



# County of Santa Cruz

OFFICE OF THE AGRICULTURAL COMMISSIONER

DAVID W. **MOELLER**  
AGRICULTURAL COMMISSIONER  
SEALER OF WEIGHTS AND MEASURES  
DIRECTOR, MOSQUITO AND VECTOR CONTROL

February 2, 1999

AGENDA: FEBRUARY 23, 1999

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

SUBJECT: PEST EXCLUSION PROGRAM

Dear Members of the Board:

The State of California, Department of Food and Agriculture (CDFA), has sent this department an agreement for the Pest Exclusion Program. The purpose of this agreement is for the County to perform high-risk inspection services for CDFA, and for CDFA to reimburse the County for these inspection activities.

We will perform inspections of plant material when the high risk shipment reaches its first point of availability. A high risk shipment is one where there is a high degree of likelihood that serious plant pests could be introduced or spread within the county. The inspections will be performed at post offices, United Parcel Service, Federal Express, nurseries, and at any other high risk pathways that may be identified.

The County will furnish all equipment and labor necessary to perform inspection and enforcement activities at an optimal level. The term of the agreement shall be effective through June 30, 1999. The total amount payable under this agreement will not exceed \$39,631.75, which is Santa Cruz County's share of the \$5,000,000 funding that is available for high-risk pest exclusion activities.


Payments shall be made to the County monthly, in arrears, based on actual hours expended for high-risk pest exclusion activities. We plan to spend \$14,500 on a new vehicle; we will budget for replacement costs. We will also purchase a computer and related software costing \$2,500 for reporting work activities to the state. The remainder of the payments made to the County will be used for staff salaries and benefits. Existing staff will perform the activities under this contract.

It is requested that your board accept this unanticipated revenue, up to \$39,631.75, (for reimbursement services) into index 103210, sub-object 0730 (pest detection), to fund costs of the high-risk inspection activities.

It is therefore RECOMMENDED that your Board:


1. Accept unanticipated revenue in an amount up to \$39,631.75, for reimbursement to perform inspection services for the pest detection program.
2. Accept the attached resolution authorizing the appropriations.
3. Authorize the Agricultural Commissioner to sign all related documents on behalf of your Board.

Sincerely,



David W. Moeller  
Agricultural Commissioner

RECOMMENDED:



for SUSAN A. MAURIELLO  
County Administrative Officer

cc: CAO  
County Counsel  
Auditor-Controller  
Agricultural Commissioner

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor \_\_\_\_\_  
duly seconded by Supervisor \_\_\_\_\_  
the following resolution is adopted:

RESOLUTION ACCEPTING UNANTICIPATED REVENUE

WHEREAS, the County of Santa Cruz is a recipient of funds from Calif. Dept. of Food & Agriculture for Pest Exclusion program; and

WHEREAS, the County is recipient of funds in the amount of \$ 39,631.75 (up to) which are either in excess of those anticipated or are not specifically set forth in the current fiscal year budget of the County; and

WHEREAS, pursuant to Government Code Section 29130(c)/29064(b), such funds may be made available for specific appropriation by a four-fifths vote of the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Santa Cruz County Auditor-Controller accept funds in the amount of \$39,631.75 (up to) into

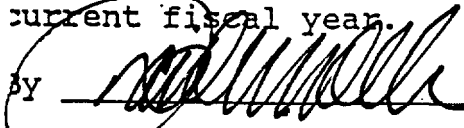
Department Agricultural Commissioner

T/C	Index Number	Revenue Subobject Number	Account Name	Amount
001	103210	0730	Pest Detection	\$39,631.75

and that such funds be and are hereby appropriated as follows:

T/C	Index Number	Expenditure Subobject Number	PRJ/UCD	Account Name	Amount
021	103210	3100		Regular Pay	\$12,000.00
021	103210	3 1 1 0		Extra Help Pay	\$ 6,000.00
021	103210	3150		OASDI	\$ 1,500.00
021	103210	3155		PERS	\$ 1,700.00
021	103210	3160		Employee Insurance	\$ 931.75
021	103210	3493		Supplies	\$ 500.00
021	103210	8404		Equipment	\$ 2,500.00
021	103210	8409		Mobile Equipment	\$14,500.00

DEPARTMENT HEAD I hereby certify that the fiscal provisions have been researched and that the Revenue(s) (has been) (will be) received within the current fiscal year.

