

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM  
3.27  
(ID # 5177)

**MEETING DATE:**

Tuesday, August 29, 2017

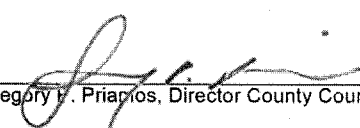
**FROM :** COUNTY COUNSEL:

**SUBJECT:** COUNTY COUNSEL: Approval of Resolution No. 2017-198 Authorizing The County Counsel To Represent The County In Proceedings Relating To The Protection Of Citrus Trees And Abatement Of Neglected Or Abandoned Plants Or Crops [All Districts- \$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Resolution No. 2017-198 authorizing County Counsel to represent the County of Riverside in proceedings relating to the protection of citrus trees and abatement of neglected or abandoned plants or crops pursuant to Food and Agricultural Code section 5571 and Government Code section 26528.5.

**ACTION:** Policy

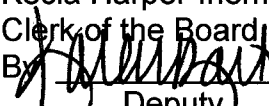
  
\_\_\_\_\_  
Gregory V. Priapos, Director County Counsel 8/18/2017

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Perez and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Washington, Perez and Ashley  
Nays: None  
Absent: Tavaglione  
Date: August 29, 2017  
xc: Co.Co.

Kecia Harper-Ihem  
Clerk of the Board  
By   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: Reimbursed by property owner if necessary.</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	17/18

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

On July 25, 2017, California Department of Food and Agriculture (CDFA) and the United States Department of Agriculture (USDA) confirmed the presence in Riverside County of citrus greening, known as huanglongbing or HLB, a deadly disease for citrus plants that can be transmitted from tree to tree by the Asian citrus psyllid. HLB was detected in a CDFA sample collected July 10th from a grapefruit tree in a residential neighborhood in the City of Riverside. HLB attacks citrus plants' vascular system but does not pose a threat to humans or animals. The Asian citrus psyllid can spread HLB when the pest moves from one location to another, feeding on citrus trees and other plants. Once a tree is infected there is no cure and it typically declines and dies within a few years.

The Riverside County Agricultural Commissioner, USDA, and CDFA have begun an extensive joint effort to survey, treat, and prevent the spread of HLB so as to protect citrus production in the County.

Food and Agricultural Code section 5551 states that any neglected or abandoned plant or crop is a public nuisance if: (a) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any pest, in or on it; (b) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any other condition than the condition described in subdivision (a); or (c) It is a host plant of, or provides a favorable or likely harbor for, any pest." The Food and Agricultural Code further states that it is unlawful for any person to maintain any neglected or abandoned plant or crop which is a public nuisance and that all remedies for the prevention or abatement of such nuisance shall apply.

If the Agricultural Commissioner's determines the need to abate a neglected or abandoned citrus trees that constitutes a public nuisance to prevent the spread of HLB, Food and Agricultural Code section 5571 requires the District Attorney to represent the County in court proceedings seeking the abatement unless the Board of Supervisors authorizes representation by County Counsel pursuant to Government Code section 26528.5.

The Agricultural Commissioner has requested the assistance of County Counsel to represent the County in abatement proceedings in court relating to the abatement of neglected or abandoned plants or crops. County Counsel has confirmed with the District Attorney that the

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District Attorney has no objection to the County Counsel representing the County of Riverside in abatement proceedings to remove or destroy neglected or abandoned plants or crops as provided for in the Food and Agricultural Code.

Approval of Resolution No. 2017-198 will authorize the County Counsel to represent the County in the abatement proceedings regarding abandoned or neglected citrus trees as allowed under Government Code section 26528.5 and Food and Agricultural Section 5571.

**Impact on Residents and Businesses**

Approval of this item will authorize the County Counsel to work with the Agricultural Community on the abatement of neglected or abandoned plants and crops so as to stop the spread of HLB.

**SUPPLEMENTAL**

**Additional Fiscal Information**

Food and Agricultural Code sections 5631-5645 allow for recovery of expenses incurred by the County for the abatement of neglected or abandoned plants or crops through the placement of a lien on the property for such costs. The action today allows County Counsel assistance should the need arise. Any costs associated will be potentially recovered from the property owner. That action will be handled separate to this policy item.

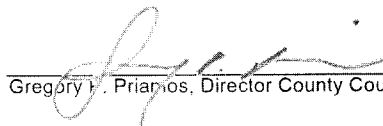
**ATTACHMENTS:**

Resolution No. 2017-198



Tina Grande, Principal Management Analyst

8/18/2017



Gregory Priamos, Director County Counsel

8/18/2017

2  
3 RESOLUTION NO. 2017-198

4  
5 A RESOLUTION OF THE BOARD OF SUPERVISORS AUTHORIZING THE  
6 COUNTY COUNSEL TO REPRESENT THE COUNTY OF RIVERSIDE IN PROCEEDINGS  
7 RELATING TO THE PROTECTION OF CITRUS TREES AND ABATEMENT OF  
8 NEGLECTED OR ABANDONED PLANTS OR CROPS  
9

10 WHEREAS, Chapter 7 of Part 1 of Division 4 of the California Food and Agricultural Code  
11 requires the District Attorney to prepare a petition and represent the County in proceedings seeking  
12 abatement of neglected or abandoned crops unless the Board of Supervisors otherwise authorizes said  
13 representation by County Counsel pursuant to Government Code section 26528.5; and

14 WHEREAS, under California Government Code section 26528.5, the Board of Supervisors  
15 may authorize the County Counsel in lieu of the District Attorney to file petitions to remove or destroy  
16 neglected or abandoned plants or crops; and

17 WHEREAS, the District Attorney has confirmed that he has no objection to the County  
18 Counsel representing the County of Riverside in said abatement proceedings to remove or destroy neglected  
19 or abandoned plants or crops; and

20 WHEREAS, the Riverside County Agricultural Commissioner requests that the County  
21 Counsel represent the County in said abatement proceedings and the Board of Supervisors acknowledges  
22 the need for such an authorization of the County Counsel;


23 NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of  
24 Riverside, in regular session assembled on August 29, 2017, hereby authorizes the County Counsel to file  
25 petitions to remove or destroy neglected or abandoned plants and crops pursuant to Food and Agricultural  
26 Code section 5571 and Government Code section 26528.5.

ROLL CALL:

27 Ayes: Jeffries, Washington, Perez and Ashley  
Nays: None  
Absent: Tavaglione

08.29.17 3.27

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA ANRPER-INEW Clerk of said Board  
By:  Deputy

FORM APPROVED COUNTY COUNSEL  
BY:  TIFANY NORTH  
DATE 8/27/17