



**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 27, 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: 684-3350						

SUBJECT: Agreement to provide up to \$154,2172 from the California Department of Food and Agriculture for exotic pests 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 funding to offset costs of pest detection trapping for exotic insect pests retroactive to July 1, 2010 through June 30, 2011.
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2010, 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 10-0279 with the California Department of Food and Agriculture, effective July 1, 2010 through June 30, 2011.
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 performance of its program of Target Insect Detection Trapping. The early detection of detrimental exotic insect pests is critically important to both our county and the state. The effective

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date of the agreement is July 1, 2010 through June 30, 2011. The agreement is to be retroactively approved because it was received too late from the State to be placed on the Board's agenda prior to July 1st. The original agreement was first approved as to form by County Counsel on August 14, 2006 and approved by the Board of Supervisors. The only change from the original contract is the term of the agreement. There are no additional deviations from the County contract protocol.

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.

FISCAL IMPACT/FINANCING:

The County will receive up to \$154,217 for FY 2010/2011 if this agreement is approved. Revenues and the associated expenditures for this program have already been included in the Agricultural Commissioner/Sealer's FY 2010/2011 budget. There is approximately \$26,000 in 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 CDFA will allow timely continuance of a long-standing program of protecting the County's agriculture-based economy by prompt detection and delimitation of exotic insect pests

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that would threaten our agricultural industry and our ability to export products from our county.

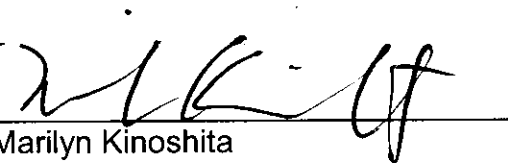
ALTERNATIVES:

No action or disapproval would mean that the Agricultural Commissioner would not be able to receive financial aid from 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 of Weights and Measures

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 \$154,2172 from) RESOLUTION NO. _____
the California Department of Food Agriculture))
for exotic pest detection funding) 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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June 30, 2011.

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