BY  Department Head

Date February 4, 1999

COUNTY ADMINISTRATIVE OFFICER

<sup>DP</sup>

Recommended to Board

Not Recommended to Board

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ by the following vote (requires four-fifths vote for approval):

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

\_\_\_\_\_  
Chairperson of the Board

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

*[Signature]*  
County Counsel

APPROVED AS TO ACCOUNTING DETAIL:

*[Signature]* 11/25/99  
Auditor-Controller

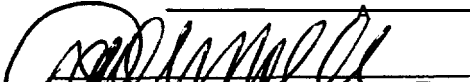
Distribution:

- Auditor-Controller
- County Council
- County Administrative Officer
- Originating Department

COUNTY OF SANTA CRUZ  
REQUEST FOR APPROVAL OF AGREEMENT

3 7

TO: Board of Supervisors  
County Administrative Officer  
County Counsel  
Auditor-Controller

FROM: Agricultural Commissioner \_\_\_\_\_ (Dept.)  
 (Signature) 1-22-99 (Date)

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of the same.

1. Said agreement is between the County of Santa Cruz - Agricultural Commissioner (Agency)  
and, California Department of Food & Agriculture - Pest Exclusion Program (Name & Address)

2. The agreement will provide reimbursement for high risk inspection services

3. The agreement is needed, for reimbursement of expenses

4. Period of the agreement is from December 1, 1998 to June 30, 1999

5. Anticipated <sup>revenue</sup> cost is \$ 39,631.75 (~~Fixed amount; Monthly rate; Not to exceed~~)

6. Remarks: \_\_\_\_\_

7. <sup>(Revenue)</sup> Appropriations are budgeted in 103210 (Index#) 0730 (Subobject)

NOTE: IF APPROPRIATIONS ARE INSUFFICIENT, ATTACH COMPLETED FORM AUD-74

Appropriation: ~~are~~ available and ~~have~~ been encumbered. Contract No. R-689 Date 1/25/99  
~~are not~~ ~~will~~ be

NA

GARY A. KNUTSON, Auditor - Controller  
By Zaida Chou Deputy.

Proposal reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize the Agricultural Commissioner to execute the same on behalf of the County of Santa Cruz (Agency).  
County Administrative Officer

Remarks: \_\_\_\_\_ (Analyst)  
By  Date 2/10/99

Agreement approved as to form. Date \_\_\_\_\_

Distribution:  
Bd. of Supv. - White  
Auditor-Controller - Blue  
Counsel - Green  
Co. Admin. Officer - Conroy  
Auditor-Controller - Pink  
Originating Dept. - Goldenrod

\*To Orig. Dept. if rejected.

State of California )  
County of Santa Cruz ) ss  
I \_\_\_\_\_ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz,  
State of California, do hereby certify that the foregoing request for approval of agreement was approved by  
said Board of Supervisors as recommended by the County Administrative Officer by an order duly entered  
in the minutes of said Board on \_\_\_\_\_ County Administrative Officer  
\_\_\_\_\_ 19\_\_\_\_ By \_\_\_\_\_ Deputy Clerk

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**1998/99**  
**Agreement Number 98-0377**  
**between**  
**California Department of Food and Agriculture**  
**Pest Exclusion Program**  
**and**  
**County of Santa Cruz**

This memorandum is between the County of Santa Cruz (County) and the California Department of Food and Agriculture (CDFA) to fulfill the requirements imposed by Chapter 870/98 (AB 2283). The purpose of this Agreement is for the County to perform high-risk inspection services for CDFA, and for CDFA to reimburse the County for these inspection activities.

### **General Scope of Services**

The County will furnish all equipment and labor necessary to perform inspection and enforcement activities at an optimal level. The activities under this Agreement shall be completed within the time frame outlined.

- The County will perform high-risk pest exclusion activities as required by Chapter 870/98, (AB 2283) attached as Exhibit A, and by this reference made a part hereof, to maintain an optimal service level pest exclusion program.
- The County will perform the activities agreed upon between the County and CDFA as shown in the attached Negotiated Work Plan, which is attached and incorporated as Exhibit B.

