



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

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** April 28, 2009

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:** Agreement with the California Department of Food and Agriculture for Light Brown Apple Moth detection program funding

**REQUEST(S):**

That the Board of Supervisors:

1. Ratify and approve an agreement with the California Department of Food and Agriculture, providing state subvention to offset costs of Light Brown Apple Moth trapping retroactive to 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 Board Chairman to sign an agreement with the California Department of Food and Agriculture, retroactive to July 1, 2008 through June 30, 2009.
4. Authorize the Chairman to sign Form CCC-307 (Contractor Certification Clauses).

**SUMMARY:**

This agreement is intended to render financial aid to the County for the costs associated with detection trapping for Light Brown Apple Moth. The early detection

**SUBJECT:** Contract Agreement with California Crop Improvement Association  
**DATE:** April 28, 2009

of this detrimental insect pest is critically important to the agricultural industry of our county. The effective date of the agreement is July 1, 2008 through June 30, 2009.

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.

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 a maximum of \$6,338.00 for FY 2008/2009 if this agreement is approved. Associated expenditures for these inspections have been included in the Agricultural Commissioner/Sealer's FY 2008/2009 adopted budget. There is approximately \$1,034.00 in net county cost to 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 an agreement with the California Department of Food and Agriculture will provide an on-going funding source for a program of protecting the County's agriculture-based economy by insuring prompt detection and delimitation of an exotic insect pest that would threaten our agricultural industry and our ability to export products from our county.

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**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:**

A handwritten signature in black ink, appearing to read "Gary Kunkel", is written over a horizontal line.

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**

**Agreement with California Department )  
of Food and Agriculture for Light Brown )  
Apple Moth detection program funding )**

**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 M. ROUSSEAU  
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, 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 an agreement with the California Department of Food and Agriculture, retroactive to July 1, 2008 through June 30, 2009.
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