



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

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

AGENDA DATE: November 27, 2007

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<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) Yes <input checked="" type="checkbox"/> No <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 providing services in support of the eradication of Japanese Dodder within the County of Tulare, effective 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 07-0550 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:

Japanese Dodder, or *Cuscuta japonica* is a recently introduced invasive plant. Native to Asia, Japanese Dodder has a broad host range, starting with agricultural

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crops, ornamentals, woody, herbaceous plants, and wild plants. All of the infestations in California have occurred on trees and shrubs, therefore, all plants should be regarded as potential hosts until research is conducted.

Japanese Dodder infestations can weaken the host plant, making it susceptible to other pests and diseases, and may eventually kill its host. Japanese Dodder is believed to be a vector for various plant pathogens including several "yellowing" viral diseases and may possibly be a vector for Citrus Tristeza Virus, Citrus Stubborn Disease, and Huanglongbing (Citrus Greening Disease). Japanese Dodder is known as a parasite of various woody and herbaceous crops, including, but not limited to: fruit trees, tomatoes, corn, soybean, eggplant, cucumber, peas, tobacco, and various nursery stock.

This contract agreement is intended to render financial aid to the county for its ongoing survey, and eradication of one site of Japanese Dodder in the Visalia area.

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 \$1,626 in state subvention funds if this agreement is approved. There is zero net county cost for this program.

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 for the eradication of Japanese

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Dodder will continue the goal of protecting the County's agriculture-based economy from this exotic parasitic plant that has the potential to invade and damage both agricultural and ornamental plants.

ALTERNATIVES:

No action or disapproval would mean that the Agricultural Commissioner would not be able to receive financial aid from the California Department of 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)
Department of Food and Agriculture)

RESOLUTION NO. _____
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, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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