### **Terms of Agreement**

This Agreement shall be effective December 1, 1998 through June 30, 1999. The total amount payable under this Agreement shall not exceed \$39,631.75 which is Santa Cruz County's share of the \$5,000,000 funding that is available for high-risk pest exclusion activities. This amount is derived from the 1998/99 estimated high-risk pest exclusion annual cost of \$104,717.46 you submitted based on the hourly cost to perform these activities as outlined in Exhibit B.

Payment shall be made monthly in arrears upon submission and approval of an itemized invoice (Exhibit C) and monthly submission of a completed Report Form 4a (Exhibit D). The itemization on the invoice, shall include the percentage rate of overhead charged by the County on the high-risk pest exclusion activities. The County shall submit this itemized, monthly invoice, in triplicate, referencing Agreement number 98-0377 and send to: California Department of Food and Agriculture, Pest Exclusion Branch, 1220 N Street, Suite A-372, Sacramento, California 95814.

This Agreement shall not be effective unless signed by both parties and approved by the Department of General Services, if required.

### **Resolutions**

A copy of a resolution, order, motion, ordinance of the local governing body having, by law, the authority to authorize execution of this Agreement must be included when the contracting party is a county.

Recycled Content Certification

Contractor hereby certifies under penalty of perjury, that \_\_\_\_\_ (enter value or "zero" if unknown) percent of the materials, goods, supplies offered, or products used in the performance of this contract meets or exceeds the minimum percentage of recycled material as defined in Sections 12161 and 12220 of the Public Contract Code.

American with Disabilities Act (ADA) Compliance

By signing this agreement, Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, (42 U. S. C. 12101 et seq), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

Drug-Free Workplace Act of 1990 Certification

By signing this agreement, the contractor or grantee hereby certifies under penalty of perjury under the laws of the State of California that the contractor or grantee will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et. seq.) and will provide a drug-free workplace by taking the following actions:

- (1) Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
- (2) Establish a Drug-Free Awareness Program to inform employees about:
  - (a) The dangers of drug abuse in the workplace;
  - (b) The person's or organization's policy of maintaining a drug-free workplace;
  - (c) Any available counseling, rehabilitation, and employee assistance programs; and,
  - (d) Penalties that may be imposed upon employees for drug abuse violations.
- (3) Every employee who works on the proposed contract will:
  - (a) Receive a copy of the company's drug-free workplace policy statement; and,
  - (b) Agree to abide by the terms of the company's statement as a condition of employment on the contract.

Disputes

Any dispute under the terms of this Agreement which is not disposed of within a reasonable period of time not to exceed ten days by the Contractor and State employees normally responsible for the administration of this Agreement shall be brought to the attention of the Chief Executive Officer, or designated representative, of each organization who shall use their best efforts to jointly resolve the dispute.

National Labor Relations Board Certification

Contractor, by signing this agreement, does swear under penalty of perjury that no more than one final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of the Contractor's failure to comply with an order of a Federal court which orders the Contractor to comply with an order of the National Labor Relations Board (Public Contract Code Section 10296).

### Statement of Compliance

The Contractor's signature affixed hereon and dated shall constitute a certification under penalty of perjury under the laws of the State of California that the Contractor has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations Section 8103.

### Nondiscrimination Clause (OCP-1)

During the performance of this Agreement, Contractor and its subcontractors shall not **unlawfully** discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), **mental** disability, medical condition (cancer), age (over **40**), marital status, and denial of family care leave. Contractors and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this **clause** to labor organizations with which they have a collective bargaining or other agreements.

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

### Audit

Contractor shall be subject to the examination and audit of the Auditor General for a period of three years after **final** payment under this agreement (Government Code 8546.7). The examination and audit shall be confined to those matters connected with the performance of this contract including but not limited to the cost of administering the contract.

### Amendment/Cancellation

This agreement may be amended upon written mutual consent, or canceled by either party, upon thirty days written notice unless otherwise stated. In the event the State cancels this agreement due to Contractor's Breach of Contract, the State shall have the authority to terminate this agreement immediately upon giving notice to the Contractor.

### Personal Services

This Agreement has complied with the Standards set forth in Government Code Section 19130(b), Public Contract Code Section 10337.

### Budget Act

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to the Contractor or to furnish any other considerations under this Agreement and the Contractor shall not be obligated to perform any provisions of this Agreement.



