



Kurt E. Floren
Agricultural Commissioner
Director of Weights and Measures

COUNTY OF LOS ANGELES

Department of Agricultural Commissioner/ Weights and Measures

12300 Lower Azusa Road
Arcadia, California 91006-5872
<http://acwm.lacounty.gov>



Richard K. Iizuka
Chief Deputy

May 12, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF COOPERATIVE AGREEMENT #08-0758 WITH
CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE TO PROVIDE FOR
DETECTION OF EXOTIC INSECT PESTS IN LOS ANGELES COUNTY
AND
GLASSY-WINGED SHARPSHOOTER/PIERCE'S DISEASE CONTROL PROGRAM
(ALL DISTRICT) (3-VOTES)**

SUBJECT

This agreement is essential to maintaining a critical exotic pest detection program to place, rotate placement, and service over 26,000 traps to detect and prevent the establishment of Mediterranean, Oriental, and Mexican Fruit Fly and other exotic pests in Los Angeles County, and to survey, inspect, and/or treat to prevent the artificial spread of Pierce's Disease through the movement of Glassy-winged Sharpshooter (GWSS), the vector of the disease.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and instruct the Agricultural Commissioner/Director of Weights and Measures, on behalf of the Chairman, to sign the attached agreement in the amount of \$10,193,783.72 with the California Department of Food and Agriculture (CDFA) effective July 1, 2008 through June 30, 2010.
 - a. To continue detection trapping of fruit flies and other exotic pests.
 - b. To continue the Glassy-winged Sharpshooter/Pierce's Disease (GWSS/PD) Control Program.
2. Authorize the Agricultural Commissioner/Director of Weights and Measures to amend the original contract agreement in an amount not to exceed 10 percent of the original contract, subject to review and approval by County Counsel and the Chief Executive Office and notification to Board Offices.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

The purpose of the above actions is to enable the Los Angeles County Department of Agricultural Commissioner/Weights and Measures (ACWM) to (a) maintain a critical insect trapping program to place, service, and relocate over 26,000 traps to detect and prevent the establishment of exotic fruit flies and other exotic pests in Los Angeles County, and (b) to survey, inspect, and/or treat to prevent the artificial spread of Pierce's Disease through the movement of Glassy-winged Sharpshooter (GWSS), the vector of the disease.

Los Angeles County is unique due to its large size and the vast amount of agricultural commodities imported and exported through its numerous pathways. Its international airport, seaports, and high volume of trucks and cargo provide potential entry of exotic pests from many foreign countries. Additionally, the mild climate and mobile human population greatly increase the year-round potential for pests or disease infestations. Therefore, the Exotic Pest Detection Program plays a critical role in facilitating immediate response to eradicate a pest before it spreads, becomes established, and damages local and statewide agriculture.

The Glassy-winged Sharpshooter/Pest Detection Control Program provides inspection and certification services to plant growing nurseries, the County's number one agricultural industry. The program provides for the inspection of all nursery stock destined for regulating counties. Wine-grape growers in the County require inspection certification to move bulk grape shipments to counties not infested with GWSS.

The emergency nature of exotic pest infestations and the need to quickly respond to certain insect finds may necessitate that the Agricultural Commissioner/Director of Weights and Measures sign and execute amendments to fund additional work that may be required for the programs described in this agreement. Therefore, we request that the Board delegate authority to the Agricultural Commissioner/Director of Weights and Measures to sign amendments to the contract not to exceed 10 percent of the amount of the contract subject to review and approval by County Counsel and the Chief Executive Office and notification of Board offices.

Implementation of Strategic Plan Goals:

This agreement supports the Countywide Strategic Plan Goal 3: Organizational Effectiveness.

Service is enhanced to the County's residents through locally administered programs as part of a statewide program to prevent the establishment and/or spread of harmful exotic insect pests and diseases before they create economic harm to the public.

FISCAL IMPACT/FINANCING:

Under this agreement, CDFA will provide funding in the amount of \$10,193,783.72 for direct and indirect expenses to the County for two years of operations. The total contractual amount is distributed between the two programs as follows:

Glassy-winged Sharpshooter/Pierce's Disease Control Program	\$2,519,203.72
Exotic Pest Detection Program	\$7,674,580.00

The total cost of the GWSS/PD Program is \$3,289,532 of which \$683,000 is net County Cost (NCC).

