMPACT/FINANCING:

This Agreement provides for \$580,000 for FY 2020/21 and \$580,000 for FY 2021/22. The revenues and associated expenditures for this agreement have been or will be included in the Agricultural Commissioner's FY 2020/21 and FY 2021/22 budgets. There will be no additional net county costs in performing this program.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Strategic Initiative NO.2: Economic Well-Being. Approval of this Agreement will provide economic development opportunities, effective growth management and a quality standard of living. The program will provide continuation of an area wide pest management program to control this potentially devastating GWSS insect pest and is consistent with the County's objective of continuing to protect the County's agricultural-based economy.

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ADMINISTRATIVE SIGN-OFF:

A handwritten signature in blue ink that reads "Christopher P. Greer". The signature is written in a cursive style with a large initial "C" and "G".

Christopher P. Greer
Assistant Agricultural Commissioner
Sealer of Weights and Measures

cc: County Administrative Office

Attachment(s) CDFA Agreement NO. 19-0727-011-SF
Notice of Exemption, California Environmental Quality Act

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN)
AGREEMENT WITH THE CALIFORNIA) Resolution No. _____
DEPARTMENT OF FOOD AND) Agreement No. _____
AGRICULTURE FOR AREA WIDE)
GLASSEY-WINGED SHARPHOOTER)
CONTROL

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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2. Found that the Board had authority to enter into the proposed Agreement as of July 1, 2020, and that it was in the County's best interest to enter into the Agreement on that date.
3. Authorized the Chairman to sign two copies of the Agreement.
4. Approved a Categorical Exemption consistent with the California Environmental Quality Act (CEQA) Title 14 California Code of Regulations (CCR), Section 15061(b)(3) Common Sense Exemption and Section 15308 Actions by

Regulatory Agencies for Protection of Environment.

5. Found that there is no substantial evidence that the activity will have a significant effect on the environment and determine a Categorical Exemption is consistent with the CEQA Title 14 CCR, Section 15061(b)(3) Common Sense Exemption and Section 15308 Actions by Regulatory Agencies for Protection of the Environment, that was prepared for area-wide Glassy-winged Sharpshooter control reflects the independent judgement of the County and has been completed in compliance with the CEQA of 19970, as amended.
6. Directed and authorized the Environmental Assessment Officer, or designee, to sign and file the Notice of Exemption with the Tulare County Clerk-Recorder.

Notice of Exemption

Fee Exempt per Government Code Section 6103

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Tulare County Clerk-Recorder
Room 105, Courthouse
221 South Mooney Boulevard
Visalia, California 93291

Date filed by Tulare County Clerk-Recorder

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, Ca 93277 (559) 624-7000
Attn: hguerra@co.tulare.ca.us

Applicant(s): County of Tulare Agricultural Commissioner/Sealer
4437 S. Laspina St.
Tulare, CA 93274 (559) 684-3350

Project Title: CDFA area wide Glassy-winged Sharpshooter control Program FY 20/21 & 21/22

Project Location - Specific: Throughout Tulare County, CA

Project Location- Section, Township, Range: N/A

Project Location - City: N/A

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: The Tulare County Board of Supervisors (on July 1, 2020) entered into an Agreement with the State of California Department of Food and Agriculture (CDFA) to provide funding for the County of Tulare Agricultural Commissioner's Office to offset costs of providing and continuing the area wide pest management program to mitigate the presence of Glassy-winged Sharpshooter (GWSS). The continuation of this program is important in substantially reducing the populations of GWSS in order to decrease the potential for the spread of Pierce's Disease. The detection and treatment of this invasive Pest is critically important to the agricultural industry within Tulare County and State of California. Implementing the programs as provided by CDFA (i.e., providing grower reimbursements for those who participate in this program for pre-approved treatment costs) would mitigate the spread of the invasive GWSS Pest that threaten the Table Grape industry. As such, the funds will result in a public benefit by supporting the actions necessary to mitigate the invasive GWSS Pest and protect the Table Grape industry as noted above.

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Common Sense Rule: CEQA guidelines 15061 (b)(3)
- Categorical Exemption Section 15308 Actions by Regulatory Agencies for Protection of the Environment
- Statutory Exemptions:

Reasons why project is exempt: This action is consistent with CEQA Guidelines (California Administrative Code, Title 14, Division 6) Section 15061 (b)(3) that there is no possibility that the proposed cooperative agreement activity may have a significant effect on the environment. Thus, Section 15061 (b)(3) is applicable and appropriate for this project. In addition, this program provides reimbursement to Tulare County growers that are using licensed Pest Control Advisors (PCA's) and licensed applicators to apply pre-approved chemicals targeted to control the invasive Glassy-winged Sharp Shooters pest in their orchards. As such, the use of Section 15308 Actions by Regulatory Agencies for Protection of the Environment is appropriate and applicable.

Name of Public Agency Approving Project: County of Tulare, Resource Management Agency

Project Representative Christopher P. Greer, Assistant Agricultural Commissioner/Sealer

Telephone: 559-684-3350

Signature: _____ Date: _____ Title: Chief Environmental Planner
Hector Guerra

Signature: _____ Date: _____ Title: Environmental Assessment Officer
Reed Schenke, PE RMA Director

Signed by Lead Agency

Date received for filing at OPR: N/A