

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Agricultural Commissioner

BOARD AGENDA #: \*B-2

AGENDA DATE: May 10, 2016

**SUBJECT:**

Approval for the Agricultural Commissioner to Enter Into and Sign Routine Agreements and Contracts with Various Federal and State Agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018

**BOARD ACTION AS FOLLOWS:**

No. 2016-232

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST: Elizabeth A. King  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM

DEPT: Agricultural Commissioner  
Urgent  Routine

BOARD AGENDA #: \*B-2

AGENDA DATE: May 10, 2016

CEO CONCURRENCE: phx

4/5 Vote Required: Yes  No

DB

**SUBJECT:**

Approval for the Agricultural Commissioner to Enter Into and Sign Routine Agreements and Contracts with Various Federal and State Agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018

**STAFF RECOMMENDATIONS:**

Authorize the Agricultural Commissioner or his designee to enter into and sign routine agreements and contracts with various Federal and State agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018.

**DISCUSSION:**

Since the Department has many routine and long-standing contracts, it is requested that in order to increase the efficiency of government operations and expedite the processing of these contracts and agreements, the Agricultural Commissioner (or designee) be authorized to enter into and sign routine contracts and agreements for Fiscal Year 2016-2017 and multi-year contracts that include Fiscal Year 2017-2018.

The following is a listing of long-standing and anticipated contracts for Fiscal Year 2016-2017 and multi-year contracts that include Fiscal Year 2017-2018:

**California Department of Food and Agriculture:**

Egg Quality

This contract reimburses the County for egg quality inspection activities. This includes the inspection of eggs at production and wholesale locations to ensure compliance with State standards. Egg inspection worksheets from these inspections show the quality of eggs, number of eggs rejected, and the number of samples inspected. The contract also provides funding for inspection for food safety issues and traceability requirements of all eggs sold to the consumer from retail establishments, farmers' markets, flea markets and producers/processors with fewer than 3,000 hens.

In addition, the contract includes reimbursement for Federal egg surveillance, which consists of monitoring egg quality to ensure compliance with standards set by the U.S. Department of Agriculture. The egg quality agreement has been in effect for many years. It provides industry funds for what has been paid fully by the County General Fund in the past. It is estimated that the contract amount will be approximately \$69,378 of which \$65,893 comprises State

## Approval for the Agricultural Commissioner to Enter Into and Sign Routine Agreements and Contracts with Various Federal and State Agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018

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enforcement of egg quality standards and \$3,485 represents reimbursement for Federal egg surveillance activities.

### High Risk Program

The contract for the High Risk Program covers reimbursement for inspection at airfreight facilities, nurseries, parcel terminals or other facilities of incoming high risk shipments of plant material from outside of California with particular focus on Hawaii, Florida and other southern states. Inspection work will include checking packages for quarantine compliance and inspecting for high risk pests, not known to occur in California, such as the Japanese Beetle, Gypsy Moth and Longhorn Beetle. Inspectors will also inspect shipments of fruits, vegetables and propagative plant material for all pests. The program requires the County to maintain records of inspections and pest finds, issue notices of rejection if necessary and notify the Interior Pest Exclusion Program of the presence of any significant pest finds. Under this contract, the County agrees to perform high risk inspection and enforcement activities for the California Department of Food and Agriculture in compliance with the requirements imposed by Chapter 573 (AB 1771), Statutes of 2000, Food and Agricultural Code Section 2282.5. The total revenue anticipated for the High Risk Inspection Program is estimated at \$8,285.

### Light Brown Apple Moth

Light Brown Apple Moth, also known as LBAM, is an exotic pest native to Australia with a host range of over 250 fruits and vegetables including apples, grapes, corn and tomatoes. In grapes the larvae feed on buds, flower cluster and berries causing reduced crop yields and an increase in disease. To confirm that areas of the state are free from LBAM, traps are placed alongside existing detection traps. Since the spring of 2007, County Agricultural Commissioners have been performing LBAM trapping activities. Trapping activity for the detection of LBAM is a crucial program in order to protect the County's valuable agricultural resource. The total contract amount is estimated to be \$18,407 evenly split between Fiscal Years 2016-2017 and 2017-2018

### Organic Program

In order for a person to sell food represented as organic in California, they must be registered and comply with all mandates of AB 2012, the California Organic Foods Act of 1990 and the 1991 Organic Bill, AB 645. The organic producer must register with the Agricultural Commissioner in the county of their principal operation. The California Department of Food and Agriculture will reimburse the County of Stanislaus for the cost of organic activities (i.e. organic registration, organic registration renewal and investigation of complaints). The contract is estimated to be \$6,810.

