California Pest Control Districts -

A “How To” Manual

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INTRODUCTION

California agricultural producers face multiple challenges from crop and livestock pests, complicated by cutbacks in state and federal programs that manage these threats. Producers will increasingly need to work collaboratively to compensate for these reductions.

When growers of a commodity identify that their crop is being affected by a pest and/or pathogen and cannot qualify for control programs managed by the state or a federal agency, an option is to implement control measures on their own. One valuable but underutilized tool is a producer-initiated Pest Control District (PCD). PCD law grants the authority to implement control measures for certain agricultural commodities.

Our goal is to inform producers and other agricultural professionals of the risk outlook and the need for more direct efforts by producers. The purpose of this manual is to provide growers with an educational manual which outlines the step-by-step procedures growers must follow if they choose to form, fund or dissolve a PCD.

Benefits

The formation of Pest Control Districts (PCDs) can prove to be beneficial to producers for the following reasons:

- The actual program is funded, administered, and implemented by growers. PCDs put the control of the problem squarely in the hands of those affected by the problem. The growers themselves decide what, if anything, they want to do about the problem and what, if anything, they are willing to pay for that effort. They themselves direct that effort.
- PCDs help face the likelihood of decreasing state and federal assistance with pest exclusion, eradication efforts, etc.
- PCDs provide the benefits of collaborative action.
- PCDs are typically able to address any pest or disease problem, regardless of the purpose for which they were originally established. Therefore, growers who participate in such districts will have in place a mechanism to deal with future pest challenges.
- The formation of PCDs gives the producers leverage when seeking state or federal funds or assistance. Grower groups who are able to say they are making efforts to help themselves through the formation of the PCD and its assessments are more likely to prevail in such requests.
- PCDs provide a means to address specific issues, such as pest and disease control on neglected or abandoned property and the monitoring of urban areas in the event that pests or diseases should arise in those locations.
- Funding provided to the district could be used for treatment programs, control or containment programs, and Integrated Pest Management programs.
- Monies would be available for administrative, legal, staffing, education and direct or indirect pest and disease control efforts.

What is a Pest Control District?

A Pest Control District (PCD) is typically a commodity-specific special district comprised of local growers organized to have the legal authority for more effectively controlling, eradicating, or responding to the effects of pests and/or diseases affecting a specific crop.

A PCD is formed according to articles in the California Food and Agriculture Code. These laws are enacted to make available a procedure for the organization, operation, and dissolution of districts to respond to pest or disease threats. There is not a single PCD law that applies to all PCDs. While several of these PCD laws have some elements in common, others have elements that are quite different and unique.

Getting a district up and running is an involved process, which could take several months to years. A PCD is declared duly organized after the County Board of Supervisors is presented with a petition signed by commodity owners representing a percentage of affected acreage in the county as specified in the law, and the Board determines that formation is in the interest of those owners.

A PCD is typically funded by assessing its grower-members. Those affected must vote for the assessment. This is carried out in compliance with Proposition 218 that was endorsed by the people of California in 1996 to limit "the methods by which local governments exact revenues from taxpayers without their consent." The vote passes if the majority, based on relative benefit, of those who respond are in favor of the assessment.

Typically, a PCD will contract with someone with PCD knowledge and experience to conduct the business of the district. Because PCDs are special districts and therefore public agencies, they must comply with certain acts which govern all such boards and commissions. Examples include the Brown Act; Public Records Act; Claim Act; and Political Reform Act. Directors must also provide financial disclosure and conflict of interest statements.

Enabling laws describe the powers of a PCD. These vary, but typically include the power to:

- Sue and be sued
- Adopt a seal and alter it, if desired
- Accept contributions
- Recommend to the Board of Supervisors that an assessment should be levied on the growers
- Make contracts and employ people
- Respond to the effects of pests and diseases, including: disseminating information; promoting scientific study; charting and locating pests and diseases

- Take actions necessary to control, eradicate, remove and prevent the spread of pests
- Enter into or upon any land included within the boundaries of the PCD for the purpose of inspecting plants with reasonable advance notice in writing to the landowners
- Eradicate, eliminate, remove or destroy plants having designated pests and diseases
- Coordinate with the County Agricultural Commissioner to ensure that he/she is taking the appropriate action necessary when infestations are detected
- Coordinate district activities with other similar PCDs

The Importance of Grower Participation

Pest Control Districts (PCDs) are often formed when a commodity group recognizes that a pest threat exists which will cause economic loss to the industry, and there is a need for another tool to combat the problem in addition to the existing state and federal programs. The formation steps include compliance with both the relevant PCD laws and procedures of the Proposition 218 voting process.

Once the threat of a pest has been identified, the growers must begin to unite for communication and committee leadership purposes. The development of committee leadership will be essential for the following tasks:

- Developing new law if such a law does not already exist
- Fundraising
- Petition gathering
- Communicating with officials
- Reviewing potential candidates to serve on the Pest Control Board
- Education and outreach
- Overall support for formation

To a great extent, the successful formation of a PCD is directly related to active grower participation. A unified core group of concerned growers will be critical to spearhead the effort. An intensive education and outreach campaign must be launched to “rally the troops” for support. Grower meetings can be held to raise the level of awareness. Articles can be published in trade magazines and Cooperative Extension and Farm Bureau newsletters. It is important to engage local media outlets, as press releases can be generated to garner additional support. This will be essential if the pest situation isn’t “front page news.”

The definition of what exactly to assess is typically described in the enabling laws. The Proposition 218 voting process is described by the California Government Code and must be followed. There may be some resistance to signing the initial formation petition or serving on the Pest Control Board due to rules of financial disclosure. The success of the Proposition 218 vote will determine if the PCD will be funded by the grower-members.

Communication with County Officials is a Key Component

It is essential for the committee that is forming the Pest Control District (PCD) to maintain good communication with the following offices:

- County Agricultural Commissioner
- County Counsel
- County Assessor
- County Auditor
- County Clerk
- County Board of Supervisors

These offices will provide vital information that will be necessary in determining:

- Advice about potential legal issues
- Information about the petition process (the timeline or implementation process can vary county to county)
- Figures needed to establish the threshold (the acreage that will be evaluated)
- Information about the process of evaluating the acreage for assessment

The County Assessor provides a register of owners and works in conjunction with the County Agricultural Commissioner to identify affected parcels. The Agricultural Preserve List (Williamson Act) may be a useful resource for identifying the correct acreage. Once the petitions have been formulated with the acreage information, the committee begins to gather the signatures necessary to petition the Board of Supervisors to officially form a PCD. The amount of funding required to fund such items as the projects they want to undertake and attorney’s counsel will determine at what level to set the assessment. Fundraising will be a major component at this point, as items such as signature verification, the mailing of ballots and administrative costs will need to be considered. The committee can send out solicitation letters for funding or monies in order to garner the funds necessary to continue through the Proposition 218 process.

When There Is NO Current Pest Control District Law for the Commodity - A Guide Through the Legislative Process

Once a determination has been made that there is no current Pest Control District (PCD) law for a particular commodity, the growers must go through the legislative process to develop a law. The information to research existing PCD laws is found in the California Food and Agricultural Code. It is beneficial to review existing PCD laws. (See Appendix 1.)

A core group of growers interested in forming a PCD must be organized before they can proceed with the legislative process. This grower committee will be instrumental for fundraising, building a constituency, and communicating with officials. They can implement the following steps to go through the legislative process:

- Meet with the County Agricultural Commissioner to discuss what measures currently are being taken about the pest control issue.

- Engage the services of an attorney who specializes in issues of PCD law formation. At this time, a decision must be made about the requirements for petitioning growers, such as what percentage of the acreage must be in favor for the petition to be accepted, and how the assessments of the commodity will be made. The County Board of Supervisors will consider the petition to approve the formation of the PCD when the required number of signatures has been obtained, e.g., the Table Grape Pest and Disease Control Districts of Kern and Tulare Counties formed their districts based on petitions signed by the owners of 15% of the table grape acreage in each county. (Table Grape Pest and Disease District Law Section 6047.60 et seq.) This must be established within the PCD law.

- Note the importance of writing into the law the details concerning how acreage is defined, e.g., per tree, per acre, per 100-tree acre.

- Determine the duration of the district, such as reauthorization every five years by the County Board of Supervisors.

- Growers approach a legislator and present their ideas about forming a PCD.

- Growers represent themselves, or hire a lobbyist, to follow the bill through the legislative process to get the bill enacted.

- Legislator submits their ideas in legislative form to the Legislative Counsel.

- The Legislative Counsel drafts the ideas into bill form and returns it to the legislator. It is advisable to give the draft to the County Agricultural Commissioner for an opportunity to review it and make comments.

- The bill goes through a series of hearings and is assigned to the appropriate state legislative committee.

- The bill is voted on by the Legislature and if approved, will be signed by the Governor to become law.

- At that point, the bill has successfully become a PCD law for a specific commodity.

Formation of a Pest Control District

If There is NO Existing Pest Control District Law…

Commodity group recognizes a pest threat to the commodity

Develop grower committee leadership for:

- building a constituency
- fundraising
- communication to officials

Work closely with County Agricultural Commissioner
Engage services of legal counsel specializing in PCD law formation
Review existing California Food & Ag Code for other commodities

Write law – define requirements for petition percentage of acreage
Define how assessment is made e.g., per tree, per acre, per 100-tree acre

Meet with legislator who will submit ideas in legislative form to the Legislative Counsel
Legislative Counsel drafts ideas into bill form and returns bill to County Agricultural Commissioner for review
Bill proceeds through hearings process and is assigned to appropriate state legislative committee
Bill is voted on by Legislature

If approved, bill becomes specific commodity pest control district law

Continue to steps on the following flowchart:
"Formation of a Pest Control District When There **IS** an Existing Pest Control District Law…"

If There IS an Existing Pest Control District Law – Steps on Petitioning to be Officially Recognized as a Pest Control District

Once the Pest Control District (PCD) law has been established for a commodity, the growers must begin to formulate and submit a petition to the County Board of Supervisors in order to be officially recognized as a PCD.

