

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



ITEM  
3.11  
(ID # 9214)

**MEETING DATE:**

Tuesday, March 12, 2019

**FROM :** AGRICULTURAL COMMISSIONER:

**SUBJECT:** AGRICULTURAL COMMISSIONER: Authorization of Participation in the County Seed Enforcement Subvention Program for FY 2018/2019 and Approval of the California Seed Law Memorandum of Understanding No. 18-sd33 with the California Department of Food and Agriculture. All Districts [100% Funded by the California Department of Food and Agriculture]

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

1. Authorize the County of Riverside's participation in the County Seed Enforcement Subvention Program for FY 2018/2019.
2. Approve the California Seed Law Memorandum of Understanding No. 18-sd33 (MOU) with the California Department of Food and Agriculture (CDFA) for the County Seed Enforcement Subvention Program for the period of July 1, 2018 – June 30, 2019, and authorize the Agricultural Commissioner to sign the MOU on behalf of the County.
3. Authorize the Agricultural Commissioner, or his designee, to sign all certifications, assurances, reports, or other related documents required by CDFA for the above mentioned program.

**ACTION:**Policy

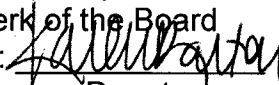
**ACTION:**Policy

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: March 12, 2019  
xc: Ag.Comm.

Kecia Harper  
Clerk of the Board  
By:   
Deputy

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

<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: California Department of Food and Agriculture</b>			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 18/19	

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

**BACKGROUND:**

**Summary**

The County Seed Enforcement Subvention Program is an optional program available to counties. By participating in this program, the California Department of Food and Agriculture will provide funding for Seed Enforcement activities. These activities include seed label evaluations, inspections of seed lots and inspections of registered seed farms or distributions centers throughout Riverside County. The funding is based on the amount of registered seed labeler's and units of enforcement activities. The rate of compensation shall be established at the end of the MOU period by dividing the total available statewide funding by the number of statewide units of enforcement activity completed.

The Agricultural Commissioners of participating counties are required to sign an MOU with the California Department of Food and Agriculture. This MOU is authorized by Section 52323 of the Food and Agricultural Code. This MOU was approved as to form by County Counsel.

**ATTACHMENTS:**

**Attachment A:** California Seed Law Memorandum of Understanding No. 18-sd33 with the California Department of Food and Agriculture (CDFA)

  
Gregory V. Priamos, Director County Counsel 2/28/2019

**CALIFORNIA SEED LAW**  
**MEMORANDUM OF UNDERSTANDING**  
**Fiscal Year July 1, 2018 - June 30, 2019**

**County: Riverside**

**MOU Ref No: 18-sd33**

As provided by section 52323 of the Food and Agricultural Code (FAC), this Memorandum of Understanding establishes an annual cooperative agreement for enforcement of the California Seed Law between the Agricultural Commissioner and the California Department of Agriculture (CDFA). Per section 52325, the Agricultural Commissioner agrees to maintain a compliance level on all seed in the county so that the statewide compliance is not less than eighty-five percent. In addition, the Agricultural Commissioner agrees to submit monthly reports of enforcement activities to CDFA so that CDFA can measure fulfillment of the terms of this MOU and monitor compliance to the seed law.

Upon completion of the renewal cycle for firms obtaining authorization to sell seed, the Seed Services Program of CDFA will provide each Commissioner with a list of firms authorized to sell seed in their county. Each firm will be assigned units-of-activity for enforcement. Commissioners may request modification to the proposed units of activity and to the list of firms, or may simply accept the list. If new firms are discovered during the period of this MOU, the Commissioner may request that said firm(s) be added to the list and an appropriate amount of units of activity for enforcement be assigned. Commissioners may not request additions to their list after April 15th of the fiscal year for which the MOU is intended.

In the event that CDFA requests county staff to attend seed sampler training, the Commissioner may request reimbursement of expenses incurred from participation at sampler training sponsored by the CDFA Seed Services Program. All requests for reimbursement will be submitted as itemized invoices within 45 days of attendance at the sampler training. Such requests will be in accordance with the guidelines for travel expense claims in the requesting county. Requests for said reimbursements will be paid by the Seed Services Program within 60 days of receipt and from the \$120,000 aggregate amount allotted by section 52323 for seed subvention to counties. Reimbursements for the cost of attendance at training will be paid before the remaining amount left from the original \$120,000 is apportioned to participating counties.

