



**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: July 22, 2008

"Revision 2"

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 for citrus maturity and freeze damage inspections.

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve Contract Agreement Number 08-0177 with the California Department of Food and Agriculture for the purpose of regulating maturity and freeze damage of all oranges, lemons, and mandarins being produced and/or processed in the county, effective July 1, 2008 through June 30, 2009.
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2008, 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 08-0177.
4. Authorize the Chairman to sign Form CCC 307 (Contractor Certification Clauses).

SUMMARY:

This agreement is intended to render financial aid to the County to provide inspection services for the purpose of regulating maturity and freeze damage of all oranges, lemons, and mandarins being produced and/or processed in the county. This agreement is retroactive because the State provided this agreement to the

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DATE: July 22, 2008

County after the beginning of the agreement term. This agreement will provide program funding for FY 2008/2009, and is an ongoing program.

Traditionally CDFA contracts include provisions which deviate from county protocol, such as the following:

- 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 \$187,738.78 for FY 2008/2009 if this agreement is approved. There is no net county cost in performing this inspection program. Revenues and the associated expenditures for this inspection program have been included in the Agricultural Commissioner/Sealer's FY 2008/2009 requested budget.

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 purpose of regulating maturity and freeze damage of all oranges, lemons, and mandarins being produced and/or processed in the county will insure timely continuance of a long-standing program of protecting the County's agriculture-based economy by insuring all immature and/or excessively damaged fruit is kept off the market so that only wholesome fruit will be shipped to consumers.

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.

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ADMINISTRATIVE SIGN-OFF:

Gary Kunkel
Agricultural Commissioner
Sealer of Weights and Measures

By Bill Appleby, Assistant
Agricultural Commissioner/Sealer

Cc: Auditor/Controller
County Counsel
County Administrative Office (3)

**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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That the Board of Supervisors:

1. Ratified and approved an agreement with the California Department of Food and Agriculture, for the purpose of regulating maturity and freeze damage of all oranges, lemons, and mandarins retroactive to July 1, 2008 through June 30, 2009.
2. Found that the Board had authority to enter into the proposed agreement as of July 1, 2008 and that it was in the County's best interest to enter into the agreement on that date.
3. Authorized the Chairman to sign Agreement Number 08-0177.
4. Authorized the Chairman to sign Form CCC-307 (Contractor Certification Clauses).