Formulate the Petition

- Be sure the petition format is correct as specified in the PCD law and reviewed by County Counsel. Typically included is: (Refer to example petition in Appendix 4)

    1. Address the petition to the County Board of Supervisors,
    2. State what the petition is for,
    3. State the name of the proposed district,
    4. Set the boundaries or describe the lands to be included,
    5. Declaration of the undersigned grower/owner,
    6. Name, mailing address, and phone number of the petitioner,
    7. State the total number of units (trees, acres, etc.) grown by the undersigned within the boundaries stated above,
    8. Printed name of owner or authorized representative,
    9. Signature, title, dates.

- The format of the petition is crucial.

Gather the Signatures of Support

- It is necessary to gather the signatures of growers of the required percent of acreage who are in support of the formation of the district. The petition threshold will be described in the enabling code sections.

Submit the Petitions

- The signed petitions should be addressed to and filed with the County Board of Supervisors.

Board Accepts and Hears the Petition

- The County Board of Supervisors must officially accept the petition at a regularly scheduled meeting. At this time they will fix a time and place for the hearing of the

petition and refer the petition to the County Agricultural Commissioner for investigation and report.

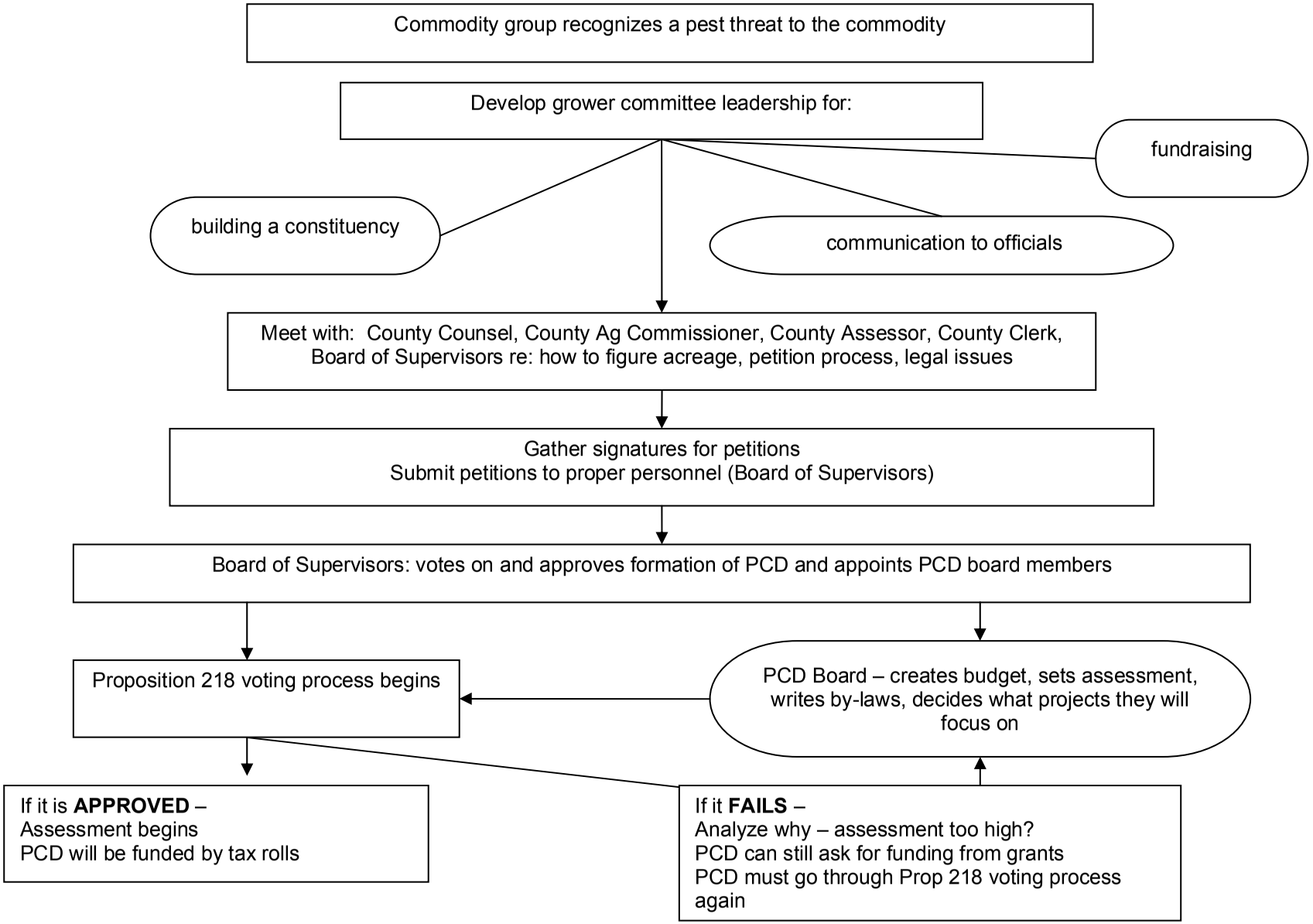
- This process is done pursuant to a specified time frame as described in the enabling law.
- Unless an exemption had been specifically granted in the PCD law, the County Board of Supervisors may refer the formation of the district to LAFCO (Local Agency Formation Commission). Approval by LAFCO may take months and can involve additional expense.
- At the public hearing, the report of the Agricultural Commissioner shall be received. Protest may be made orally or in writing against the formation of the district.

Board Declares PCD Organized

- If the County Board of Supervisors determines that district formation is feasible and in the interest of the owners of the specified acreage, they will declare that the district is duly organized under the name and the boundaries designated in the petition.
- Upon formation or organization of the district, the County Board of Supervisors shall appoint a Board of Directors. This Board typically consists of 5 directors that will administer the affairs of the district. To be a director of the district, certain criteria must be met including, but not limited to, being an owner of the commodity covered by the district.
- Once the County Board of Supervisors has declared the district organized and appointed the Board of the Directors, the formation of the district is complete.

Formation of a Pest Control District

If There IS an Existing Pest Control District Law…



Funding the Pest Control District through the Proposition 218 Voting Process

Pest Control Districts (PCDs) have the option of assessing growers to fund the district through property taxes. Those affected must vote for the assessment and the majority (based on relative benefit) of those who respond must be in favor or an assessment cannot be imposed. Steps must be followed according to the rules of Proposition 218.

Adequate funds must be available to conduct the Proposition 218 voting process. This is typically provided up front by growers who are proactive in the formation of the district. This ensures that the financial burden will not be relegated to the local government. It will be contributive in maintaining positive relationships with the county officials. It will also serve as a barometer to show the growers the level of support that exists within the affected community.

When the PCD board members develop their budget, they set their assessment and write the by-laws with the advice of legal counsel. They formulate an “effective plan” and decide what the primary targets (projects) are that they will work on to produce tangible results for the voters (affected growers).

A report by a registered civil engineer must be submitted to assess relative benefit of the district on each of its member growers. This report must be made available to the affected growers either on a website, at an office, or by written request. (See Appendix 4).

The PCD circulates a ballot to affected growers with the proposed assessment. Legal counsel should review the language of the ballot to ensure its conformity with the law. Refer to the appendix for an example of a ballot. (See Appendix 4).

If the vote is successful and approved, the assessment must be adopted by the Board of Supervisors before it is placed on the tax rolls by the County Auditor. The PCD will be able to receive funds to operate. If, at some point, the PCD members want to raise the assessment, they must go through the Proposition 218 voting process again.

If the vote fails, the PCD will be required to go through the Proposition 218 voting process again. The members would question whether the assessment was set too high or did it fail because of the general state of the economy. If the vote fails, the PCD still has the right to pursue other funding through grants. The challenge will be to secure funding from other outside sources, when the support of their own members will be questioned if the vote failed.

Even if the vote fails, an annual audit must be conducted.

Dissolution of a Pest Control District

The terms of dissolution for a Pest Control District (PCD) are written into the PCD law for the specific commodity. General steps follow:

Petitions with signatures by the owners of a determined percentage of acreage in the district would be filed with the County Board of Supervisors, requesting the dissolution of the district.

The County Board of Supervisors sets a time and place for a public hearing of the petition, according to specific guidelines established in law.

Notice of the hearing would be publicized.

At the hearing, any protests against the dissolution would be considered by the County Board of Supervisors.

At the hearing, if the County Board of Supervisors decides it would be in the best interest of the commodity industry, the Board of Supervisors would by resolution dissolve the district.

If the PCD was dissolved, the County Board of Supervisors is ex officio the governing body of the dissolved district, and can levy taxes and assessments to raise money to pay for any outstanding indebtedness.

Glossary

Agricultural Preserve List (Williamson Act)
This law was passed in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. Private landowners contract with counties and cities to voluntarily restrict land to agricultural and open space uses.

Brown Act (The Ralph M. Brown Act)
This law requires governing and advisory bodies of local government agencies to conduct government business in a way that the public can participate in decisions and scrutinize government actions.

Claims Act
This law states that a public entity can sue or be sued.

County Counsel
The Office of County Counsel renders legal services to the county. This includes representing and advising the officers and employees of the county in matters of civil concern. The County Counsel does not provide legal advice to private citizens of the county. The Office of County Counsel also represents other public agencies when not in conflict with its primary duty to represent the county and its Board of Supervisors. Other public agencies include, but are not limited to the courts, the judges, certain special districts, the County Superintendent of Schools, school districts, community college districts, and a variety of special districts and joint powers agencies located within the county.

Enabling Law
An enabling law is a law that is enacted by the State Legislature and makes available a procedure for the organization, operation, government, and dissolution of districts for the more effective control and eradication of specified pests or diseases, whichever products the district is established to protect.