Upon successful completion of the terms in this MOU, (a) counties with no registered seed labelers may receive one hundred dollars (\$100) and (b) counties with registered seed labelers shall receive payments based upon their units of enforcement activity reported during the period of this MOU. **All enforcement activities must be reported by October 15th of the fiscal year following the stated period of this MOU.** If a county fails to submit a monthly report by October 15th of the year following the period of this MOU, CDFA will assume there were no enforcement activities to report for that month and will total the statewide units of enforcement activity (FAC 52324). The rate of compensation per unit of enforcement activity shall be established by dividing the total statewide units of activity into \$120,000 minus the amount required for payments of \$100 to counties with no registered labelers. The Commissioner agrees that failure to submit monthly Report 6s by October 15<sup>th</sup> will affect the overall rate of compensation per unit of enforcement activity and will concomitantly affect the amount of proposed payment to the Commissioner's county.

Once the rate per unit of activity has been determined, CDFA will send a summary of work completed and proposed payment to each county. The County Agricultural Commissioner or authorized Deputy Agricultural Commissioner must sign the proposed payment and return it to CDFA - Seed Services Program, at which time it will become a signed invoice requesting payment per statute (FAC 52323-52325). If the proposed payment is not received by the CDFA Seed Services Program within 45 days of arrival at the county, CDFA will assume that the county agrees with the proposed payment and will make payment per statute at the amount indicated in the proposed payment. CDFA will make payment in the fiscal year following the year of enforcement activity (FAC 52323).

The following performance standards must be met in order to receive the annual apportionment:

**CALIFORNIA SEED LAW  
MEMORANDUM OF UNDERSTANDING  
Fiscal Year July 1, 2018 - June 30, 2019**

**County: Riverside**

**MOU Ref No: 18-sd33**

**PERFORMANCE STANDARDS**

1. Inspection of premises and seed lots - One (1) or more inspections of each registered seed firm or distribution center on the County's Units of Activity List will be conducted. A list of all inspections completed and the dates of inspection will be maintained by the county for two years after the fiscal year. A tally of completed inspections will be reported each month on the Report 6 form and submitted to the Seed Services Program of CDFA. Failure to perform an assigned premises inspection will result in a loss of compensation equivalent to three assigned label evaluations.
2. Label Evaluations - Each label from unique seed lots of firms on the county's list will be evaluated as a unit of activity and assigned a base rate of compensation per label. Quantities of labels evaluated beyond the number indicated on the units of activity list, may be assigned a lesser rate of compensation per label. Labels will be evaluated for compliance to the California Seed Law (CSL) and relevant portions of the Federal Seed Act (FSA). Violations of the CSL or FSA will be reported immediately to the Seed Services Program.
3. Commissioners that participate on Investigative Committees for seed complaints may claim up to nine units of activity for each seed complaint Investigative Committee they participated on.
4. Label Evaluation priority and limits- In order to assist the seed industry in achieving and maintaining compliance with the California Seed Law, the following priorities have been developed for the Agricultural Commissioner. The limits indicated are relevant to extra labels that might be evaluated by a county.
  - a) Agricultural and vegetable seed grown, conditioned, packaged, or repackaged at local operations.
  - b) Agricultural and vegetable seed of kinds utilized by farm plantings within the County.
  - c) Grass (lawn) seed kinds are limited annually to not more than fifteen (15) labels from any one Distribution Center, and not more than five (5) labels of grass seed offered for sale by retail merchants for nonfarm use.
  - d) Agricultural, vegetable and grass seed labels on seed identified in 008 Border Inspection Reports will count as extra labels evaluated unless they are counted towards the required amounts on the units of activity list. See Report 6 instructions for proper reporting of labels related to 008 Inspections.
  - e) Stop-sales may be issued on seed containers labeled incorrectly or incompletely at inspection time. Stop-sales are encouraged on seed labeled by firms not authorized to sell seed in California.

This Memorandum of Understanding must be signed and returned to the Department within 45 days of receipt and shall continue to, and terminate on, the 30th day of June, 2019.

Secretary, or his/her representative  
Department of Food and Agriculture

Agricultural Commissioner,  
Riverside County

By \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

FORM APPROVED COUNTY COUNSEL  
BY: DANIELLE D. MALAND 2/22/19  
DATE

CALIFORNIA SEED LAW  
MEMORANDUM OF UNDERSTANDING  
Fiscal Year July 1, 2018 - June 30, 2019

County: Riverside

MOU Ref No: 18-sd33

Additional endorsements/approvals if needed.