**Invoices and Payments**

The County shall render invoices in arrears, in triplicate, for charges in accordance with the payment provisions of this Agreement. Payment shall be made in accordance with the State Prompt Payment Act.

**Labor Code/Worker's Compensation**

County certifies that it complies with Labor Code Section 3700 which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code.

**Subcontracting**

County shall not subcontract any services under this Agreement without prior written approval of a CDFR representative authorized to agree to such subcontracting.

**Professional Work**

All work is to be performed in accordance with all acceptable State standards.

APPROVED AND AGREED TO:

\_\_\_\_\_  
CA Department of Food and Agriculture

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
County Agricultural Commissioner

1/22/99  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Joe M. Scott  
County Counsel

AMOUNT ENCUMBERED BY THIS DOCUMENT <b>\$39,631.75</b>	PROGRAM CATEGORY (CODE AND TITLE) 20.15.81	FUND TITLE General		
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT <b>\$</b>	(OPTIONAL USE)			
TOTAL AMOUNT ENCUMBERED TO DATE <b>\$39,631.75</b>	ITEM 8570-101-0001	CHAPTER 324	STATUTE 1998	FISCAL YEAR 1998199
OBJECT OF EXPENDITURE (CODE AND TITLE) 70244				
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.	
SIGNATURE OF ACCOUNTING OFFICER <i>Certification of fund availability is on file with the Department of Food &amp; Agriculture</i>			DATE	

Department of General Services  
Use Only

GEN. SERV. DEPT. APPROVAL  
NOT REQUIRED PER  
CONTRACT EXEMPTION APPROVAL  
FILE NO. 28.2

- AGREEMENTOR     STATE AGENCY     DEPT OF GEN SER     CONTROLLER

## Assembly Bill No. 2283

## CHAPTER 870

An act to amend, repeal, and add Sections 2272 and 2282 of, and to add and repeal Sections 2282.5 and 2287 of, the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to **take** effect immediately.

[Approved by Governor September 26, 1998. Filed with Secretary of State September 28, 1998.]

## LEGISLATIVE COUNSEL'S DIGEST

## AB 2283, Committee on Agriculture. Pest control.

(1) Existing **law** authorizes the Secretary of Food and Agriculture **or** the Director of Pesticide Regulation to allocate annually to each county **an amount** not to exceed  $\frac{1}{3}$  of the amount expended by the county during the 'previous **fiscal** year for **programs** of **joint** responsibility under the jurisdiction of **the** secretary or the director.

This **bill would** require that the development of work plans for allocation of the funding appropriated in a specified item of the Budget Act of 1998 be the responsibility of the Department of Food and Agriculture. The bill would require the department to establish criteria for the development of the work **plans** and for allocating the funds, as specified. The **bill** would require **\$5,000,000** of the amount appropriated in a specified item of the Budget Act of 1998 to be **utilized** solely for high-risk **pest exclusion** activities. The bill would require **the** work plans to be developed by the department with the county agricultural **commissioners** and in **consultation** with affected **industry** representatives. The imposition of this requirement upon the commissioners would constitute a state-mandated **local** program. The bill would prohibit funds allocated for high-risk pest exclusion pursuant to the bill from being expended for any purpose other than the exclusion of high-risk pests, as prescribed. The **bill** would prohibit funds allocated by each county from being reallocated to other specified programs **until** the county work plan is approved by the department consistent with the funding approved in the Budget Act of 1998 for this purpose. The bill also would require each county, in order to remain eligible for **funding** under the **bill**, to maintain support of ongoing operational costs of specified county **agricultural** commissioner programs at 1997-98 levels.

(2) **Existing** law provides for the **appointment** of a county **agricultural** commissioner in **each county** who, among other things, is responsible **for the** enforcement of pest control laws and regulations within that county.

This bill would authorize the commissioner, upon determining that it is necessary to more effectively or more efficiently carry out a pest control program, as specified, to enter into a **mutual** aid agreement with other counties for the purpose of sharing staff, equipment, expertise, **information**, and other resources necessary to meet the needs of the program.

(3) Existing **law** requires each county agricultural commissioner to make an **annual** report to **the** Secretary of Food and Agriculture on the **condition of** agriculture in his or her county and on what **is** being done to eradicate, control, or manage pests, and actions relating to **the** exclusion of pests or quarantine against pests.