Integrated Pest Management (IPM)
Integrated Pest Management is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties.

LAFCO (Local Agency Formation Commission)
This is a countywide commission, required in each California county, that ensures the orderly formation of local governmental agencies, preserves agriculture and open space lands and discourages sprawl.

Legislative Counsel

The office of the Legislative Counsel is a nonpartisan public agency that drafts legislative proposals, prepares legal opinions, and provides other confidential legal services to the Legislature and others.

Petition

A petition is a formal written request that: states the proposed name for the district; sets forth the district boundaries or describes the land situated in the district; requests that the district be formed pursuant to the principal act (law); describes generally the nature of the proposed project and, based upon the functions proposed to be performed by the district, an estimate verified by the proponents of the first year’s estimated income and expenses and estimated expenditures for capital improvements; complies with any additional requirements of the principal act (law).

Political Reform Act

The Political Reform Act was adopted as a statewide initiative (Proposition 9) by an overwhelming vote of the electorate in 1974. This law requires detailed disclosure of contributions and expenditures in connection with campaigns supporting or opposing ballot measures as well as the disclosure of expenditures made in connection with lobbying the State Legislature and attempting to influence administrative decisions of state government.

Proposition 218

Proposition 218 is a constitutional initiative approved by voters in 1996 that ensures that all taxes and most charges on property owners are subject to voter approval.

Public Records Act (The California Public Records Act)

This law defines the rights of access to information held by California state and local agencies (other than the courts and Legislature). All records held by state and local agencies are public, and it also defines exemptions to it.

Special District

A special district is any agency of the state for the local performance of governmental or proprietary functions within limited boundaries.

Appendix 1 – Pest Control District References

California Food and Agricultural Code
http://www.leginfo.ca.gov

CALIFORNIA FOOD AND AGRICULTURAL CODE

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FOOD AND AGRICULTURAL CODE
SECTION 5901-5907

5901. To provide for the eradication of the citrus white fly, the director may by proclamation declare any portion of the state where the citrus white fly is known to exist to be a citrus white fly district.

5902. The proclamation shall state both of the following:
(a) The existence of the citrus white fly district.
(b) The description of the boundaries of the district.

5903. The director shall print a copy of the proclamation in one or more papers of general circulation in the infested district.

5904. Every plant within a citrus white fly district which is infested with citrus white fly or with the eggs, larvae, or pupae of the citrus white fly, or which there is reasonable cause to believe may be infested with citrus white fly, is a public nuisance.

5905. The existence of any known host plant of citrus white fly within the boundaries of the district is reasonable cause to believe the host plant is infested with the citrus white fly.

5906. The department and the commissioners may cause the destruction of any host plant of the citrus white fly in a summary manner.

5907. If, in the opinion of the enforcing officer, the host plant may be treated in a manner to destroy all citrus white flies or the eggs, larvae, or pupae of the citrus white fly which are or may be on the plant, the officer may in a summary manner cause such treatment to be given.

FOOD AND AGRICULTURAL CODE
SECTION 5951-5953

5951. The Legislature hereby finds and declares all of the following:
(a) The introduction of Mexican fruit flies into California presents a serious threat to California's economy.
(b) The use of alternative methods for pest control is generally preferred to the aerial application of pesticides over urban areas.
(c) The use of sterile flies has proven to be one of the most effective nonchemical procedures in the successful control and eradication of Mexican fruit flies.
(d) California does not have a reliable source of sterile Mexican fruit flies that may be used to control future infestations of this pest.
(e) The federal government, other states, the agricultural industry, and the country of Mexico would all benefit from a reliable source of sterile Mexican fruit flies.

5952. The director may establish and operate a facility outside of this state to produce sterile Mexican fruit flies or enter into an agreement with any other public or private entity to jointly establish and operate the facility.

5953. Any contract entered into by the department to determine the appropriate location, select a suitable facility, or prepare preliminary plans and working drawings is exempt from the Public Contract Code.

FOOD AND AGRICULTURAL CODE
SECTION 6001-6006.6

6001. It is hereby declared that the cotton industry of this state is threatened with the invasion of cotton boll weevil and pink bollworm of cotton. These two pests, if established in this state, will cause losses of several million dollars per year to this state's number one field crop. The purpose of this article is the prevention of the introduction of these two pests into this state and it is not intended to set a precedent, supersede, or change the normal methods of acting to control or eradicate newly established pests in this state.

6002. The director, or an entity designated by the Cotton Pest Control Board, may contract with the United States Department of Agriculture for the purpose of controlling, suppressing, or eradicating cotton boll weevil or pink bollworm in this state, the State of Arizona, or the Republic of Mexico to prevent the entry and establishment of these pests in this state.

6003. "First handler" means the first person who, as owner, agent, or broker, purchases, or otherwise acquires from a grower, possession or control of cotton.

6005. (a) Every grower of cotton in the state shall pay a fee of three dollars ($3) for each bale of cotton ginned or for each bale of cotton sold by a grower in this state who received the cotton under the federal payment-in-kind program, Section 700 et seq. of Title 7 of the Code of Federal Regulations.

(b) The fee is a maximum fee. The amount of the fee may vary from district to district in accordance with the protection afforded to the cotton crop in the districts. The director may establish districts in the state for the purpose of fixing the fee. Between February 1 and June 30 of each year, the Cotton Pest Control Board shall recommend to the director the amount of the fee that it determines to be necessary to carry out this article in each district. The director may fix the fee at a less amount, when it is determined that the cost of administering this article can be defrayed with the below-maximum fee. The amount of the fee shall be effective for the next fiscal year. The fee shall be paid to the director or the entity designated by the Cotton Pest Control Board at the time the cotton is ginned or by the first handler when the cotton is sold in the case of cotton received by growers under the federal payment-in-kind program, Section 700 et seq. of Title 7 of the Code of Federal Regulations. The first handler shall deduct the fee from any moneys owed to the grower. To determine the number of payment-in-kind bales on which the fee is calculated that the first handler pays to the director, the first handler shall divide each grower's total payment-in-kind entitlement pounds of cotton by 500.

(c) The amount received from fees and other sources of income shall be deposited and handled in a manner determined by the Cotton Pest Control Board and shall be used exclusively to pay costs directly related to the control of pink bollworm or other related cotton pests.

(d) Fees which have not been expended by the termination date of this article shall be refunded.

(e) Moneys received from other sources for this program may be used to carry out the purposes of this article.

(f) The Cotton Pest Control Board may hire any and all necessary personnel, contract for services, and incur all other expenses necessary to carry out the purposes of this article.

6006. The director shall appoint a Cotton Pest Control Board, consisting of 10 members, to assist and advise him or her on matters which pertain to the control of cotton pests and to carry out its authority specified in this article.

The membership shall consist of at least one cottongrower from each of the major cotton-growing counties in the state, and one member who is not a cottongrower and who represents the public.

Any member of the board who misses two meetings without the permission of the board, is deemed to have resigned as a member of the board.

The board may meet in regular session each month. The chairperson of the board or the director may call any other meeting of the board at any time. Each member shall be allowed per diem and mileage in accordance with Department of Personnel Administration rules for attending any meeting of the board.

The board shall annually review the effectiveness of the cotton pest control program.

6006.5. It is hereby declared, as a matter of legislative determination, that cottongrowers appointed to the Cotton Pest Control Board pursuant to this article are intended to represent and further the interest of a particular agricultural industry concerned, and that such representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to such board, the particular agricultural industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

6006.6. Any decision made by the Cotton Pest Control Board which results in an entity other than the department administering this article shall be made not later than May 1 of any year.

FOOD AND AGRICULTURAL CODE
SECTION 6021-6024

6021. If the director receives a report from the executive officer of the State Department of Health Services which states that field rodents in a certain area carry, or are likely to carry, any disease, insect, or other vector of any disease which is transmissible and injurious to humans, he shall forthwith advise the commissioner of the county in which such rodents exist.

6022. The commissioner shall cooperate in suppressing field rodents and insects, or other associated vectors of rodent-borne diseases transmissible and injurious to humans.

6023. The director shall cooperate by entering into an agreement pursuant to Section 482 for the purpose of suppressing the field rodents and insects or other associated vectors in the reported areas and in neighboring areas, to prevent the spread of the rodents and insects, or other associated vectors.

6024. In order to carry out the purposes of this article, the director or commissioner may enter upon any and all premises within any reported area or neighboring area to bait, trap, expose chemically treated baits, or perform any act which he deems necessary for the purpose of suppressing, destroying, or repelling the rodents and insects, or other associated vectors.

FOOD AND AGRICULTURAL CODE
SECTION 6025-6029

6025. The Legislature hereby finds and declares all of the following:
(a) The continued viability of the agricultural economy is of paramount importance to the people of this state.
(b) Vertebrate pests cause an estimated two hundred million dollars ($200,000,000) damage to agricultural crops each year, and without effective controls, the losses and damage could reach one billion dollars ($1,000,000,000) annually.
(c) The use of materials to control vertebrate pests benefits the public health by preventing rodent-borne diseases that could be transmitted, and be injurious, to humans.
(d) County departments of agriculture have historically provided vertebrate pest control materials to the agricultural community.
(e) Recent changes in the federal law require the development of extensive data and the payment of registration fees in order to register these materials, and these requirements are costly. Research studies to develop this data will be required if these valuable control materials are to be maintained.
(f) It is appropriate that the necessary research be funded by an assessment on the vertebrate pest control materials for which these studies are required.

6025.2. For purposes of this article, "vertebrate pest" means any specie of mammal, bird, reptile, amphibian, or fish that causes damage to agricultural, natural, or industrial resources, or to any other resource, and to the public health and safety.

