**PIERCE’S DISEASE CONTROL PROGRAM**

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

[Copy of Minute Order or Board Resolution]

*RECOMMENDED LANGUAGE:*

*The Board of Supervisors of the County of [County Name], State of California, does hereby designate the [County Name] 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, and other designated pests and diseases.*

*OR*

*If the Minute Order or Board Resolution cannot be provided with the proposed workplan, include the following statement:*

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

**PIERCE’S DISEASE CONTROL PROGRAM**

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

PRIMARY CONTACT:

|  |  |
| --- | --- |
| Name | [Primary Contact Name] |
| Address | [Primary Contact Address] |
| Phone | [Primary Contact Phone] |
| Fax | [Primary Contact Fax] |
| Email | [Primary Contact Email] |

ALTERNATE CONTACT (IF APPLICABLE):

|  |  |
| --- | --- |
| Name | [Alternative Contact Name] |
| Address | [Alternative Contact Address] |
| Phone | [Alternative Contact Phone] |
| Fax | [Alternative Contact Fax] |
| Email | [Alternative Contact Email] |

**PIERCE’S DISEASE CONTROL PROGRAM**

**WORKPLAN FOR FY 2025-2026 and 2026-2027 (Jul-Sep 2026)**

**[COUNTY NAME] COUNTY**

The County agrees to perform the listed activities in order to:

* Know the extent of the infestation and to enforce regulations to prevent the artificial movement of GWSS and/or other designated pests.
* Ensure the movement of products and commodities does not present a risk of moving GWSS to non-infested areas.

**Designated Agency**

The [County Name] County Department of Agriculture (County) is designated by the [County Name] 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 County, the State PDCP Science Advisory Panel, officials in affected counties, the [County Name] County PDCP Task Force (if applicable), and other interested parties in implementing this plan.

**RESPONSIBILITIES**

**CDFA Responsibilities**

The CDFA shall:

* Provide training on management practices at least one week prior to any activity occurring.
* Provide biological control program guidance and support to the County as favorable agents become available.
* Provide on-site expertise, as needed.
* provide the county Monthly Activity Report form online at: <https://secure.cdfa.ca.gov/egov/crs/login.aspx?ReturnUrl=%2fegov%2fcrs%2fDefault.aspx>

CDFA may conduct certain program activities which are normally the responsibility of the county in situations where the county cannot or chooses not to conduct those activities.

**County Responsibilities**

The County shall:

* Act as local public entity 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.
* Activities described in this workplan qualify for the exemption to CEQA under Public Resources Code Section 21080(b)(4). The County will complete tiering strategy checklists for inspection, trapping, and treatment (if applicable) and ensure all activities follow the CDFA Management Practices and Mitigation Measures.
* Act as lead spokesperson for the PDCP activities within the County. The County, in cooperation with the CDFA, will generate press releases and distribute information to all affected communities.
* Certifying regulated commodities destined to non-infested areas of the state.
* Due to being generally infested, no general county survey plan will be conducted but the County will implement the CDFA GWSS Nursery Shipping Protocol, bulk citrus requirements, and all other commodity-movement protocols, as necessary, including associated compliance agreements and exhibits, to ensure the movement of products and commodities does not present a risk of moving GWSS to non-infested areas. The list of approved products for bulk citrus and nursery treatment and/or certification is listed in CDFA’s Management Practices and Mitigation Measures. The County will submit a written request and justification to the PDCP if it wishes to deviate from the protocols.
* Monitor nurseries within the county for compliance with the CDFA GWSS Nursery Shipping Protocol.
* Monitor and/or survey citrus orchards for bulk citrus destined or transiting GWSS non-infested areas, or areas under active control to ensure compliance with bulk citrus requirements.
* Take any necessary enforcement action to ensure regulatory compliance.
* Coordinate with CDFA on any planned producer outreach and training program in accordance with Food and Agricultural Code Section 6046(g)(1). The development and delivery of producer outreach information and training to local communities, groups, and individuals will be done through public meetings and the local PDCP task force (if applicable). Efforts will be directed towards raising awareness regarding Pierce’s disease and its vectors, and other designated pests and diseases, and workplan involvement through direct mailing, local media, and press releases.
* Coordinate with CDFA on a training plan for the Agency’s employees in accordance with Food and Agricultural Code Section 6046(g)(2). The biology, survey, and treatment of Pierce’s disease and its vectors, and other designated pests and diseases, will be the basic components of the training. Scientific Advisory Panel discussions on GWSS and Pierce’s disease will be included in this training for key Agency employees. The University of California Cooperative Extension will be a local resource for training and information for this program.
* Coordinate with CDFA to fully participate in the development and implementation of a data collection system in accordance with Food and Agricultural Code Section 6046(g)(5). The data collection system will make it possible to track and report new infestations of Pierce’s disease and its vectors, and other designated pests and diseases, in a manner respectful of property and other rights of those affected.
* Ensure that an adequate accounting system in place and appropriate internal controls to track and maintain expenditures. The accounting standards and procedures for counties provided by the State Controller’s Office are located at the following website: <https://www.sco.ca.gov/Files-ARD-Local/asp_manual_2023_edition.pdf>. Counties are also required to comply with Federal guidance, 2 CFR Part 200, which  can be found at the following website: <https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl>.
* Submit invoices the PDCP at [cdfa.pdcp\_inv@cdfa.ca.gov](mailto:cdfa.pdcp_inv@cdfa.ca.gov) on a monthly basis but no later than 120 days after the end of the month. Invoices not received within this timeframe may be disallowed for reimbursement.
  + The invoice should be consistent with the budget, reflect actual expenditures for PDCP activities, and in the format provided in the template.
  + All employee salaries must be itemized at an hourly rate, not a salary range. Also, actual salary and benefit rates for all employees must be separated and not put into one total that combines both figures.
  + Totals must be rounded to the nearest cent, not the nearest dollar.
  + If there are no reportable hours in a given month, an invoice showing $0 must be submitted for documentation purposes.
* Submit the county Monthly Activity Report on a monthly basis in accordance with the Monthly Activity Report Guidelines.
* Report expenditures and activity hours on a statement of expenditures on a monthly basis to allow PDCP to track county in-kind contributions for reimbursable activities once the funding for the agreement is exhausted. The statements of expenditures should be completed and submitted in the same manner as invoices.
* Upon request by CDFA, and in accordance with Federal regulations and policy, the county must complete the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions (Form AD 1048) and return it to CDFA.

