



**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 5, 2011 "Second Revision"

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: Gavin K. Iacono    PHONE: 684-3367

**SUBJECT:** Agreement to provide up to \$179,510 from the California Department of Food and Agriculture for exotic pest detection funding

- REQUEST(S):**  
That the Board of Supervisors:
1. Approve an agreement with the California Department of Food and Agriculture (CDFA), providing State subvention funding up to \$179,510 to offset costs of pest detection trapping for exotic insect pests from July 1, 2011 through June 30, 2012.
  2. Authorize the Chairman to sign Agreement Number 11-0033 with the California Department of Food and Agriculture, effective July 1, 2011 through June 30, 2012.
  3. Authorize the Chairman to sign Form CCC-307 (Contractor Certification Clauses)

**SUMMARY:**  
This agreement is to provide state subvention funding up to \$179,510 from the California Department of Food and Agriculture (CDFA) to offset financial costs 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

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30, 2012. 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 \$179,510 for FY 2011/2012 if this agreement is approved. Revenues and the associated expenditures for this program will be included in the Agricultural Commissioner/Sealer's FY 2011/2012 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 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 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:**



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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 \$179,510 from \_\_\_\_\_ ) RESOLUTION NO. \_\_\_\_\_  
the California Department of Food Agriculture) AGREEMENT NO. \_\_\_\_\_  
for exotic pest detection funding \_\_\_\_\_ )

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

\* \* \* \* \*

That the Board of Supervisors:

1. Approved an agreement with the California Department of Food and Agriculture (CDFA), providing State subvention funding up to \$179,510 to offset costs of pest detection trapping for exotic insect pests July 1, 2011 through June 30, 2012.
2. Authorized the Chairman to sign Agreement Number 11-0033 with the California Department of Food and Agriculture, effective July 1, 2011 through June 30, 2012.
3. Authorized the Chairman to sign Form CCC-307 (Contractor Certification Clauses).