This bill would authorize, rather than require, each county agricultural commissioner to prepare the annual report and would require each county **agricultural** commissioner to submit, on a form approved by the secretary, a monthly report to the secretary **concerning** the **commissioner's** activities in specified joint programs. This requirement would impose a state-mandated local program.

(4) **The California Constitution** requires the state to reimburse local agencies and **school** districts for **certain** costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed **\$1,000,000** statewide and other procedures for claims whose statewide costs exceed **\$1,000,000**.

This bill would provide that, if the Commission on State Mandates determines that the **bill** contains **costs** mandated by the state, reimbursement for those costs **shall** be made from funds appropriated in a specified item of the Budget Act of 1998.

(5) The changes proposed by this bill would be repealed July 1, **1999**.

(6) The bill would declare that **it** is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares that the exclusion of exotic pests from **California** is **of** paramount importance in maintaining the economic **vitality** of this state;

SEC. 2. Section 2272 of the Food and Agricultural Code is amended to read:

2272. (a) The commissioner shall submit, on a form approved by the secretary, a monthly report to the secretary concerning the commissioner's activities in the programs **listed in** paragraphs (1) to **(10)**, inclusive, of subdivision (b) of Section 2282. The commissioner may prepare an annual report on the condition of agriculture in his or her county and on what is being done to eradicate, control, or manage pests, and actions **relating** to the exclusion of pests or

quarantine against pests. The commissioner may include in the annual report information relating to organic farming methods, biotechnology, integrated pest management, and biological **control** activities in the county. The commissioner shall also furnish from time to time to the director any other information the director may require.

(b) This section shall remain in effect only until **July 1, 1999**, and as of that date is **repealed**, unless a later enacted statute that is enacted before **July 1, 1999**, deletes or extends that date.

SEC. 3. Section 2272 is added to the Food and Agricultural Code, to read:

**2272.** (a) The commissioner shall make an annual report to the director on the condition of agriculture in his or her county and on what **is** being done to eradicate, control, or manage pests, and actions relating to the exclusion of pests or quarantine against pests. The commissioner may include in the annual report information relating to organic **farming** methods, biotechnology, integrated pest management, and biological **control** activities in the county. The commissioner shall also **furnish** from time to time to the director any other information the director may require.

(b) This section shall become operative **July 1, 1999**.

SEC. 4. Section 2282 of the Food and Agricultural Code is amended to read:

2282. (a) Except as provided in Section 2282.5, the Secretary of Food and Agriculture **or** the Director of Pesticide Regulation may allocate **annually** to each county an amount determined by the secretary or the director not to exceed one-third of the amount **expended** by the county during the previous **fiscal** year for the programs of joint **responsibility**. The allocations **shall** be made from funds appropriated to the secretary or the director for purposes of carrying out activities of joint responsibility with the commissioners at the local levels.

(b) The annual report to the Legislature described in Section 2281 shall include his or her findings for each of the following joint programs, including the amounts allocated to and expended by the counties **in** the previous fiscal year and the proposed amount to be allocated by the secretary for each program for the ensuing budget year:

- (1) Pest detection.
- (2) Pest eradication.
- (3) Pest management control.
- (4) Pest **exclusion**.
- (5) Seed inspection.
- (6) Nursery inspection.
- (7) Fruit and vegetable quality **control**.
- (8) Egg **quality** control.
- (9) Apiary inspection.

(10) Crop statistics.

The report shall also specify the **programs** that have been augmented with state funds each year since 1980 because of new **legislative** mandates, or because of pest infestations or outbreaks occurring since that date, and the **annual** amounts of **those** augmentations.

(c) This section shall **remain** in effect **only until July 1, 1999, and as of that date is repealed**, unless a **later** enacted statute that is enacted before **July 1, 1999, deletes** or extends that date.

SEC. 5. Section **2282** is added to the **Food and Agricultural** Code, to read:

**2282.** (a) The Secretary of Food and Agriculture or the **Director** of Pesticide Regulation may **allocate** annually to each county **an** amount determined by the secretary or the director not to exceed one-third of the amount expended by the county **during** the previous fiscal year for **the** programs of joint responsibility under the jurisdiction of the secretary or director, as applicable. The **allocations shall** be made from funds appropriated to the secretary or **the** director for purposes of carrying out activities of joint responsibility with the commissioners at the local levels.