The total cost of the Exotic Pest Detection Program is \$12,660,000 of which \$4,285,000 is NCC. Net County costs are due to the State's limitations on cost recovery for overhead expenses. Funding is included in the Department's fiscal year 2008/09 Adopted Budget and in its 2009/10 Proposed Budget.

FACTS AND PROVISIONAL/LEGAL REQUIREMENTS:

This contract is for the period July 1, 2008, through June 30, 2010. The contract has been reviewed by County Counsel and is approved as to form.

IMPACT ON CURRENT SERVICES:

The recommended Board action will support the program services for the entirety of Fiscal Years 2008-2009 and 2009-2010.

CONCLUSION:

Upon approval, it is requested that the Executive Office/Clerk of the Board return to ACWM the original standard agreement #08-0758 and the minute order authorizing the Commissioner to sign. The ACWM will forward copies of the documents to the CDFA Contracts Office.

Respectfully submitted,



Kurt E. Floren
Agricultural Commissioner
Director of Weights & Measures

KEF:RKL:MMA:JW:el

Attachment

c: Executive Office/Clerk of Board
County Counsel

STATE OF CALIFORNIA
STANDARD AGREEMENT
 STD 213 (Rev 10/05)

AGREEMENT NUMBER 08-0758
REGISTRATION NUMBER

- This Agreement is entered into between the State Agency and the Contractor named below:
 STATE AGENCY'S NAME
DEPARTMENT OF FOOD AND AGRICULTURE
 CONTRACTOR'S NAME
COUNTY OF LOS ANGELES
- The term of this Agreement is: **July 1, 2008 Through June 30, 2010**
- The maximum amount of this Agreement is: **\$10,193,783.72**
Ten Million One Hundred Ninety-three Thousand Seven Hundred Eighty-three Dollars and Seventy-two Cents
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement:

Exhibit A – Scope of Work 1 Page(s)
 Attachment 1 - 2008-09/09-10 PDCP Workplan (13 pages)
 Attachment 2 - 2008-09/09-10 Insect Pest Detection Trapping (5 pgs)

Exhibit B – Budget Detail and Payment Provision 1 Page(s)
 Attachment 1 - 2008/09 GWSS Budget (1 page)
 Attachment 2 - 2008/09 Trapping Budget (2 pages)
 Attachment 3 - 2009/10 GWSS Budget (1 page)
 Attachment 4 - 2009/10 Trapping Budget (2 pages)

Exhibit C – General Terms and Conditions - GTC 307 3 Pages
 Check mark one item below as Exhibit D:
 Exhibit D-Special Terms and Conditions 1 Page(s)
 (Attached hereto as part of this Agreement)
 Exhibit D*-Special Terms and Conditions

APPROVED AS TO FORM
 RAYMOND G. FORTNER, JR., County Controller

March 2008

5. Name of Program: **Pierce's Disease Control Program (PDCP) & Pest Detection/Emergency Projects (PD/EP)**

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR	<i>California Department of General Services Use Only</i>
CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.) COUNTY OF LOS ANGELES	
BY (Authorized Signature) _____ DATE SIGNED) _____	
PRINTED NAME AND TITLE OF PERSON SIGNING	
ADDRESS 1230 Lower Azusa Road, Arcadia, CA 91005	
STATE OF CALIFORNIA	
AGENCY NAME DEPARTMENT OF FOOD AND AGRICULTURE	
BY (Authorized Signature) _____ DATE SIGNED) _____	
PRINTED NAME AND TITLE OF PERSON SIGNING JANICE L. PRICE, CONTRACTS MANAGER	
ADDRESS 1220 N STREET, ROOM 115, SACRAMENTO, CA 95814	

Exempt per:

**EXHIBIT A
 (County Agreement)**

SCOPE OF WORK

1. Contractor agrees to provide the services described herein:

The County shall provide the Pierce's Disease Control Program (PDCP) services for the survey, inspection, and/or treatment of the glassy-winged sharpshooter and for placing and servicing traps for the detection of exotic insect pests which are considered hazardous to agriculture and the economy of California in accordance with the Scope of Work and the County Workplans.