### Standardization

Under the Standardization Program, the County of Stanislaus agrees to provide fruit and vegetable inspection services. Inspectors will visit retail sites, packing sheds, wholesale locations as well as flea markets, fruit stands and field locations. Fruits and vegetables such as tomatoes, watermelon, apricots and cantaloupe melons will be checked to ensure that quality

## Approval for the Agricultural Commissioner to Enter Into and Sign Routine Agreements and Contracts with Various Federal and State Agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018

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standards and packing requirements are met. Examples of quality standards are sugar content level, color percentage and lack of pests. Packing requirements are specific to commodities and include containers marked with the appropriate information. This contract provides reimbursement for inspection hours and mileage costs. The contract amount is estimated to be \$40,000.

### Certified Farmers' Markets

To protect the integrity of the certified farmers' markets as well as the use of the term "California Grown", it is unlawful for any person or entity to make any false, deceptive, or misleading statements or representations relating to the sale or availability of agricultural products. To encourage the direct sale by farmers to the public of all types of California agricultural products, while ensuring that the sale of these products is done without fraud, deception, or misrepresentation, the California Secretary of Agriculture enters into a cooperative agreement with County Agricultural Commissioners to conduct inspections of certified farmers' markets. This cooperative agreement provides funding for the Stanislaus County Agricultural Commissioner to conduct inspections of market sites and inspections of the production sites of the certified producers. This agreement is estimated to be \$7,453.

### Nematode Inspection

This contract facilitates a unified and cooperative program to address the Nematode (a microscopic parasitic worm) control component required by the Food and Agricultural Code for nursery stock sold for farm planting. The Nematode Inspection Program protects agricultural growers and the public from pests associated with nursery stock. The contract provides funding for the Agricultural Commissioner to perform soil treatment and commodity treatment supervision and/or soil sampling as required by the laws and regulations pertaining to Nematode Inspection. The total contract amount is estimated to be \$3,600.

### Nursery Inspection

The State of California contracts with the Stanislaus County Agricultural Commissioner to maintain the Nursery Stock Inspection Program. In accordance with Division 4 and 18 of the Food and Agricultural Code and Title 3 of the California Code of Regulations, the Agricultural Commissioner will perform inspections of nursery stock at all county producer and wholesale nursery locations.

The Nursery Stock Inspection Program ensures that nursery stock meets pest cleanliness standards. Nursery stock should not be infested with pests of economic importance or more than the established threshold considered to be "commercially clean," or with any significant pest not known to occur or not established in California. If infested, a nursery is a vehicle for the rapid spread of pests since shipments of plants are distributed over a wide geographical area for planting. Stanislaus County is one of the leading counties in the State for both commercial plantings of fruit and nut trees and producer nurseries of such trees. Nursery inspections are thus extremely important to the economic health of the County's agriculture. The Agricultural Commissioner also investigates any nursery complaints and enforces nursery

## Approval for the Agricultural Commissioner to Enter Into and Sign Routine Agreements and Contracts with Various Federal and State Agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018

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stock licensing requirements for all new nursery operations within the county. The contract amount is estimated to be \$25,489.

### Pest Detection

The goal of the Stanislaus County Pest Detection Program is to detect insect pests before they can cause infestation or damage to residential and agricultural areas. This program protects California agriculture, the local economy and homeowners' fruit-bearing trees and plants. In addition to Agricultural Inspectors, employees of the Stanislaus County Agricultural Commissioner's Office who primarily work in this program are Agricultural Assistants, also known as "insect trappers" or "trappers." These trappers work in both rural and urban areas of Stanislaus County placing insect traps in trees and plants. Trappers inspect the traps on a regular basis to see if any of the targeted insect pests they are looking for have been trapped. The early detection of insects can help to ensure that an infestation is prevented. Some of the insects which trappers try to detect are: Caribbean Fruit Fly, Mexican Fruit Fly, Oriental Fruit Fly, Mediterranean Fruit Fly, Melon Fruit Fly, Guava Fruit Fly, Gypsy Moth, and Japanese Beetle.

If an insect of concern is found, the California Department of Food and Agriculture assists the County program by providing additional personnel to help put a more intensive trapping program in place for a specified duration of time. If necessary, the State will also assist in the eradication of these insects if they are found. The Pest Detection contract with the California Department of Food and Agriculture reimburses the County for personnel, equipment and vehicle expenditures associated with the program. This program is vital to the protection of local and state agriculture by preventing the introduction of unwanted and injurious pests. The total contract amount is estimated to be \$218,192.