6025.5. (a) The director shall establish and administer a research program to control vertebrate pests which pose a significant threat to the welfare of the state's agricultural economy and the public.
(b) The specific purposes of the program include all of the following:
(1) The investigation of effective and economical alternative materials for the control of vertebrate pests.
(2) The solicitation and consideration of research proposals for alternative humane methods of control.
(3) The continuation of current vertebrate pest control product registration at the state level until alternative products are developed which prove to be effective and economical.
(4) The funding of research for the development of scientific data to fulfill registration requirements.
(5) Cooperation with the United States Department of Agriculture in funding research programs to maintain, develop, and register vertebrate pest control materials used in this state.

6026. The director shall establish the Vertebrate Pest Control
Research Advisory Committee consisting of the following members,
appointed by the director, to serve at the pleasure of the director:

(a) One representative of the department.
(b) One representative of the county agricultural commissioners.
(c) Five representatives of the agricultural industry representing affected commodities.

(d) One representative of the University of California.
(e) One representative of the California State University.
(f) One representative of the State Department of Health Services.
(g) One representative of the general public, with consideration given to a person with expertise in animal welfare.

6026.5. On or before December 31 of each year, the committee shall recommend to the director priorities for conducting various vertebrate pest control research projects and the amount of the assessment necessary to carry out those research projects.

6027. There is hereby created the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund. Notwithstanding Section 13340 of the Government Code, the money in the account is continuously appropriated to the director for purposes of carrying out this article. Notwithstanding any other provision of law, the moneys in the account shall not be transferred to any other fund or encumbered or expended for any purpose other than as provided in this article.

6027.5. During the calendar year, each commissioner shall pay to the secretary a fee not to exceed fifty cents ($0.50) per pound of vertebrate pest control material sold, distributed, or applied by the county for vertebrate pest control purposes. No assessment shall be imposed on the sale or on the distribution of vertebrate pest control material by a county agricultural commissioner to another commissioner. Vertebrate pest control material registered by the secretary may only be sold or distributed by a county agricultural commissioner or as authorized by the secretary. The secretary may set a different level of assessment in the amount necessary to provide revenue for the vertebrate pest control research projects carried out pursuant to this article only if the secretary, at a minimum, has consulted with the Vertebrate Pest Control Research Advisory Committee. The new level of assessment may only commence at the beginning of the subsequent calendar year. However, the assessment shall not exceed one dollar ($1) per pound of vertebrate control material sold, distributed, or applied by the county for vertebrate pest control purposes. To assist the advisory committee in making its recommendations, the department shall submit a progress report to the members of the advisory committee at least 30 days prior to each meeting of the advisory committee. The report shall include, but is not limited to, data on research that has been, or is proposed to be, conducted and statements regarding the necessity for that research. This section does not preclude the department from preparing and distributing additional reports that may be requested by the advisory committee.

6028. The assessment payments required pursuant to Section 6027.5, together with a report of the amount of vertebrate pest control materials sold, distributed, or applied during the previous six-month period, shall be made biannually by each commissioner to the director within one calendar month after June 30 and December 31 of each year.

6029. This article shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2006, deletes or extends that date.

FOOD AND AGRICULTURAL CODE
SECTION 6031-6043

6031. The necessity of controlling beet leafhopper, the only known vector of the curly top virus, is recognized by the Legislature as being in the public benefit. The state's agricultural business economy could be seriously damaged if measures are not continued to prevent the transmittal of curly top virus by this insect. Since the control program primarily is carried on in uncultivated areas, involving both private and public lands, often far removed from the areas receiving benefits, it is necessary for a state agency to take primary responsibility. The Legislature therefore supports a program jointly funded by industry and public funds whereby protection is provided to both home gardens and commercial crops.

6032. As used in this article "handler" means any person that engages in the operation of selling, marketing, or processing any of the crops vulnerable to damage from curly top virus, as covered by this chapter, which he or she has purchased, or acquired from a producer or which he or she is marketing, selling or processing on behalf of a producer, whether as owner, agent, employee, broker, or otherwise. A producer-handler is a producer who operates as a handler as to any such crop produced by him or her. Every producer or producer-handler of agricultural crops susceptible to curly top virus as determined by the secretary, may include, but is not limited to, tomatoes, sugar beets, melons, beans, cucumbers, spinach, and peppers shall pay to the department an assessment on all those crops sold or delivered by him or her to a

handler or, in the case of a producer-handler, on those crops marketed by the producer-handler. The full amount of the assessment shall be collected from the producer by the handler at the point and time that the crop is purchased or received by the handler as provided by regulations of the secretary.

6033. Except as otherwise provided in this article, the assessment collected from producers by handlers or due from producer-handlers shall be paid by the handlers or producer-handlers to the secretary as provided by regulations of the secretary.

6033.5. (a) Any assessment that is imposed on the producer pursuant to this article is a personal debt of the producer.

(b) Every handler or producer-handler is personally liable for the payment of the assessment. The failure of the handler or producer-handler to collect the assessment does not exempt the handler or producer-handler from liability, and does not relieve the producer from the obligation to pay the assessment.

(c) Any producer, handler, or producer-handler who fails to file a return or pay the assessment or otherwise comply with Section 6033 shall pay a penalty of 10 percent of the amount of the assessment determined to be due, and, in addition, shall pay 1.5 percent interest per month on the unpaid balance of the assessment and the penalty.

6034. For the purpose of assessment, the following districts are established: District I, Imperial and Riverside Counties; District II, Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, and that portion of Los Angeles County lying north of the San Gabriel Mountains; District III, Sacramento, Solano, Yolo, Placer, Sutter, Yuba, Colusa, Butte, and Glenn Counties; District IV, Alameda, Contra Costa, Monterey, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, and Santa Barbara Counties; additional areas of the state may be established in districts by regulation of the secretary if the secretary finds crops in any such district are subject to damage from curly top virus and that any such district is necessary to accomplish the purposes of this article.

6035. The secretary may establish the rate of assessment by district and crop and may adjust the assessment rate from time to time, whenever necessary as provided in Section 6036.

6036. The assessment rate may vary from district to district and from crop to crop based on the degree of vulnerability to damage from curly top virus experienced by those crops in those districts. The rates may also vary in accordance with the protection afforded to those crops in those districts. Any rate or rates established shall be set by regulation. The assessments shall be in total amount sufficient to reimburse the secretary, and whenever feasible, shall not exceed 65 percent of the expenditure by the department in carrying out the beet leafhopper control program.

6037. Any money which is received by the director pursuant to this article shall be deposited in the Department of Food and Agriculture Fund to be used for the administration and enforcement of this article.

6038. The director may receive moneys from other sources for this program, which shall be deposited into the Department of Food and Agriculture Fund and used to carry out the purposes of this article.

6039. The secretary shall appoint a Curly Top Virus Control Board consisting of nine members. The membership shall consist of at least one representative of each of the primary crop commodities assessed and shall include representation from each of the districts assessed. The secretary may appoint one additional member on the board, who shall be a public member. The secretary shall appoint one member of the board to serve as chairperson. Upon the secretary's request, the board shall submit to the secretary the names of three or more natural persons, each of whom shall be a citizen and resident of this state and not a producer, shipper, or processor or financially interested in any producer, shipper, or processor, for appointment by the secretary as a public member of the board. The secretary may appoint one of the nominees as the public member on the board. If all nominees are unsatisfactory to the secretary, the board shall continue to submit lists of nominees until the secretary has made a selection. Any vacancy in the office of the public member of the board shall be filled by appointment by the secretary from the nominee or nominees similarly qualified submitted by the board. The public member of the board shall represent the interests of the general public in all matters coming before the board and shall have the same voting and other rights and immunities as other members of the board.

6039.5. It is hereby declared, as a matter of legislative determination, that persons appointed to the Curly Top Virus Control Board pursuant to Section 6039 are intended to represent and further the interest of a particular agricultural industry concerned, and that such representation and furtherance is intended to serve

the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to such board, the particular agricultural industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

6040. Board members shall serve at the pleasure of the secretary.

6041. (a) Except as provided in subdivision (b), the board shall be advisory to the secretary and may make recommendations on all matters pertaining to this article including, but not limited to, the annual budget, the adoption, modification, and repeal of regulations and procedures, the use of funds for research, and necessary assessments required to accomplish the purposes of this article as provided in Section 6031.

(b) The secretary shall accept the recommendations of the board if the secretary determines that the recommendations are practicable and in the interest of the industry and the public. The secretary, within 30 days of the decision, shall provide the board with a written statement of reasons for his or her decision if the secretary does not accept a recommendation of the board.

6042. The board shall meet at the call of its chairman or the secretary or at the request of any three members of the board. The board shall meet at least once a year. Members of the board shall be allowed per diem and mileage in accordance with rules of the Department of Personnel Administration for attendance at meetings and other board activities authorized by the board and approved by the secretary.

6043. Upon termination of this article, any remaining funds received pursuant to this article shall be refunded on a pro rata basis to all persons from whom assessments were collected during the 12-month period preceding the date of termination, unless the secretary finds the amounts so returnable are so small as to make impractical computation and remitting of refunds. If the secretary makes such a finding, the funds may be used for beet leafhopper control or research activities.

FOOD AND AGRICULTURAL CODE
SECTION 6045-6047

6045. (a) The Legislature hereby finds and declares that the plant killing bacterium, Xyella Fastidiosa and the resulting pathogen, Pierce's disease, and its vectors present a clear and present danger to California's fifty billion dollar grape industry, as well as to many other commodities and plant life.

(b) There exists an ongoing need for at least fifteen million dollars ($15,000,000) annually in research and programs to combat Pierce's disease and its vectors in California.

6046. (a) There is hereby created in the Department of Food and Agriculture the Pierce's Disease Control Program.

(b) The Governor shall appoint a statewide coordinator, and the secretary shall provide an appropriate level of support staffing and logistical support for combating Pierce's disease and its vectors.