County shall provide the Pest Detection/Emergency Projects (PD/EP) services for placing and servicing traps for the detection of exotic insect pests which are considered hazardous to agriculture and to economy in California. Those insect pests may include but are not limited to Mediterranean fruit fly, Mexican fruit fly, oriental fruit fly, melon fly, gypsy moth, Japanese beetle, and other invasive exotic pests. This Agreement include delimitation work associated with the detection of one or more life stages of the above target pests in a county.

Services shall be performed in and throughout the **COUNTY OF LOS ANGELES**.

AB 1896 is hereby incorporated by reference, and a Contractor's failure to comply shall be deemed a failure of consideration.

2. The program contract managers for this Agreement are:

FOR THE COUNTY

Name: Kurt Floren
Section/Unit: County Agricultural Commissioner
Address: 1230 Lower Azusa Road Arcadia, CA 91005
Phone: 626-575-5451
Fax: 626-350-3242

FOR THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

PIERCE'S DISEASE CONTROL PROGRAM	PEST DETECTION/EMERGENCY PROJECTS
Name: Susan Ichino	Name: Joanne Shimada
Section/Unit: Pierce's Disease Control Program	Section/Unit: Pest Detection/ Emergency Projects
Address: 1220 N Street, Room 325 Sacramento, CA 95814	Address: 1220 N Street, Room A-330 Sacramento, CA 95814
Phone: 916-651-0271	Phone: 916-654-1211
Fax: 916-651-0275	Fax: 916-654-0555

The County will be reimbursed for the following programs:

PIERCE'S DISEASE CONTROL PROGRAM - \$2,519,203.72

PEST DETECTION/EMERGENCY PROJECTS - \$7,674,580.00

TOTAL FOR BOTH PROGRAMS - \$ 10,193,783.72

3. See Attachments to this Scope of Work for a detailed description of work to be performed and duties of all parties.

County of Los Angeles
Department of Agricultural Commissioner/
Weights and Measures

PIERCE'S DISEASE CONTROL PROGRAM

2008-09/2009-10 WORKPLAN

LOS ANGELES COUNTY

Table of Contents

Item

- A. Minute Order (or Board Resolution) of Board of Supervisors Designating Local Public Entity Pursuant to Food and Agricultural Code Section 6046(f)
- B. Local Public Entity's Designated Pierce's Disease Control Program Coordinator and Contact Information
- C. Response/Control Program for Pierce's Disease and Its Vectors
- C-1. Regulation of Commodity Movement
- D. Survey Plan
- E. Enforcement Options and Authorities
- F. Standards and Restrictions
- G. Workplan Assurances
- H. Budget
- I. Local Appeal Process
- J. Environmental Compliance

PIERCE'S DISEASE CONTROL PROGRAM

**MINUTE ORDER OF BOARD OF SUPERVISORS DESIGNATING LOCAL
PUBLIC ENTITY PURSUANT TO FOOD AND AGRICULTURAL CODE
SECTION 6046(f)**

[Place copy of Minute Order or Board Resolution here]

RECOMMENDED LANGUAGE: The Board of Supervisors of the County of Los Angeles, State of California, does hereby designate the Los Angeles County Agricultural Commissioner to be the local public entity to receive funds allocated by the California Department of Food and Agriculture for local assistance in regard to Pierce's Disease and its vectors.

NOTE: If the Minute Order or Board Resolution cannot be provided with the proposed workplan, include the following statement under Item A:

The Minute Order or Board Resolution will be returned to CDFA with the signed contract.

ITEM B

PIERCE'S DISEASE CONTROL PROGRAM

LOCAL PUBLIC ENTITY'S DESIGNATED PIERCE'S DISEASE CONTROL PROGRAM COORDINATOR AND CONTACT INFORMATION

PRIMARY CONTACT:

Name: Warren Dias
Address: 11012 S Garfield Ave., South Gate, CA 90280
Phone Number: (562) 622-0423
Fax Number: (562) 861-2828
E-Mail Address: WDias@acwm.lacounty.gov

ALTERNATE CONTACT (IF APPLICABLE)

Name: Maximiliano (Max) Regis
Address: 11012 S. Garfield Ave., #A, South Gate, CA 90280
Phone Number: (562) 622-0430
Fax Number: (562) 861-2828
E-Mail Address: MRegis@acwm.lacounty.gov

**PIERCE'S DISEASE CONTROL PROGRAM
RESPONSE/CONTROL PROGRAM FOR PIERCE'S DISEASE AND ITS
VECTORS**

LOS ANGELES COUNTY

March 6, 2008

Objective

To know the extent of the infestation and to enforce regulations to prevent the artificial movement of GWSS.