### Glassy- Winged Sharpshooter Program

The Glassy-Winged Sharpshooter insect is a vector of the devastating grapevine disease known as Pierce's Disease. The Glassy-Winged Sharpshooter feeds on the inner parts of grapevines and infects the plant with the bacterium that causes Pierce's Disease causing the vine to die within three years. The Agricultural Commissioner's Office efforts to combat the detrimental effect of the Glassy-Winged Sharpshooter insect and the associated destructive Pierce's Disease include visual inspections of all plants arriving at retail nurseries from Glassy-Winged Sharpshooter quarantine areas, annual visual surveys of wholesale production nurseries, and placing and servicing traps designed to detect the presence of the Glassy-Winged Sharpshooter.

The Glassy-Winged Sharpshooter Program is critical for the protection of the agricultural industry in Stanislaus County. This contract provides for the supplies and personnel services required to continue an ongoing detection program. The Department anticipates receiving a two year contract that will cover Fiscal Years 2016-2017 and 2017-2018 for the estimated amount of \$247,543 each fiscal year.

## Approval for the Agricultural Commissioner to Enter Into and Sign Routine Agreements and Contracts with Various Federal and State Agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018

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### Sudden Oak Death

Since 1995, large numbers of oaks and tanoaks have been dying of Sudden Oak Death (SOD) in the coastal counties of California. Many other types of plants have been found to be infected or associated with this disease. The pathogen *Phytophthora ramorum* is considered the causal agent of Sudden Oak Death and is known to occur in coastal forests and a few horticultural nurseries in the western United States. The following counties are designated as quarantined areas: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma. In order for local nurseries that have tested positive for SOD to ship host nursery stock interstate, County Agricultural Commissioners must perform the regulatory enforcement activities to ensure the plant material is free from infestation.

This contract allows the County Agricultural Commissioner to recover expenses from Sudden Oak Death Program activities performed to ensure that local nurseries are able to ship their product interstate. The Sudden Oak Death Program contract is vital to the protection of Stanislaus County agriculture and local businesses that produce or receive nursery stock. Through this contract, local Stanislaus County nurseries are able to ship their product and effectively mitigate the spread of and eradicate the deadly plant disease *Phytophthora ramorum*. The estimated contract amount is \$11,282.

### Petroleum Products Inspection

The Petroleum Products contract stipulates that the County will be reimbursed for initial inspections of establishments selling or distributing petroleum products. An initial inspection is the first inspection in the fiscal year of a location where the primary business is the sale of petroleum products (i.e., retail service stations, distributors of engine fuels, oils and quick-lube shops). These inspections, conducted by Stanislaus County Weights and Measures Inspectors, include verification of compliance with the Business and Professions Code and California Code of Regulations relating to the advertising and labeling of automotive and petroleum products at the location. The agreement will pay Stanislaus County \$9,675.

### Weighmaster Enforcement Junk Dealers and Recyclers

This agreement will fund Stanislaus County for inspections at junk dealer and recycle locations. To deter fraudulent transactions at junk dealers and recyclers, and decrease the sale of stolen metal property, each location must be inspected after licensure to ensure that the information contained on the weighmaster application is materially accurate. The estimated cooperative agreement amount is \$12,240. Estimated revenue in the amount of \$6,480 will be included in the Agricultural Commissioners Budget Year 2016-2017 Final Budget to reflect this agreement, since this is the amount which the Agricultural Commissioner realistically estimates to receive.

Approval for the Agricultural Commissioner to Enter Into and Sign Routine Agreements and Contracts with Various Federal and State Agencies for Fiscal Year 2016-2017 and Fiscal Year 2017-2018

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**California Department of Pesticide Regulation:**

Pesticide Use Reporting

Since Fiscal Year 1990-1991, the California Department of Pesticide Regulation has contracted with Stanislaus County for the electronic submittal of Pesticide Use Reports. Under this program, Stanislaus County receives the Pesticide Use Reports and enters the data in a format which is readily accessible to the State. The current contract provides that information on both agricultural and non-agricultural chemical usage will be available to the State of California. In Fiscal Year 1996-1997, this program was expanded to allow electronic submission of pesticide use reports to County Agricultural Commissioners. This system allows growers and pest control operators to electronically submit reports to the Department of Pesticide Regulation. As a result, paperwork is vastly reduced. The contract amount is estimated to be \$27,104.

Enforcement Evaluation and Improvement Project

The California Department of Pesticide Regulations (DPR) has the responsibility for overall statewide enforcement of pesticide laws and regulations. DPR determined there is a need to increase communication and collaboration with County Agricultural Commissioners in the tracking, development, and preparation of enforcement responses. DPR also wants to evaluate compliance and enforcement data to ensure statewide consistency with DPR policies, regulations and law, and identify trends that will be used to improve outreach and education to licensees.

Under this agreement, Stanislaus County will be responsible for submitting to DPR all completed inspections and associated follow-up inspections along with information pertaining to both pending and completed enforcement actions for the period of January 1, 2015 through December 31, 2015. The amount of this agreement is \$68,075.