(c) (1) There is hereby created the Pierce's Disease Management Account in the Food and Agriculture Fund.

(2) The account shall consist of money transferred from the General Fund and money made available from federal, industry, and other sources. Money made available from federal, industry, and other sources shall be available for expenditure without regard to fiscal year for the purpose of combating Pierce's disease or its vectors. State general funds to be utilized for research shall only be expended when the secretary has received commitments from nonstate sources for at least a 25-percent match for each state dollar to be expended.

(d) The funds appropriated pursuant to this section to the Food and Agriculture Fund for the purpose of combating Pierce's disease and its vectors shall be used for costs that are incurred by the state or by local entities during and subsequent to the fiscal year of the act that added this section for the purpose of research and other efforts to combat Pierce's disease and its vectors.

(e) Whenever, in any county, funds are allocated by the Department of Food and Agriculture for local assistance regarding Pierce's disease and its vectors, those funds shall be made available to a local public entity, or local public entities, designated by that county's board of supervisors.

(f) Funds appropriated for local assistance shall not be allocated to the local public entity until the local public entity creates a Pierce's disease work plan that is approved by the department. Any funds allocated by the department to a designated local public entity shall be utilized for activities consistent with the local Pierce's disease work plan or other programs or work plans approved by the department. It shall be the responsibility of the designated local public entity to develop and implement the local Pierce's disease work plan. Upon request, the department shall provide consultation to the local public entity regarding its work plan.

(g) The work plan created by the designated local public entity shall include, but is not limited to, all of the following:
(1) In coordination with the department, the development and delivery of producer outreach information and training to local communities, groups, and individuals to organize their involvement with the work plan and to raise awareness regarding Pierce's disease and its vectors.
(2) In coordination with the department, the development and delivery of ongoing training of the designated local public entity's employees in the biology, survey, and treatment of Pierce's disease and its vectors.
(3) The identification within the designated local public entity of a local Pierce's disease coordinator.
(4) The proposed treatment of Pierce's disease and its vectors. Treatment programs shall comply with all applicable laws and regulations and shall be conducted in an environmentally responsible manner.
(5) In coordination with the department, the development and implementation of a data collection system to track and report new infestations of Pierce's disease and its vectors in a manner respectful of property and other rights of those affected.
(6) On an annual basis, while funds appropriated by this section are available for encumbrance, the department shall review the progress of each local public entity's activities regarding Pierce's disease and its vectors and, as needed, make recommendations regarding those activities to the local public entity.
(h) Notwithstanding Section 7550.5 of the Government Code, the department shall report to the Legislature on January 1, 2001, and each January 1 while this section is operative, regarding its expenditures, progress, and ongoing priorities in combating Pierce's disease and its vectors in California.
(i) This article shall become inoperative on March 1, 2011, and as of January 1, 2012, is repealed, unless a later enacted statute that is enacted before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

6047. The secretary may establish, maintain, and enforce regulations consistent with the intent of the Legislature as expressed in this article as may be necessary to interpret, clarify, or implement this article. This authority shall be liberally construed to effectuate the intent of this article.

FOOD AND AGRICULTURAL CODE
SECTION 6047.1-6047.29

6047.1. The Legislature finds and declares the following:
(a) The state's agricultural business economy could be seriously damaged if measures are not taken to prevent the transmittal of the plant killing bacterium that causes Pierce's disease and to contain its vectors, particularly the glassy-winged sharpshooter. Furthermore, progress made by winegrape growers and others in the adoption of integrated pest management and sustainable farming practices is threatened by these destructive pests and diseases.
(b) The funding to accomplish the purposes of this article shall be derived from an assessment on all grapes grown in California and crushed for wine, wine vinegar, juice concentrate, or beverage brandy.
(c) This article is not intended to establish a precedent, or to supersede, or to reduce or in any way alter government funding of the effort to combat Pierce's disease and other pests in this state.
(d) The purposes of this article are enhanced by the many and varied efforts of other agricultural commodities' industries to combat this bacterium and its vectors.
(e) This article is enacted for the protection of the winegrape industry and is also declared to be enacted in the public interest and in the exercise of the police power of the state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.
(f) The assessments shall be collected and expended for purposes consistent with Section 6046.

6047.2. For the purposes of this article, the following definitions shall govern its construction:
(a) "Board" means the Pierce's Disease and Glassy-winged Sharpshooter Board.
(b) "Department" means the Department of Food and Agriculture.
(c) "Marketing season" begins July 1 of each year and ends June 30 of the next year.
(d) "Producer" means a grower, including a cooperative, of grapes in California for wine, wine vinegar, juice, concentrate, or beverage brandy.
(e) "Processor" means a processor who crushes grapes in California for wine, wine vinegar, juice, concentrate, or beverage brandy.

(f) "Person" means a producer, processor, or any other entity that holds title to grapes subject to assessment.
(g) "Purchase" means the taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift, or any other voluntary transaction creating an interest in property. For purposes of this paragraph, "sale" shall consist of the passing of title from the seller to the buyer for a price.
(h) "Purchased grapes" means grapes grown in California, crushed by a processor for wine, wine vinegar, juice, concentrate, or beverage brandy, and purchased from a person considered a separate entity from the purchaser.
(i) "Grapes not purchased" means all other grapes grown in California and crushed by a processor for wine, wine vinegar, juice, concentrate, or beverage brandy, including, but not limited to, the following:
(1) Grapes grown by a person who is not considered a separate entity from the processor or who is a member of the processor cooperative.
(2) Grapes not purchased and crushed to the account of a person who retains ownership of the grapes.
(j) "Secretary" means the Secretary of Food and Agriculture.

6047.3. (a) Within 90 days after the effective date of this section, the secretary shall create in the department the Pierce's Disease and Glassy-winged Sharpshooter Board, which shall consist of at least 14, but not more than 15 members, of which eight shall be representatives of producers who are not also processors and six shall be representatives of processors who are also producers.
(b) The secretary shall appoint the members of the board from recommendations received from the industry. In making the appointments, the secretary shall select no more than one person from a producer or processor entity and shall ensure that there is representation on the board from each of the major grape production areas in the state.
(c) The secretary may appoint one additional member to the board, from nominees received from the board, who shall serve as the public member. The public member shall represent the interests of the public in all matters coming before the board and shall have the same voting and other rights and immunities as other members of the board.
(d) The secretary and other appropriate individuals, as determined by the board, shall be nonvoting ex officio members of the board.
(e) It is hereby declared, as a matter of legislative determination, that persons appointed to the board are intended to represent and further the interests of the industry concerned, and that this representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to the board, the industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

6047.3.5. Notwithstanding any other provision of law, the secretary, upon the recommendation of the board, may contract with any nonprofit authoritative scientific body with expertise in agricultural issues in order to expedite research relating to the eradication of Pierce's disease.

6047.4. (a) The powers of the board shall be the following:
(1) Submit recommendations to the secretary on, but not limited to, the following:
(A) Selection of officers.
(B) Terms of office for board members.
(C) Annual assessment rate.
(D) Annual budget.
(E) Expenditures authorized under Section 6047.5.
(2) Receive money from the assessment and other sources.
(3) Adopt, amend, and rescind all proper and necessary bylaws and procedures.
(4) Coordinate its activities with the secretary's science advisory board and agricultural/governmental advisory task force.
(b) A majority of the members of the board shall constitute a quorum of the board. The vote of a majority of the members present at a meeting at which there is a quorum constitutes an act of the board, except for actions taken pursuant to subdivision (a) of Section 6047.7, which shall require a majority of the vote of the board. The board may continue to transact business at a meeting where a quorum is initially present, notwithstanding the withdrawal of members, provided any action is approved by the requisite majority of the required quorum.
(c) As authorized by the board, members of the board may receive per diem and mileage in accordance with the rules of the Department of Personnel Administration for attendance at meetings and other approved board activities.

6047.5. (a) Expenditure of the funds pursuant to this article shall be restricted to the following:

(1) Reasonable administrative expenses of the board and the department, subject to the limitation in Section 6047.12.
(2) The collection, enforcement, deposit, and handling of the assessments.
(3) Notwithstanding Section 6047.12, costs to conduct a referendum.
(4) Subject to subdivision (d) of Section 6047.1, research and other activities related to the transmittal of the plant killing Pierce's disease bacterium and its vectors, particularly the glassy-winged sharpshooter, including, but not limited to, research of integrated pest management and other sustainable industry practices. The disbursement of research funds collected pursuant to Section 6047.7 shall be on a competitive bid basis, shall be exempt from the requirements of Sections 12798 and 12798.6, and may be encumbered with existing resources beyond the termination date of this statute.
(b) Except as provided in subdivision (c), data and related information and materials produced during the course of research conducted pursuant to this article that are in the possession of the department, the board, or any entity engaged in research funded pursuant to this article, shall be confidential and shall not be released for any purpose, except to the extent that they are included in any final publication of research, or except when required by a court order after a hearing in a judicial proceeding involving this article.
(c) The restrictions in this section shall not apply to research conducted by the University of California or by other public agencies or public institutions that are subject to interagency agreements, except to the extent that they are consistent with policies of the entity engaged in research funded pursuant to this article on sponsored research and publication, which may allow for, among other things, a short period of review by the board in advance of publication.
(d) Processors subject to this article and expenditure of the funds collected pursuant to this article are subject to audit by the department.

6047.6. The secretary shall accept the recommendations of the board unless he or she determines that the recommendations are not practicable or in the interest of the industry or the public. The secretary shall provide the board with the reasons for his or her decision within 15 days if the secretary does not accept a recommendation of the board.

