



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

BOARD OF SUPERVISORS

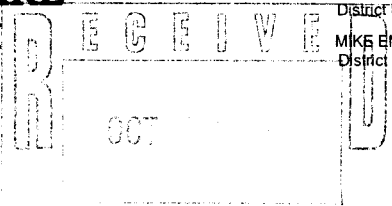
ALLEN ISHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five



AGENDA DATE: October 30, 2007

		COUNTY OF TULARE BOARD OF SUPERVISORS		
	Yes	No	N/A	
Public Hearing Required	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Marilyn Kinoshita PHONE: 685-3323				

SUBJECT: Contract Agreement with California Department of Food and Agriculture.

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve an agreement with the California Department of Food and Agriculture, for the purpose of enforcement of the California Nursery Stock Law, retroactive to July 1, 2007 through June 30, 2008.
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2007 and that it was in the County's best interest to enter into the agreement on that date.
3. Authorize the Chairman to sign Agreement Number 07-0531 with the California Department of Food and Agriculture, effective July 1, 2007 through June 30, 2008.
4. Authorize the Chairman to sign Form CCC-307 (Contractor Certification Clauses).

SUMMARY:

This contract is intended to render financial aid to the County for providing nursery inspection services and enforcement of nursery regulations. The effective date of the agreement is July 1, 2007 through June 30, 2008. The agreement is to be retroactively approved because it was received too late from the State to be placed

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on the Board's agenda by prior to July 1st.

Form CCC-307 (Contractor Certification Clauses) is a package that contains clauses and conditions that may apply to this agreement and to persons doing business with the State of California.

Although the terms of this agreement (as do all State agreements) seem to suggest that the services performed before the contract is formally signed may not be compensable, the Agricultural Commissioner/Sealer is satisfied that this issue will not be (and has never been) problematic.

Per County Counsel, the following provisions of the Contract Agreement are deviations from County Contract Protocol:

- 1) Exhibit C (GTC 307):
 - a. (5) Indemnification: Contractor indemnifies State only.
- 2) Exhibit D Special Terms and Conditions:
 - a. (2) Settlement of Disputes: If there is a dispute, the decision of the Agency Secretary or Designee shall be final.
 - b. (4) Potential Subcontractors: County will be responsible to the State for acts/omissions of County's subcontractors.
 - c. (5) Right to Terminate: State may terminate without cause with 30 days written notice, or immediately with cause. County can terminate with cause with 60 days written notice if the County cannot perform or the State fails to perform. The State will be relieved of further payment if the agreement is canceled.

FISCAL IMPACT/FINANCING:

The County will receive up to \$30,840 for FY 2007/2008 if this agreement is approved. Revenues and the associated expenditures for this program have already been included in the Agricultural Commissioner/Sealer's fiscal year 2007/2008-budget request. The net county cost for this program is estimated to be 66% (approx. \$52,000).

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Economic Well-Being Initiative to promote economic development opportunities, effective growth management and a quality standard of living. This request to authorize a contract agreement with the California Department of Food and Agriculture will allow timely continuance of a long-standing program of protecting the County's agriculture-based economy by assuring that the farmer and homeowner are supplied with correctly labeled and pest-free plants.

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DATE: October 30, 2007

ALTERNATIVES:

No action or disapproval would mean that the Agricultural Commissioner would not be able to receive financial aid from the California Department Food and Agriculture to offset costs incurred in carrying out this program.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has approved the agreement as to form.

ADMINISTRATIVE SIGN-OFF:



Gary Kunkel
Agricultural Commissioner
Sealer of Weights and Measures

Cc: Auditor/Controller
County Counsel
County Administrative Office (2)

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

IN THE MATTER OF _____)
Contract Agreement with California) RESOLUTION NO. _____
Department of Food and Agriculture) AGREEMENT NO. _____

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:

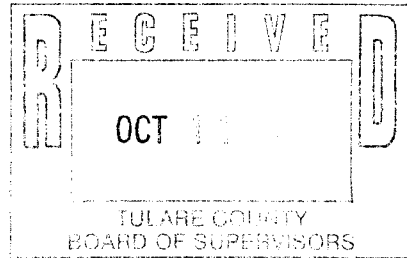
ATTEST: JEAN ROUSSEAU
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK OF THE BOARD OF SUPERVISORS

BY: _____
 Deputy Clerk

* * * * *

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CCC-307

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

<i>Contractor/Bidder Firm Name (Printed)</i> COUNTY OF TULARE		<i>Federal ID Number</i> 94-6000545
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i> ALLEN ISHIDA, CHAIRMAN OF THE BOARD OF SUPERVISORS		
<i>Date Executed</i>	<i>Executed in the County of</i> TULARE	

CONTRACTOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

- 1) the dangers of drug abuse in the workplace;
- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,
- 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the