**United States Department of Agriculture:**

Wildlife Services

This agreement provides for animal damage management on properties within Stanislaus County and includes funds for the services of a Wildlife Services Specialist. The Wildlife Specialist, employed by the U.S. Department of Agriculture, works to reduce, terminate and prevent predation and damage to livestock, crops and other property caused by damaging birds and mammals. This is a critical program for the protection of agriculture in Stanislaus County and provides a much needed service for affected landowners. This agreement represents expenditure for Stanislaus County with no corresponding offsetting revenue. The County's cooperative share for the services of the Wildlife Services Specialist is requested at \$76,565.

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**Additional State Contracts:**

It should be noted that there are three additional State contracts from which the Agricultural Commissioner routinely receives revenue, which are not represented in this discussion, due to previous approval of multi-year contracts.

Asian Citrus Psyllid

Asian Citrus Psyllid (ACP) is an insect about the size of an aphid and is a vector for the transmission of Huanglongbing (HLB) disease. HLB is considered one of the most devastating diseases of citrus in the world as it causes trees to produce inedible fruit and results in the eventual death of infected trees. This disease has been responsible for nearly destroying the citrus industry in China, other parts of Asia and Brazil. It is also causing great concern in Florida as that state's citrus industry struggles to survive, losing an estimated 162,000 acres of citrus to the disease since 2007. While ACP has been found in a number of counties in California, at this point the HLB disease has only been found in the Los Angeles area.

The Agricultural Commissioner anticipates the California Department of Food and Agriculture will continue with the request that Stanislaus County conduct a year-round trapping program for ACP and will enter into a new agreement with Stanislaus County in October of 2016 at which point the contract will be brought before the Board.

California Highway Patrol

The Agricultural Commissioner/Sealer utilizes a scale that was transferred from the California Department of Food and Agriculture, Division of Measurement Standards (DMS) to Stanislaus County to perform the required annual testing of axle-load scales used by the California Highway Patrol (CHP). This contract ensures that CHP has a place for scale certification within the State of California, It provides the Agricultural Commissioner/Sealer with an additional source of revenue for its weights and measures activities and was renewed in July 2015. The contract covers a two-year period through the end of Fiscal Year 2016-2017 and is for \$40,000. The Department realistically estimates receiving \$10,500 for Fiscal Year 2016-2017 based on scales tested in previous years.

California Department of Transportation

The Department of Transportation contract previously approved by the Board of Supervisors covers Fiscal Years 2013-2014, 2014-2015 and 2015-2016. Estimated revenue in the amount of \$2,500 will be included in the Agricultural Commissioner's Fiscal Year 2016-2017 Final Budget to reflect this contract which runs through December of 2016.

**POLICY ISSUE:**

Since the Department has many routine and long-standing contracts, it is requested that in order to increase the efficiency of government operations and expedite the processing of these contracts and agreements, the Agricultural Commissioner (or designee) be authorized to enter



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into and sign routine contracts and agreements for Fiscal Year 2016-2017 and multi-year contracts that include Fiscal Year 2017-2018.

**FISCAL IMPACT:**

State contracts and agreements detailed in this item for program activities performed represent \$1,097,641 in expected expenditures and \$764,330 in reimbursement for Fiscal Year 2016-2017 and \$256,746 for Fiscal Year 2017-2018. Appropriations and estimated revenue will be included in the Departments Fiscal Year 2016-2017 Requested Proposed Budget and no further budget adjustments are needed. Revenue estimates are included in the program discussion and if the contracts vary significantly from anticipated revenue, the Department will request separate Board of Supervisors approval.

<b>Cost of recommended action:</b>		\$ 1,097,641
<b>Source(s) of Funding:</b>		
Agreements	\$ 1,021,076	
<b>Funding Total:</b>		\$ 1,021,076
<b>Net Cost to County General Fund</b>		<u>\$ 76,565</u>

<b>Fiscal Year:</b>	FY 2016-2017	FY 2017-2018
<b>Budget Adjustment/Appropriations needed:</b>	No	No

**Fund Balance as of** NA

**BOARD OF SUPERVISORS' PRIORITY:**

Approval of this item supports the Board Priority of promoting A Strong Agricultural Economy/Heritage by securing outside funding for critical programs and services that benefit the agricultural industry in Stanislaus County. Granting the Agricultural Commissioner, or designee, the authority to enter into and sign routine agreements and contracts with Federal and State agencies, supports the Board priority of the Efficient Delivery of Public Services through increased efficiencies in the processing of such items.

**STAFFING IMPACT:**

Existing Agricultural Commissioner staff will perform the required activities for these contracts and agreements.

**CONTACT PERSON:**

Milton O'Haire, Agricultural Commissioner 209-525-4730

**ATTACHMENT(S):**

None