(b) The **annual** report of the Secretary of Food and Agriculture to **the** Legislature required **by Section 2281** shall include his or her findings for each of the following joint programs, including the amounts allocated to, and expended by, the counties in the previous fiscal year and the proposed amount to be allocated by the secretary for each program for the ensuing budget year:

- (1) Pest detection.
- (2) Pest eradication.
- (3) Pest management control.
- (4) Pest exclusion.
- (5) Seed inspection.
- (6) Nursery inspection.
- (7) Fruit and vegetable quality control.
- (8) Egg **quality** control.
- (9) Apiary inspection.
- (10) Crop statistics.

The report shall also specify the **programs** that have been augmented with state funds each **year** since **1980** because of new legislative mandates, or because of pest infestations or outbreaks occurring since **that** date, and the annual amounts of those augmentations.

(c) This section **shall** become operative **July 1, 1999**.

SEC. 6. Section 2282.5 is added **to** the Food and Agricultural Code, to **read**:

2282.5. (a) The development of work plans for allocation of the funding appropriated in Schedule (a) of Item **8570-101-0001** of Section 2.00 of the Budget Act of 1998 **shall** be the responsibility of the

department. The department shall establish criteria for the development of the work plans and for allocating the appropriated funds.

(b) Of the amount appropriated in Schedule (a) of Item 8570-101-0001 of Section 2.00 of the Budget Act of 1998, five million dollars (\$5,000,000) shall be utilized solely for high-risk pest exclusion activities. The work plans for the exclusion of high-risk pests shall be developed by the department with the county agricultural commissioners and in consultation with affected industry representatives. In order to determine the effectiveness of high-risk pest exclusion programs in each county, the criteria established by the department for the work plan shall include, but need not be limited to, the following:

- (1) The number of high-risk plant shipments entering each county.
- (2) The number of high-risk entry points in each county.
- (3) The number of state action quarantine pests intercepted or detected annually in each county.
- (4) The work hours expended by each county in conducting exclusion of high-risk pests.
- (5) The rate of interceptions and rejections per inspection activity.

(c) To remain eligible for funding under this section, a county shall maintain its support of ongoing operational costs of the county agricultural commissioner programs listed in subdivision (b) of Section 2282, at 1997-98 fiscal year levels.

(d) Funds allocated for high-risk pest exclusion activities pursuant to subdivision (b) may not be expended for any purpose other than the exclusion of high-risk pests consistent with the work plans prescribed in subdivision (a). Funds allocated by each county on the effective date of the act adding this section during the 1997-98 Regular Session of the Legislature shall not be allocated to other programs listed in subdivision (b) of Section 2282 until the county work plan is approved by the department consistent with the funding approved in the Budget Act of 1998 for this purpose.

(e) This section shall remain in effect only until July 1, 1999, and as of that date is repealed, unless a later enacted statute that is enacted before July 1, 1999, deletes or extends that date.

SEC. 7. Section 2287 is added to the Food and Agricultural Code, to read:

2287. (a) Whenever the commissioner determines that it is necessary to more effectively or more efficiently carry out a program listed in subdivision (b) of Section 2282, the commissioner may enter into a mutual aid agreement with other counties for the purpose of sharing staff, equipment, expertise, information, and other resources necessary to meet the needs of the program.

(b) This section shall remain in effect **only** until **July 1, 1999**, and as of that date is **repealed**, unless a later enacted statute that is enacted before **July 1, 1999**, deletes or extends that date.

SEC. 8. Notwithstanding Section 17610 of the Government Code, **if** the Committee on State Mandates determines that this act contains: **costs** mandated by the state, reimbursement to **local** agencies and school districts for those costs **shall** be made from funds appropriated in Schedule (a) of Item **8570-101-0001** of Section 2.00 of the Budget Act of 1998 to which those entities would not otherwise be entitled.

**Notwithstanding** Section 17580 of the Government Code, unless otherwise specified., the provisions of this **act** shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 9. **This act** is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The **facts** constituting the necessity are:

In order to stem the flow of exotic pests into the state at the earliest possible date, it is necessary **for** this act to take effect immediately.