6047.7. (a) During the first marketing season, beginning July 1, 2001, and ending June 30, 2002, the annual assessment shall be three dollars ($3) for each one thousand dollars ($1,000) assessed pursuant to Section 6047.9 for all grapes subject to assessment under this article. The department shall notify each processor of the established assessment as soon as practicable. For each marketing season thereafter, the following shall apply:
(1) An annual assessment shall be recommended by the board and submitted to the department for approval in an amount not to exceed three dollars ($3) for each one thousand dollars ($1,000) assessed pursuant to Section 6047.9 for all grapes subject to assessment under this article.
(2) The department shall notify each processor of the established assessment rate by July 15, or as soon thereafter as possible.
(b) In no event shall there be an assessment on the following:
(1) Material other than grapes, and defects, or other weight adjustments deducted from the gross weight ticket.
(2) Any raisin-distilling material.
(3) Grapes for which an assessment has been withheld, paid, or is already owed.

6047.8. (a) The assessment is the obligation of the producer.
(b) For purchased grapes, the processor who purchases the grapes shall act on behalf of the person from whom the grapes were purchased in collecting and remitting the assessment, shall deduct the assessment from moneys owed by the processor, and shall pay the assessment as provided in this article.
(c) For grapes not purchased, the processor who crushes the grapes shall do the following:
(1) Charge the person who retains ownership of the grapes the assessment and pay the assessment as provided in this article.
(2) Be responsible for the remittance of the assessment for the crushing of grapes from persons not considered a separate entity from the processor.

6047.9. (a) For purposes of calculating the amount to be collected by the processor for purchased grapes, the assessment shall be based on the gross dollar value of the grapes, which is the gross dollar amount payable for the grapes before any deductions for governmental assessments and fees.
(b) For purposes of calculating the assessment for grapes not purchased, the assessment shall be based on the following:

(1) The tonnage of grapes delivered less material other than grapes and defects or other weight adjustments deducted from gross weight.
(2) The weighted average price per ton delivered basis purchased from all nonrelated sources for wine, concentrate, juice, vinegar, and beverage brandy by processors, by type, variety and reporting district where grown for the grapes delivered, sources as reported by the secretary pursuant to Section 55601.5 for the immediately preceding marketing season.

6047.10. (a) All assessments payable under this article shall be remitted to the department no later than January 10 of each year. The department shall deposit the assessments remitted in the Department of Food and Agriculture Fund.
(b) In no event shall any proprietary information specified in Section 6047.13 that is received by the department in collecting assessments be transferred to the board.
(c) Processors shall not charge producers an administrative fee for collecting and remitting assessments.

6047.11. Any producer who disputes the amount of the assessment may file a claim with the department. The producer shall prove his or her claim by a preponderance of the evidence.

6047.12. (a) Expenditures charged by the department and the board for administrative purposes shall not exceed a total of 7 percent of the assessments collected pursuant to this article. Administrative purposes shall include, but not be limited to, all auditing expenses and all costs and attorneys fees resulting from, or relating to, litigation involving this article against the department, or the board and its members and agents, and expenses associated with Section 6047.4 and paragraphs (1) and (2) of subdivision (a) of Section 6047.5.
(b) Notwithstanding subdivision (a), the Joint Legislative Audit Committee and the State Auditor shall maintain independent authority to audit the expenditure of industry assessments.

6047.13. (a) All proprietary information obtained by the board or the department from producers, processors, or any other source, including, but not limited to, the name, addresses, and assessments collected from individual producers and processors in the possession of the board or the department, including processors' lists of their producers and the assessment of individual producers, is confidential and shall not be disclosed, except when required by a court order issued upon a showing of good cause and that the information is necessary to a judicial proceeding involving this article.
(b) Disclosure, as permitted under this section, shall be conducted in camera by the court.
(c) The court shall, in the court's discretion, issue orders restraining a party or parties to a judicial proceeding involving this article from disseminating any proprietary information to the public or any other person not a party to that judicial proceeding.

6047.14. (a) The sole remedy against any producer who fails to pay the assessment and against any processor who fails to collect and remit assessments within the time required by the secretary shall be an action to collect the delinquent assessments and payment to the secretary a penalty of 10 percent of the amount of the assessment determined to be due and, in addition, payment to the secretary of 11/2 percent interest per month on the unpaid balance.
(b) A producer may not bring any claim against a processor for damages, or otherwise, in connection with the assessment or the required deduction by the processor of the moneys owed to the producer as provided in this article.

6047.15. Upon termination of this article, and based upon a recommendation of the board subject to approval by the secretary, any collected assessments not required to defray financial obligations incurred pursuant to this article shall be returned on a pro rata basis to all persons from whom assessments were collected during the marketing season immediately preceding the date of termination or paid to any existing state or federal program engaged in disease prevention or research activities in the grape industry. The assessments refunded to processors shall be paid to producers if the assessment was previously deducted from moneys owed to the producer by the processor.

6047.16. No action in law or equity may be brought against any members or agent of the board, nor shall any member or agent of the board be personally liable for the actions of the board or the department. No member or agent of the board is responsible individually in any way to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as a principal, agent, or employee, except for his or her own individual acts of dishonesty or crime. No member or agent of the board, is responsible individually for an act or omission of any other member or agent of the board, or the

department. Liability is several and not joint, and no member or agent of the board is liable for the default of any other member or agent of the board, or the department.

6047.17. This article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

6047.18. This article shall be liberally construed. If any provision of this article or the application thereof to any person or circumstances is held to be invalid, the invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and, to this end, the provisions of this article are severable.

6047.19. (a) On or before December 31st of every other year, the secretary, after consultation with the board, shall report on the status of this chapter to the chairs of the policy and fiscal committees that have the appropriate subject matter jurisdiction in the Assembly and the Senate.
(b) The report shall include a financial accounting, including the distribution of industry assessments and any unexpended amount on deposit, of the department's efforts to contain Pierce's disease and its vectors.
(c) This article shall remain in effect only until March 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before March 1, 2011, deletes or extends that date.

6047.20. This article shall become inoperative, as of March 1, 2006, unless the secretary finds, in a referendum conducted by him or her, or a person designated by him or her, that a favorable vote has been given pursuant to this article.

6047.21. (a) No later than April 15, 2005, the secretary shall establish a list of those persons eligible to vote on the continued implementation of this article.
(b) Eligibility shall be limited to the producers, processors, and persons who paid the assessment on grapes crushed in the immediately preceding season.
(c) (1) In establishing the list, the secretary may require processors, producers, and others to submit the names, mailing addresses, and assessment values of all producers who paid the assessment on grapes crushed in the immediately preceding marketing season.
(2) The information required by the secretary shall be filed either with the annual assessment report or no later than 30 days following receipt of a written notice from the secretary requesting the information.
(d) Any producer whose name does not appear on the secretary's list may have his or her name added to the list by filing with the secretary a signed statement identifying himself or herself as a producer that paid an assessment during the most recent marketing season.

6047.22. For the purpose of voting in the referendum required in Section 6047.20, only a person required to pay the assessment pursuant to Section 6047.8 shall have the right to vote.

6047.23. In determining whether this article shall become inoperative, the secretary shall find that at least 40 percent of the total number of persons from the list established by the secretary participated in the referendum, and that either one of the following occurred:
(a) 65 percent or more of the persons who voted in the referendum voted in favor of this article, and the persons who voted paid a majority of the assessment dollars on grapes in the preceding marketing season that were paid by all the persons who voted in the referendum.
(b) A majority of the persons who voted in the referendum voted in favor of this article, and the persons who voted paid 65 percent or more of the assessment dollars on grapes in the preceding marketing season that were paid by all the persons who voted in the referendum.

6047.24. In determining whether the referendum is approved by producers pursuant to the provisions of this article, the secretary shall consider the vote in favor of the referendum of any nonprofit agricultural cooperative marketing association, which is authorized by its members so to assent, as being the assent, approval, or favor of the producers that are members of, or stockholders in, that nonprofit agricultural cooperative marketing association.

6047.25. The secretary shall establish a period in which to conduct the referendum that shall not be less than 10 days nor more than 60 days in duration. The secretary may prescribe additional procedures to conduct the referendum. If the initial period established is less than 60 days, the secretary may extend the period. However, the total referendum period may not exceed 60 days.

6047.26. Nonreceipt of a ballot shall not invalidate a referendum.

6047.27. (a) If the secretary finds that a favorable vote has not been given as provided in this article, this article shall become inoperative as of March 1, 2006.
(b) If the secretary finds that a favorable vote has been given as provided in this article, he or she shall certify and give notice of the favorable vote to all persons whose names and addresses may be on file with the secretary as provided in Section 6047.21.

6047.28. (a) The provisions of this article are severable.
(b) If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

6047.29. (a) The secretary shall appoint an advisory task force consisting of scientific experts, including, but not limited to, university researchers and agricultural representatives, for the purpose of advising the secretary on the control and management of Pierce's disease.
(b) Members of the advisory task force, or alternate members when acting as members, may be reimbursed, upon request, for necessary expenses incurred by them in the performance of their duties.
(c) Notwithstanding Sections 6047.20 and 6047.27, this section shall remain in effect until March 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before March 1, 2011, deletes or extends that date.