**ALLOWABLE COSTS**

All costs must be associated with the PDCP.

**Personnel Services**

* Permanent and Temporary Staff Salary and Benefits – Actual staff salary and benefits charged to the county for employees working on the PDCP program. Agricultural Commissioner time is not an allowable charge except where the Agricultural Commissioner is the only supervisor in the department.

Contracted employees need to be listed separately from agency staff and their salary and benefits cannot be factored in as part of the indirect billing for personnel services.

Personnel costs related to outreach and miscellaneous activities (F3 and F5 on the monthly activity report, respectively) must receive written prior approval from PDCP.

* Overtime – Overtime costs associated with the program.

**Operating Expenses**

* General Expense – Costs associated with office and field supplies that are solely used for PDCP activities. Water purchased for employees is NOT reimbursable under this agreement.
* Postage – Costs associated with mailing materials.
* Communications – Costs associated with telephone/communication usage that are solely used for PDCP activities.
* Vehicle Expense – Costs associated with vehicle usage. All costs must be specifically displayed (for example, number of miles times appropriate rate).
* County, state, or federal vehicles – The county may charge vehicle costs on an actual cost basis or a mileage basis in lieu of actual costs incurred. However, both types of costs cannot be invoiced for the same vehicles.
* Mileage – mileage reimbursement covers gasoline, cost of maintenance, insurance, licensing and registration, and depreciation and all other costs associated with operation of the vehicle. Subject to change due to federal mileage rate change; effective January 1, 2025 the rates are:
  + County Vehicle – up to $.70 per mile
  + State or Federal Vehicle – up to $.285 per mile
* Leased vehicles – The county may only charge actual costs basis, including for fuel. The least expensive method should be used to secure a vehicle. Consult with Program prior to adding a leased vehicle to your budget.
* Travel – Costs associated with travel (per diem, airfare, car rental, etc.). Travel is only reimbursable if CDFA has requested/approved the travel.
* Indirect Cost – Costs that are incurred for a common or joint purpose objectives that cannot be identified specifically with a particular project, program, or organizational activity. Typical indirect costs include but are not limited to administrative or clerical staff costs, rent, utilities and internet service, cellular and land-line telephone service, general office supplies, and insurance. Up to 25% of Personnel Services cost (includes salaries and staff benefits).

Any contracted employees cannot be factored in as part of the indirect billing for personnel services.

* Other – Specifically detailed costs not otherwise addressed above.

**ENFORCEMENT OPTIONS AND AUTHORITIES**

The Pierce’s Disease Control Program (PDCP) regulations are contained in Sections 3650-3663.5 in Title 3 of the 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 covered in Sections 6045, 6046, and 6047 of the 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 (FAC Section 5309).
* Except where otherwise expressly provided, a violation of any provision of this division is a misdemeanor (FAC Section 5027). 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 (FAC Sections 5310 and 5311).
* 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 (FAC Section 5028(c)).
* It is unlawful to sell any nursery stock without a valid nursery license (FAC Section 6721). 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 (FAC Section 6761).
* 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 (FAC Sections 6922 and 6923). The Commissioner may revoke or suspend the right to use any nursery stock certificate or other shipping permit because of non-compliance (FAC Section 6968). It is unlawful to alter or otherwise misuse any shipping permit or nursery stock certificate (FAC Section 6927).

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 (FAC Section 6505). In this case, it is unlawful even to move nursery stock within a county without forwarding a manifest specified by (FAC Section 6925 and 6926).

* 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 (FAC Sections 5030 and 5031).
* 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 (FAC Section 5721; 3 CCR Sections 3060.2, 3060.4 and 3660). 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 (FAC Section 5208).
* 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 (FAC Section 5705).
* 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 (FAC Section 6521). 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 (FAC Section 6522). 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 (FAC Section 6303).
* 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 (FAC Section 5701). 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 (FAC Sections 5401 and 5402).

**STANDARDS AND RESTRICTIONS**

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

**LOCAL APPEAL PROCESS**

Pursuant to Section 3651(c)(3) in Title 3 of the California Code of Regulations, the [County Name] County Department of Agriculture’s PDCP Coordinator shall conduct a hearing if any application of the workplan is appealed in writing to him/her or his/her agency. Once the Coordinator receives an appeal, he/she or his/her agent will respond within 10 days to the appellant. The appellant will be given notice as to the date and time for the hearing. At the hearing, the appellant will be given the opportunity to be heard by the Coordinator and to present evidence on matters concerning the application of the workplan. The Coordinator will render a decision and respond to the appellant in writing within 30 days of the hearing. The results of said hearing will be transmitted to CDFA.