

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



ITEM: 3.6
(ID # 18548)

MEETING DATE:
Tuesday, April 05, 2022

FROM : AGRICULTURAL COMMISSIONER:

SUBJECT: AGRICULTURAL COMMISSIONER: Authorization of Participation in the County Seed Enforcement Subvention Program for FY 2021/2022 and Ratification and Approval of the California Seed Law Memorandum of Understanding No. 21-sd33 with the California Department of Food and Agriculture, All Districts. [California Department of Food and Agriculture 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Authorize the County of Riverside's participation in the County Seed Enforcement Subvention Program for FY 2021/2022;
2. Ratify and approve the California Seed Law Memorandum of Understanding No. 21-sd33 (MOU) with the California Department of Food and Agriculture (CDFA) for the County Seed Enforcement Subvention Program for the period of July 1, 2021 – June 30, 2022, and authorize the Agricultural Commissioner to sign the MOU on behalf of the County; and
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.

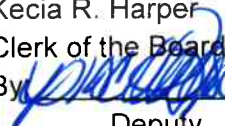
ACTION:Policy


Ruben J. Arroyo, Agricultural Commissioner/Sealer 3/22/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Washington 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: April 5, 2022
xc: Agricultural Commissioner

Kecia R. Harper
Clerk of the Board
By 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% California Department of Food and Agriculture			Budget Adjustment:	No
			For Fiscal Year:	21/22

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. 21-sd33 with the California Department of Food and Agriculture (CDFA)


Jason Farin, Principal Management Analyst

3/29/2022


Cynthia M. Guarez, Chief Deputy County Counsel

3/23/2022

**CALIFORNIA SEED LAW
MEMORANDUM OF UNDERSTANDING
Fiscal Year July 1, 2021 - June 30, 2022**

County: Riverside

MOU Ref No: 21-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. This MOU includes the CACASA Seed Law Enhancement Program (SLEP), funded by Unclaimed Gas Tax, as approved by the Seed Advisory Board for FY20/21. 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 number 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.

The Commissioner may request reimbursement of expenses incurred from county staff participation at sampler training or California Seed Law training sponsored by the CDFA Seed Services Program. An invoice from the Commissioner for expenses incurred, including personnel costs, must be submitted to the CDFA Seed Services Program. These costs will be paid from the \$90,000 allocated for training from SLEP funds. All requests for reimbursement must be submitted as itemized invoices within 60 days of attendance at the training. Travel costs will be paid in accordance with the guidelines for travel expense claims in the requesting county.

The purchase of pre-approved seed sampling equipment will be reimbursed from the \$20,000 allocated for this purpose from SLEP funds. An invoice from the Commissioner for expenses incurred must be submitted to the CDFA Seed Services Program within 60 days of the equipment purchase.

Participation of county staff in seed complaint investigations will be reimbursed from the \$150,000 allocated for this purpose from SLEP funds. An invoice from the Commissioner for expenses incurred must be submitted to the CDFA Seed Services Program within 60 days of the completion of the investigation.

Upon successful completion of the terms of 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 per section 52324. The rate of compensation per unit of 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. All counties conducting SLEP seed enforcement activities shall receive payments based on the reported inspection activities conducted during the period of this MOU, from the \$180,000 allocated for this program. **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 Commissioner agrees that failure to submit monthly Report 6s by October 15th 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

Version: 2/4/2022

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

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CALIFORNIA SEED LAW
MEMORANDUM OF UNDERSTANDING
Fiscal Year July 1, 2021 - June 30, 2022

CDFA Seed Services Program, at which time it will become a signed invoice requesting payment per statute (FAC 52323-52325) and/or with SLEP, if applicable. 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:

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 CDFA 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 participate on.
4. Counties without a High-Risk Pest Exclusion contract will be compensated for visual inspections of imported seed shipments. Each shipment and all related seed lot labels will each be assigned one unit of activity. These activities will be paid from available SLEP funds allocated for this purpose.
5. 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 Warning Hold Notices (Form 66-008) issued by CDFA Border Protection Stations 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 66-008 Inspections.
 - e) Stop-sale orders may be issued on seed containers labeled incorrectly or incompletely at inspection time. Stop-sale orders 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 60 days of receipt and shall continue to, and terminate on, the 30th day of June 2022.

**CALIFORNIA SEED LAW
MEMORANDUM OF UNDERSTANDING
Fiscal Year July 1, 2021 - June 30, 2022**

County: **Riverside**

MOU Ref No: **21-4d33**

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

Agricultural Commissioner,
Riverside County

By _____

By *Jeff Hewitt*
JEFF HEWITT

Date _____

Date APR 05 2022

FOR RIVERSIDE COUNTY COUNSEL
BY: *Danielle O'Malley*
DANIELLE O'MALLEY

Additional endorsements/approvals if needed.

ATTEST:

KECIA R. HARPER, Clerk

By *Kecia R. Harper*
DEPUTY

County of Riverside:

County of Riverside:

By _____

By _____

Date _____

Date _____

Title: _____

Title: _____

County of Riverside

County of Riverside:

By _____

By _____

Date _____

Date _____

Title: _____

Title: _____

Signed copies should be sent to:

California Dept. of Food and Agriculture
Attn: Brenda Lanini - Seed Services Program
1220 N Street
Sacramento, CA 95814
SeedServices@cdfa.ca.gov

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, Inc.	Palm Desert	Labeler	2	1	
Ameritree Corporation	Temecula	Dealer	2	1	
Christopher Russom	Palm Springs	Dealer	2	1	
CNM Farms Inc.	Perris	Dealer	2	1	
Compton Ag Services	Blythe	Labeler	2	1	
Dan's Feed & Seed	Perris	Labeler	2	1	
Ewing Irrigation	Riverside	Labeler	2	1	Newly Added to List
Genflora, LLC	Thermal	Labeler	2	1	
Greenleaf Seed Co.	Blythe	Labeler	3	1	
High Tech Irrigation	Palm Desert	Labeler	2	1	
Kalmia Sales	Murrieta	Labeler	3	1	
Kana Rules, Inc.	Temecula	Labeler	2	1	
Pishon Group Corporation	Temecula	Dealer	2	1	
Smith Pipe & Supply, Inc.	Cathedral City	Dealer	2	1	
West Coast Turf	Thermal	Labeler	3	1	
Western Pacific Seed, Inc.	Corona	Labeler	2	1	

***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.

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

21/22 PROPOSED PERFORMANCE STANDARDS FOR RIVERSIDE COUNTY

Number of unique seed lots that must have labels evaluated* 35

Number of premises inspections to conduct* 16

Note: Your MOU for last year had:

42 unique labels to evaluate

13 premises to inspect

Payment for the proposed work will be made in FY 21-23 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 17-18 was \$5,637.66 Payment for work in FY 19-20 was \$1,290.08

Payment for work in FY 18-19 was \$3,476.15 Payment for work in FY 20-21 was \$2,433.00

**Work performed in 21-22 will be tallied after Oct. 2022 and payment will be made in FY 22-23 per statute.*

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