FOOD AND AGRICULTURAL CODE
SECTION 6047.60-6047.124

6047.60. The Legislature hereby finds and declares the following:
(a) California is the leading producer of table grapes in the United States, accounting for 97 percent of table grapes grown in this country.
(b) Table grapes are grown in 15 counties located throughout the state.
(c) California grows more than 170,000 acres of table grapes producing over 700,000 tons of table grapes per year, valued at more than eight hundred sixty million dollars ($860,000,000) with a direct and indirect impact on the state's economy that totals more than four billion dollars ($4,000,000,000).
(d) The plant killing bacterium, Xylella fastidiosa, and the resulting plant disease known as Pierce's disease, and its vectors, present a clear and present danger to California's nearly three billion dollar ($3,000,000,000) grape industry, as well as to many other commodities and plant life.
(e) Pierce's disease and its vector the glassy-winged sharpshooter have spread into the southern San Joaquin Valley, which, if left unabated, places grapes and other commodities throughout California in immediate peril.
(f) In addition to the research funds and program provisions set forth in Article 8 (commencing with Section 6045) of Chapter 9 of Part 1 of Division 4, dealing with wine grapes, the table grape industry is at substantial risk for Pierce's disease and other pests and recognizes the need for additional specific control programs.
(g) Additional programs may include field treatments similar to, or the expansion of, the successful United States Department of Agriculture and California Department of Food and Agriculture General Beale area pilot program in Kern County. The expansion of those programs may require industry assessments from the table grape industry through the creation of a pest abatement district.
(h) The state has an interest in protecting its agricultural products from further destruction by the glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases.
(i) As a known vector for Pierce's disease, the glassy-winged sharpshooter has been determined to carry and spread Pierce's disease to many forms of California agriculture, usually with complete destruction to the infected crop. This destructive effect of the disease has been determined by experts in the viticulture field to be especially true with respect to infected table grapes. To avoid a potentially catastrophic loss to one of California's most important industries, the Legislature declares that this article is in the interest of the public health and welfare.
(j) This article shall not establish a precedent for, or supercede, reduce, or in any way alter, government funding from any source related to Pierce's disease and other designated pests and diseases in this state.
(k) The Legislature further declares that it is in the interest of the public health and welfare that the districts authorized to be created by this article not duplicate existing services already being provided by the University of California, state, counties, or the county agricultural commissioners to eradicate the glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases.

6047.61. This article shall be known and may be cited as the Table Grape Pest and Disease District Law.

6047.62. (a) It is the purpose of this article to make available a procedure for the organization, operation, and dissolution of districts to respond to the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases that attack table grape plants, and to collect and disseminate to table grape producers in the district all relevant information and scientific studies concerning the pest or pests, as well as to chart and determine the extent and location of any infestations.
(b) Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to districts organized pursuant to this article.

6047.63. Unless the context otherwise requires, the definitions in this section govern the construction of this article.
(a) "Board" or "board of directors" means the board of directors of a district.
(b) "District" means a table grape pest district organized pursuant to this article.
(c) "Owner" includes joint owner, coowner, guardian, executor, administrator, or any other person that holds property in a trust capacity under court appointment.
(d) "Pierce's disease" is the disease of grapevines caused by the bacterium Xylella fastidiosa.
(e) "Table grapes" means all table grape varieties specified in the report issued pursuant to Section 55601.5. "Table grapes" also means all raisin varieties specified in the report issued pursuant to Section 55601.5 that are intended to be marketed in their fresh form.
(f) "Table grape acreage" means any parcel of real property with more than one acre of table grape plants.
(g) "Grower" or "producer" means any person who is engaged within this state in the business of producing, or causing to be produced, table grapes for market.
(h) "Other designated pests and diseases" means pests and diseases designated by the district as serious pests and diseases warranting district action.

6047.64. (a) Proceedings for the formation of a district within any county shall be commenced by a petition signed by the owners of 15 percent of the table grape acreage.
(b) The petition shall be addressed to, and filed with, the board of supervisors of the county.

6047.65. The petition may be filed in sections, each of which shall comply with all the requirements for a petition, except that a section need not contain the total number of signatures required for the petition.

6047.66. Signatures to the petition may be withdrawn at any time before it has been acted upon by filing with the clerk of the board of supervisors a declaration signed by the petitioner that states that it is the intention of the petitioner to withdraw his or her signature from the petition.

6047.67. (a) The petition shall state the name of the proposed district and shall set forth its boundaries or describe the lands to be included.
(b) It is a sufficient designation of the boundaries of a proposed district to recite that all the table grape acreage in the county that is to be included in the district, or that all the table grape acreage in a designated area within the county is to be included in the district.
(c) If either designation is used, the outside boundary of the area designated is the boundary of the district, and the district shall include all areas within the outside boundary.

6047.68. (a) The petition shall be accompanied by a fee in an amount established by the board of supervisors as is necessary to reimburse the county for all costs incurred by it in connection with the proposed organization of the district and subsequent election. The board of supervisors may charge the district for actual expenses incurred by the county in connection with the proceedings for the formation of the district.
(b) Upon the establishment of the district, the district shall reimburse those who provided the funds specified in subdivision (a) from assessments collected pursuant to this article.

6047.69. (a) Upon the presentation and filing of a petition, the board of supervisors shall refer the petition to the county agricultural commissioner for the preparation of a register of owners of table grape acreage within the proposed district, and for an investigation and report.
(b) The county agricultural commissioner shall create a register of all table grape acreage owners within the proposed district and specifically describe the net acreage of land devoted to the growing of table grapes by each owner. The county agricultural commissioner shall file with the register of table grape acreage owners a report to the board of supervisors describing the present condition of the glassy-winged sharpshooter and Pierce's disease infestations, or infestation of other designated pests and diseases, and any

proposed program that may warrant the board of supervisors proceeding with the organization of the district and recommendation as to the advisability of creating the district.

6047.70. (a) The board of supervisors shall fix a time and place for a hearing of the petition.
(b) The hearing shall not be less than 20 days, or more than 40 days, after the filing of the petition with the board of supervisors.

(c) The board of supervisors shall order the clerk of the board of supervisors to give notice of the hearing that will do the following:
(1) State the time and place for the hearing that was fixed by the board of supervisors.
(2) State that at the hearing protests will be considered by the board of supervisors.
(3) State that requests in writing for the exclusion of acreage from, or the inclusion of acreage in, the proposed district, will be heard and considered by the board of supervisors.
(4) State that the petition is available for inspection at the office of the clerk of the board of supervisors.
(5) Designate the boundaries of the proposed district in substantially the same way that they are described in the petition.

6047.71. Notice of the hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.

6047.72. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

6047.73. At the hearing, the report of the county agricultural commissioner shall be received. Protests may be made orally or in writing by any person interested in the formation of the proposed district. Any protest that pertains to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the defects to which objection is made. All written protests shall be filed with the clerk of the board of supervisors on or before the time fixed for the final hearing. The hearing may be continued from time to time, not to exceed 60 days.

6047.74. At the hearing, any owner of table grape acreage in the proposed district may present to the board of supervisors a request, in writing, for the exclusion of that acreage or any part of that acreage from the proposed district upon a showing that the acreage or part of that acreage will not be benefited by the activities of the proposed district. However, if the excluded acreage is planted with table grapes, the owner of the acreage shall inform the district, in writing, within 30 days of planting. Factors that the board of supervisors may consider in its determination for exclusion, as set forth in an affidavit from the owner of the acreage, shall include the following:
(a) That the acreage is not planted to table grapes and will not be so planted in the foreseeable future, as evidenced by an affidavit from the owner of the acreage so stating.
(b) That the table grape plants have been removed from the acreage and that no living table grape plants remain on the acreage.
(c) That exclusion of the acreage, or any part of the acreage, from the district will not present a risk of glassy-winged sharpshooter infestation or infestation by other designated pests or diseases because of the acreage's distance or isolation from infested geographical regions.

6047.75. If the board of supervisors determines that the petition does not comply with the requirements of law, the matter may be dismissed without prejudice to present a new petition covering the same matter. A finding by the board of supervisors in favor of the sufficiency of the petition and notice is final and conclusive against all persons except the state in a proceeding brought by the Attorney General within one year of the date of the making of the order establishing and describing the boundaries of the district. If the petition is dismissed, that portion of the fee imposed under Section 6047.68 that would have been used to pay for costs of the election shall be refunded.

6047.76. (a) If the board of supervisors determines that the project is feasible and in the interest of the table grape acreage owners of the county, the board of supervisors shall, by order entered in its minutes, declare the district is duly organized under the name designated in the petition for the formation of the district.
(b) The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include acreage pursuant to Section 6047.78, it is a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition.

(c) A copy of the order certified by the clerk of the board of supervisors shall be filed with the county recorder of the county in which the district is situated.

6047.78. (a) In determining the boundaries of the district, the board of supervisors shall exclude from the district any table grape acreage that it finds will not be benefited by the proposed project, pursuant to the facts in Section 6047.74, and it may include in the district any acreage that it finds will be benefited if it also finds it will be in the interest of the district to include this acreage. The inclusion may be upon application of the owner or, without the owner's application, upon giving the owner notice of the proposed inclusion and an opportunity for a hearing on the inclusion.

(b) Notice of inclusion shall be mailed, postage prepaid, by the clerk of the board of supervisors, to the address of the owner of the acreage as shown by the last equalized county assessment roll, and to any person that has filed with the clerk that person's name and address and description of acreage in which he or she has either a legal or equitable interest. The notice shall describe the acreage proposed to be included, and shall state the time and place at which objections to the inclusion will be heard.

(c) Any owner of table grape acreage outside of the proposed district may present to the board of supervisors a request in writing for inclusion of the acreage in the proposed district.

6047.79. Upon the filing of the order of organization, the board of supervisors shall appoint a board of directors of five members to administer the affairs of the district.

6047.80. To be a director of the district, a person shall be either an owner of, or the designee of an owner of, acreage included in the district that is devoted, in whole or in part, to the growing of table grapes.

6047.81. Upon his or her appointment, each director shall, in the manner provided by law, subscribe the oath of office and file the oath with the county clerk.

6047.82. (a) From and after the filing for record of the order of the board of supervisors declaring the district organized, and the appointment and qualification of its first board of directors, the organization of the district is complete. The district shall operate for a period of five years from the date of its organization, and shall cease to exist after five years unless the district is reauthorized by the board of supervisors.

(b) The board of directors shall hold a public hearing six months prior to termination of its initial organization or last reauthorization to determine whether the conditions of the glassy-winged sharpshooter or Pierce's disease or other designated pests and diseases warrant the reauthorization of the district for an additional five years.