County of Riverside:

By \_\_\_\_\_

Date \_\_\_\_\_

Title: \_\_\_\_\_

County of Riverside:

By \_\_\_\_\_

Date \_\_\_\_\_

Title: \_\_\_\_\_

County of Riverside:

By \_\_\_\_\_

Date \_\_\_\_\_

Title: \_\_\_\_\_

County of Riverside:

By \_\_\_\_\_

Date \_\_\_\_\_

Title: \_\_\_\_\_

Signed copies should be sent to:

California Dept. of Food and Agriculture  
Attn: Brenda Lahini - Seed Services Program  
1220 N Street, Suite 344  
Sacramento, CA 95814

**Important:** Do NOT send to CDFA Contracts. These are MOUs per statutory authority.  
They may get lost if you send them to CDFA Contracts.

Thank you

*The following list was generated from a database of firms authorized to sell seed in your county during the present fiscal year. This list was compared to last year's list but there may be corrections, deletions, or additions that you would like to make. Please review the list and make corrections on this form and return a copy to the Seed Services Program. If no changes are sent to the Seed Services Program, this list will serve as the benchmark to determine your county's performance and subsequent apportionment of seed subvention funds for the contracted fiscal year. You may wish to contact firms that did not renew so you can recapture those units.*

Firm	Location	Type	No. of Seed Lots to Eval.	No. of Premises Inspections	Please Note
Agriyeda	Palm Desert	Dealer	0	0	
Champion Seed Company	Coachella	Labeler	3	1	
Compton Ag Services	Blythe	Eval	0	0	3rd yr eval request
Crop Protection Services	San Jacinto	Dealer	3	1	DBA of LPI formerly WFS
Dan's Feed and Seed	Perris	Labeler	6	1	
Ewing Irrigation Products-Corona	Corona	Labeler	3	1	
Ewing Irrigation Products-Palm Springs #	Palm Springs	Labeler	3	1	
Farm Water Tech Services	Indio	Dealer	0	0	3rd Party labels for them
Foster Gardner Inc	Coachella	Labeler	3	1	aka Foster Turf.
Golden State FC LLC - SNA6	Riverside	Eval	0	0	2st yr eval req.
Greenleaf Seed Co.	Blythe	Labeler	3	1	
High Tech Irrigation - Palm Desert	Palm Desert	Labeler	3	1	
Kalmia Sales	Temecula	Labeler	3	1	
RDO Agricultural Equipment Co.	Indio	Dealer	0	0	
Simplot Partners - Palm Desert	Palm Desert	Labeler	3	1	need pics of Simplot label
Site-One (formerly J. Deere Landscapes)	Palm Desert	Labeler	3	1	DBA of Lesco

**FIRM** = Facility registered to label and or sell seed, or a major distribution center.

**TYPE** = Types of seed operations are as follows:

**Labeler** - attaches label and offers seed for sale in California

**Dealer** - sells seed but does not attach his or her own label.

**Distribution Center** - receives seed from an out-of-state registered labeler and distributes to local retail outlets.

**RLblaos** - registered labeler but limited amount of seed.

**Conditioner** - only cleans or conditions seed. Does not label or sell seed.

**NE** - nursery exempt. Authorized to sell seed under nursery license.

Riverside

Seed Subvention Program

Site-One (formerly J. Deere Landscapes)	Riverside	Labeler	3	1	DBA of Lesco
Smith Pipe and Supply	Cathedral City	Dealer	0	0	
West Coast Turf	Indio	Labeler	3	1	
Western Pacific Seed	Corona	Dealer	0	0	

18/19 PROPOSED PERFORMANCE STANDARDS FOR RIVERSIDE COUNTY

Number of unique seed lots that must have labels evaluated\* 42  
Number of premises inspections to conduct\* 13

*Note: Your MOU for last year had:*

*39 unique labels to evaluate*

*12 premises to inspect*

*Payment for the proposed work will be made in FY 19-20\* and will be calculated using the reported units of activity. A reduction in assigned or reported units of activity may result in a reduction in payment. For points of reference, your county was paid the following amounts for seed-law work in recent years.*

*Payment for work in FY 13-14 was \$5,606.94      Payment for work in FY 15-16 was \$5,606.20*

*Payment for work in FY 14-15 was \$5,609.72      Payment for work in FY 16-17 was \$2,353.23*

*\*Work performed in 18-19 will be tallied after Oct. 2019 and payment will be made in FY 19-20 per statute.*

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