RESPONSIBILITIES

Lead Agency

The Los Angeles County Department of Agriculture (LACACWM) is the lead agency and is designated by the Los Angeles County Board of Supervisors as the local public entity to conduct the Pierce's Disease Control Program (PDCP) within the County. The California Department of Food and Agriculture (CDFA) will work in cooperation with the LACACWM, the State PDCP Science Advisory Panel, officials in affected counties, the Los Angeles County PDCP Task Force, and other interested parties in implementing this plan. The CDFA will provide biological control program guidance and support to Los Angeles County as favorable agents become available.

County Responsibilities

- Act as lead agency for the PDCP activities occurring within the jurisdiction of the county.
- Act as lead liaison to local City Councils, the County Board of Supervisors, county legal counsels, and other county agencies, regarding the PDCP activities.
- Certifying regulated commodities destined to noninfested areas of the state.

ELEMENTS

Public Outreach

The LACACWM will act as lead spokesperson for the PDCP activities within the County. The LACACWM, in cooperation with the CDFA, will generate press releases and distribute information to all affected communities.

The CDFA will develop technical information and provide technical support and training, assist in the development and dissemination of literature, and act as a clearinghouse for information to the public and the press.

PIERCE'S DISEASE CONTROL PROGRAM

REGULATION OF COMMODITY MOVEMENT

The Los Angeles County Department of Agriculture will implement the CDFA GWSS Nursery Shipping Protocol, bulk citrus protocol, and all other commodity-movement protocols, including associated compliance agreements and exhibits, to ensure the movement of products and commodities does not present a risk of moving GWSS to uninfested areas. The County will submit a written request and justification to the Pierce's Disease Control Program if they wish to deviate from the protocols.

PIERCE'S DISEASE CONTROL PROGRAM

SURVEY PLAN

Due to Los Angeles County being generally infested, no general county survey plan will be conducted. Nurseries in Los Angeles County that are under compliance agreement will be monitored for compliance.

For bulk citrus destined or transiting GWSS uninfested areas, or areas under active control, citrus orchards will be monitored and/or surveyed to comply with bulk citrus shipping regulations.

PIERCE'S DISEASE CONTROL PROGRAM

ENFORCEMENT OPTIONS AND AUTHORITIES

The Pierce's Disease Control Program (PDCP) regulations are contained in Sections 3650-3663.5, Title 3, California Code of Regulations [CCR]. These regulations were established to prevent the artificial spread of glassy-winged sharpshooter (GWSS).

The statutory authority for these regulations is Sections 6045, 6046, and 6047, Food and Agricultural Code (FAC). To enforce these provisions, the Secretary or Agricultural Commissioner is empowered to conduct inspections and investigate any suspected violations; each Commissioner is an enforcing officer for all laws and regulations to prevent the spread of plant pests and to certify shipments of plant material as to its pest freedom.

The FAC provides several options for enforcement of the requirements of the PDCP regulations. This flexibility allows enforcement actions chosen as a result of a violation(s) to be proportionate to the nature/severity of the violation with progressive enforcement for repeat violators.

- Any violation of applicable provisions of FAC Division 4, Plant Quarantine and Pest Control, is an infraction punishable by a fine of not more than \$1,000 for the first offense and a misdemeanor for a second or subsequent offense within three years [Section 5309, FAC].
- Except where otherwise expressly provided, a violation of any provision of this division is a misdemeanor [Section 5027, FAC]. In addition to other remedies provided, any person violating the PDCP regulation requirements can be civilly liable up to \$10,000 for each violation; in lieu of any civil action, the Secretary or Commissioner may levy a civil penalty for up to \$2,500 for each violation [Sections 5310 and 5311, FAC].
- Anyone who negligently or intentionally violates a regulation and imports a GWSS-infested plant that results in an infestation, or the spread of an infestation may be civilly liable in an amount up to \$25,000 for each violation [Section 5028(c), FAC].
- It is unlawful to sell any nursery stock without a valid nursery license [Section 6721, FAC]. The Secretary can revoke or suspend a nursery license if a nursery has willfully refused to comply with all laws and regulations relative to any pest that might be carried by nursery stock [Section 6761, FAC].
- It is unlawful for anyone to ship, sell, deliver or transport nursery stock in California without either a Hold for Inspection ("blue tag") or a valid nursery stock certificate [Sections 6922 and 6923, FAC]. The Commissioner may revoke or suspend the right to use any nursery stock certificate or other shipping permit because of non-compliance [Section 6968, FAC]. It is unlawful to alter or otherwise misuse any shipping permit or nursery stock certificate [Section 6927, FAC].

