



**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: July 13, 2010

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: 684-3382				

SUBJECT: Agreement to provide up to \$169,402 from the California Department of Food and Agriculture for Asian Citrus Psyllid detection funding

REQUEST(S):

That the Board of Supervisors:

1. Ratify and approve an agreement with the California Department of Food and Agriculture (CDFA), providing state subvention to offset costs of Asian Citrus Psyllid (ACP) detection trapping retroactive to March 1, 2010 through September 30, 2010.
2. Find that the Board had authority to enter into the proposed agreement as of March 1, 2010, 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, retroactive to March 1, 2010 through September 30, 2010.
4. Authorize the Chairman to sign Form CCC-307 (Contractor Certification Clauses).
5. Approve the budget adjustments as shown on the attached aud308 form, requiring a 4/5th vote.

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DATE: Food and Agriculture for Asian Citrus Psyllid detection funding
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SUMMARY:

This agreement is intended to render up to \$169,402 in financial aid to the County for the costs associated with detection trapping for ACP. The early detection of this detrimental insect pest is critically important to the agricultural industry of our county. The effective date of the agreement is March 1, 2010 through September 30, 2010. The deviations from the County contract protocol included in the other agenda items are:

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.

This agreement includes provisions which deviate from the County contract protocol. They are 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. The proposed amendments to the contract do not include any additional deviations from the County contract protocol.

FISCAL IMPACT/FINANCING:

The County will receive a maximum of \$96,943.00 for costs incurred in FY 2009/2010 and the balance of a maximum of \$72,459.00 for FY 2010/2011 if this agreement is approved. Associated expenditures for these inspections will be added to the adopted FY 2009/2010 and included in the Agricultural Commissioner/Sealer's FY 2010/2011 requested budget. There is no 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

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promote economic development opportunities, effective growth management and a quality standard of living. This request to authorize an agreement with CDFA will provide a new 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 citrus industry and our ability to export citrus products from our county.

ALTERNATIVES:

No action or disapproval would mean that the Agricultural Commissioner would not be able to receive financial aid from the CDFA 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:



Marilyn Kinoshita
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

**Agreement to provide up to \$169,402 from the
California Department of Food and Agriculture)
for Asian Citrus Psyllid detection 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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