**11**

**ESTIMATE OF HIGH-RISK EXCLUSION ACTIVITIES  
FISCAL YEAR 98/99**

**EXHIBIT B**

County: **SANTA CRUZ**

Cost per hour: **\$47.93**

	Facility Total	Visits per year	Hours per visit	Hours per year	Annual cost
US Post Office	10	70	1	70.00	\$3,355.10
UPS	1	312	1.2	374.40	\$17,944.99
Fed Ex	1	312	1.5	468.00	\$22,431.24
Air Freight	0	0	0	0.00	\$0.00
Air Freight Forwarded	17	27	1.2	32.40	\$1,552.93
Truck - 008	100	386	2	772.00	\$37,001.96
Truck - 008a	30	30	2	60.00	\$2,875.80
Specialty Market	8	96	3	288.00	\$13,803.84
Swap Meet	2	24	3	72.00	\$3,450.96
Post Entry	12	24	2	48.00	\$2,300.64
	0	0	0	0.00	\$0.00
	0	0	0	0.00	\$0.00
	0	0	0	0.00	\$0.00
	0	0	0	0.00	\$0.00
	0	0	0	0	\$0.00
	0	0	0	0	\$0.00
				Annual total:	\$104,717.46
				Fiscal 98/99 total:	\$39,631.75



See notes

ESTIMATE OF HIGH-RISK PEST EXCLUSION ACTIVITIES  
FISCAL YEAR 98/99

County: SANTA CRUZ  
Date: 9/30/98

Cost per hour: 547.93

Facility	No. of High-risk Facilities 98/99	Estimated Visits/Year 98/99	Estimated Hours/visit 98/99	Estimated Hours/Year 98/99	Estimated Annual Cost 98/99
U S Post Office (a)	10	70	1	70	\$3,355.10
United Parcel Service (except local) (b)	1	312	1.2	374	\$17,944.99
Federal Express (c)	1	312	1.5	468	\$22,431.24
Air Freight	0	0	0	0	\$0.00
Air Freight - Forwarded	17	27	1.2	32	\$1,552.93
Truck Referrals (008) (d)	100	386	2	772	\$37,001.96
Truck Referrals (008a)	30	30	2	60	\$2,875.80
Specialty Markets (e)	8	96	3	288	\$13,803.84
Swap Meets (f)	2	24	3	72	\$3,450.96
IPost Entry Quarantine	12	24	2	48	\$2,300.54
Other (Explain in description of high risk)					
Totals	181	1261	16.9	2185	\$104,717.16

None of the US Post Offices are distribution centers. Visits and hours per year listed above reflect only time spent inspecting first class, priority, or express mail packages.

- Notes
- (a) Estimate 1-2 Inspections per week at various post offices to inspect priority packages.
  - (b) One inspection Par day Mon-Sat. Inspection during sort would require 3 hrs/day compared to 1 hr/day expended in 1997/98. We propose two unannounced inspections per month during sort to determine if packages are being pulled off the belt during the sort.
  - (c) One inspection per day Mon-Sat. An additional 0.5 hr Per inspection has been added to allow for adherence to the uniform sampling procedures for nematodes.
  - (d) An addition 0.5 hr Per inspection has been added to allow for nematode inspection.
  - (e) Estimate is for one inspection per month; staffing based on Pest Exclusion Advisory No. 26-97 recommendation of two-person teams.
  - (f) One inspection per swap meet per month.

On county letterhead

1998/99 HIGH RISK PEST EXCLUSION ACTIVITIES

Invoice for the period from \_\_\_\_\_ to \_\_\_\_\_, 1998

**New Activity**

Total hours	
Cost per hour	
<b>Total Cost</b>	

Year to Date  
**Summary**

Total Contract	
Expenditures to date	
Balance available	

State of California  
Department of Food & Agriculture  
Plant Health and Pest Prevention Services  
Form #66-092a (1 0/98)

REPORT NUMBER  
4a  
Monthly Report of County  
High Risk Pest Exclusion Activities

County:  
Date:

Type	Premise Visits	Shipments Inspected	NOR's	A/Q Pest Interceptions	Hours
Post Office					
IPS					
Federal Express					
Air Freight					
Air Freight - forwarded					
Gypsy Moth					
Truck (008 Plants)					
Truck (008 Other)					
Specialty Market					
Swap Meets					
Post Entry					
Other					
Other					

Comments

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