- Any one receiving or moving any nursery stock must notify the Commissioner immediately upon arrival and hold the nursery stock for inspection unless it is accompanied by a valid nursery stock certificate. Some counties have elected to waive that exemption and require GWSS host plant material entering the county (or non-infested area of a county) to be accompanied by a Warning Hold For Inspection certificate [Section 6505, FAC]. In this case, it is unlawful even to move nursery stock within a county without forwarding a manifest specified by Section 6925 and 6926, FAC.
- To facilitate the investigation of violations, proof of ownership is required of any person buying, selling, or transporting a shipment of plant material intended for commercial sale and it is unlawful for any person to alter any proof of ownership document [Sections 5030 and 5031, FAC].
- Under the PDCP regulations, all host plants of GWSS moving from an infested area to a non-infested area must be certified free of GWSS [Section 5721, FAC; Sections 3060.2, 3060.4 and 3660, CCR]. Certification can be based on surveys confirming non-infested status, inspection, or by approved treatment. It is unlawful to alter or otherwise wrongfully use a certificate [Section 5208, FAC].
- The Secretary or Commissioner may enter into compliance agreements to facilitate the movement of host plant material. The compliance agreement provides the survey, treatment, and handling requirements necessary to assure freedom from GWSS. Violation of the provisions of a compliance agreement is unlawful and any person that violates the provisions of a compliance agreement can also be held liable civilly for up to \$10,000. Remedies provided here do not supersede or limit any and all other remedies available to the State [Section 5705, FAC].
- If any shipment of any nursery stock, plant, or container of any nursery stock or plant, or appliance, or any host or other carrier of any pest which is brought into any county or locality in the state from another county or locality within the state, is found to be infested with a pest (i.e., GWSS), or there is reasonable cause to believe that the shipment may be infested, the entire shipment shall be refused delivery and may be immediately destroyed by, or under the supervision of the Commissioner, unless the nature of the pest is such that no damage or detriment can be caused to agriculture by the return of the shipment to the point of shipment [Section 6521, FAC]. The officer who makes the inspection of such a shipment may affix a warning tag or notice to the shipment and shall notify in writing the owner or bailee of the shipment to return the shipment to the point of shipment within the time limit which the officer specifies [Section 6522, FAC]. Similarly, a warning hold may be placed on a shipment *entering* the state if it is found to be infested with GWSS, or there is reasonable cause to believe that the shipment may be infested, with GWSS. It is unlawful, except by written permission, to move or divert any plant shipment placed under a warning hold order without written permission. It is unlawful to remove, destroy, or otherwise alter any warning hold order [Section 6303, FAC].

- If or when GWSS is found infesting any location, the Secretary or Commissioner may require that any plant, or other GWSS host, be held at that location, and may require any host within five miles of that location be held as well [Section 5701, FAC]. It is unlawful to move any plant or host in violation of a hold order.
- Any location, plants, or other things found infested with GWSS can be considered a public nuisance and may be prosecuted as such and any remedies provided by law for the prevention and abatement of a public nuisance will apply. It is unlawful for any person to maintain a public nuisance. The remedies provided here are in addition to any other applicable remedies [Sections 5401 and 5402, FAC].



PIERCE'S DISEASE CONTROL PROGRAM

STANDARDS AND RESTRICTIONS

This workplan does not include any variations from the standards set by law. If the Los Angeles County Department of Agriculture (LACACWM) and the Los Angeles County PDCP Task Force find that there is clear and convincing evidence to support a more stringent standard than is set by regulation, then the LACACWM will notify the CDFA and provide detailed justification as to the need for the more stringent standard.

The County of Los Angeles is generally-infested and we do not anticipate conducting any rapid response activities.