(c) The notice of hearing shall state the name of the district and that consideration is being given to reauthorizing the district for an additional five years, the boundaries of the district, and the time and place for the hearing. Notice of the hearing shall be given as provided in Sections 6047.71 and 6047.72. The board of directors shall submit the record of the hearing and its recommendation to the board of supervisors within 90 days of the hearing. The board of supervisors shall approve or reject the recommendation. If it rejects the recommendation, the board of supervisors shall return the report accompanied by its reasons for the rejection to the board of directors within 30 days of receipt. The board of directors may thereafter address the reasons for rejection by the board of supervisors and submit an amended report and new recommendations for reauthorization for approval or rejection by the board of supervisors, unless the district has ceased to exist pursuant to subdivision (a).

(d) If the board of supervisors approves the continuation of the district, the board of supervisors shall, by an order entered in its minutes, declare the district duly extended.

6047.83. (a) Immediately after the organization of the district, the directors shall meet and organize as a board and shall elect a chairperson, vice chairperson, and secretary from among their own number.

(b) The chairperson shall call and preside at all meetings of the board, sign all warrants drawn on the county treasurer, and all contracts and other documents, and the minutes of all meetings at which the chairperson is present. In case of the chairperson's absence from a meeting, the vice chairperson shall act as chairperson pro Tempore. The vice chairperson may sign warrants in place of the chairperson if the chairperson is absent from a meeting or unavailable. The secretary shall give notice of and keep the minutes of all meetings and prepare and have custody of all records and papers, and have custody of the seal of the district. The secretary shall attest all warrants drawn on the county treasury, all contracts and other documents, and shall sign the minutes of all meetings at which he or she is present. The secretary shall prepare the annual reports and any other reports required by the board and shall prepare all notices and all calls for bids.

6047.84. The members of the board shall serve for terms of two years, or for a longer term as determined by the board of supervisors, and until the appointment and qualification of their successors.

6047.85. Upon the expiration of the term of any member of the board, the board of supervisors shall appoint the successor. Vacancies shall be filled by the board of supervisors for the unexpired term.

6047.86. The members of the board shall not receive any compensation for their services, but may be reimbursed for their actual and necessary expenses, when claims for those expenses have been approved by the board.

6047.87. (a) The district may do all of the following:

(1) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(2) Adopt a seal and alter it at pleasure.

(3) Accept contributions, and by grant, purchase, gift, devise, lease, or otherwise, and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers.

(4) Recommend an assessment to the board of supervisors to be levied on the owners of acreage of table grapes being grown in the district to pay obligations of the district incurred to accomplish the purposes of the district as provided in this article, which may involve funding all or a portion of a Pierce's disease or glassy-winged sharpshooter program, or program involving other designated pests and diseases.

(5) Make contracts, and employ, except as otherwise provided in this article, all persons, firms, and corporations necessary to carry out the purposes and the powers of the district, and at any salary, wage, or other compensation as the board of directors shall determine.

(6) Respond to the effects of, the spread of glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases, and collect and disseminate to table grape growers and the owners of table grapes acreage in the district relevant information and scientific studies concerning these pests or diseases, as well as to chart and determine the extent and location of any infestations.

(7) Take all actions necessary to control, eradicate, remove, or prevent the spread of the glassy-winged sharpshooter or Pierce's disease, or other designated pests and diseases injurious to table grapes.

(8) With reasonable advance notice in writing to the landowner, as determined by the district, enter into or upon any land included within the boundaries of the district for the purpose of inspecting the grape plants and any other host plants and fruit growing on these lands.

(9) Eradicate, eliminate, remove, or destroy any table grape plants having evidence of Pierce's disease or other designated pests and diseases.

(10) Coordinate with the county agricultural commissioner as to his or her taking appropriate actions to have any table grape plants growing within the district infested with Pierce's disease or other designated pests and diseases adjudged a public nuisance, and decreed that the nuisance be abated.

(11) Coordinate district activities with other table grape pest and disease districts established pursuant to this article and Section 6047.3.

(12) Perform any and all acts, either within or outside the district, necessary or proper to fully and completely carry out the purposes for which the district is organized.

(b) The district's administrative costs shall be limited to 5 percent of the annual assessment revenue.

6047.88. Every district formed pursuant to this article has all of the powers prescribed by Section 6047.87 and other provisions of this article, regardless of any language in the petition for formation for any district or in any of the proceedings leading to the formation that would otherwise limit the power of the district.

6047.89. The county agricultural commissioner of the county in which the district is located shall, upon request of the board, assist the district to the extent possible in all activities undertaken by the district for the control of glassy-winged sharpshooter and Pierce's disease or other designated pests and diseases.

6047.90. The board shall, immediately after its appointment and after public hearing, formulate an effective plan and adopt a budget of expenditures for the forthcoming fiscal year. At a public hearing on the plan and the budget, any owner of table grape acreage included in the district may make written or oral protest against the budget or any item in it. The plan and the budget, as thereafter approved by the board, shall be the plan and the budget of the district for the forthcoming fiscal year.

6047.91. There may be added to the budget for the first fiscal year of the operation of the district an amount not to exceed 20 percent of the total amount of the budget to cover the preliminary expenses of the district, including, but not limited to, the costs of formation, before the beginning of the first fiscal year.

6047.92. For each fiscal year subsequent to the first year of operation of the district, the board shall adopt the final budget in the same manner that the budget for the first fiscal year was adopted.

6047.94. The district shall identify any parcel of real property with more than one acre of table grape plants that shall be subject to assessments.

6047.95. Whenever acreage within the district is planted with table grape plants in a fashion so as to qualify as table grape acreage, the acreage is subject to assessment as provided in this article.

6047.96. (a) After the district has been formed, an owner of table grape acreage in the district may present to the board a request in writing for the exclusion of that acreage or any part of the acreage from the district upon a showing that the acreage or part of the acreage will not be benefited by the activities of the district. Factors that the board may consider in its determination for exclusion, as set forth in an affidavit from the owner of the acreage, shall include those specified in Section 6047.74.

(b) After receipt of the request, the board shall cause an investigation of the parcel of acreage to be made and, if the board determines that the acreage or part of the acreage will not be benefited by the activities of the district and that exclusion of the acreage will not present a pest risk to the district, the board shall exclude the table grape acreage from the district and immediately certify this fact to the county assessor and the county auditor or tax collector.

(c) Any owner of table grape acreage outside of, or otherwise not included in, the district may present to the board a request in writing for inclusion of the acreage in the district.

6047.97. (a) The board shall, on or before the first Monday in April of each year, or as soon thereafter as possible, file with the board of supervisors a budget that sets forth all estimated expenditures of the district for the fiscal year commencing on the first day of July. A copy of the budget shall also, at the same time, be filed with the auditor of the county.

(b) The board of supervisors may, by ordinance or by resolution, adopted after notice and a hearing, determine and levy an assessment for table grape pest and disease control activities or other activities specified in subdivision (a) of Section 6047.87 related to designated pests and diseases for any of the following purposes:

(1) Responding to, managing, and controlling the effects of the spread of glassy-winged sharpshooter and other designated pests and diseases that attack table grape plants.

(2) Collecting and disseminating to table grape growers in the district relevant information and scientific studies concerning the pest or pests.

(3) Charting and determining the extent and location of any Pierce' s disease infestations and infestations of other designated pests and diseases.

(4) Reimbursing the county or counties in which the district is located for expenses incurred in connection with providing services under this article that are not otherwise reimbursed.

(c) (1) The annual assessment shall not exceed fifteen dollars ($15) per planted acre. (2) The maximum annual assessment shall be established in accordance with the voting requirements of Articles XIIIC and XIIID of the California Constitution, as incorporated by Proposition 218 of 1996, as provided for in Section 6047.100.

(3) The board shall annually establish the assessment which shall not exceed the maximum annual assessment specified in paragraph (1), except as otherwise specified in this section.

(d) An annual assessment greater than the amount provided for in this section may not be charged unless a greater assessment is approved by eligible owners in accordance with the voting requirements of Articles XIIIC and XIIID of the California Constitution, as incorporated by Proposition 218 of 1996, as provided for in Section 6047.100.

(e) The board of supervisors shall cause to be prepared and filed with the clerk of the board of supervisors a written report that contains all of the following information:

(1) A description of each parcel of property proposed to be subject to the assessment.

(2) The amount of the assessment of each parcel for the initial fiscal year.

(3) The maximum amount of the assessment that may be levied for each parcel during any fiscal year.

(4) The duration of the assessment.

(5) The basis of the assessment.

(6) The schedule of the assessment.

(7) A description specifying the requirements for written and oral protests, and the protest threshold necessary for requiring abandonment of the proposed assessment pursuant to subdivision (f).

(f) Unless otherwise excluded, the assessment shall be levied on each parcel within the boundaries of the district, zone, or area of benefit.

(g) (1) The board of supervisors shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code.

(2) In addition, the mailed notice shall include the name of the district, the return address of the sender, the amount of the assessment for the initial fiscal year, the maximum amount of the assessment that may be levied during any fiscal year and the name and telephone number of the person designated by the board of supervisors to answer inquiries regarding the protest proceedings.

6047.98. The assessment authorized to be assessed and levied is hereby declared to be in the nature of a special assessment, and the Legislature hereby finds that the owners of all table grape plants will be benefited by the district to the same extent and in the same manner regardless of the age of the plants. The assessments authorized by this article shall be assessed and levied regardless of the age of the table grape plants growing on the land.

6047.99. (a) The assessment levied shall be computed and entered upon the assessment roll by the county auditor, and if the supervisors fail to levy the assessment as required, the auditor shall do so.

(b) The assessment shall be collected at the same time, and in the same manner as, and together with and not separate from, general county taxes, and when collected shall be paid into the county treasury for the use of the district.

6047.100. The general provisions of the laws of this state, prescribing the requirements for and manner of levying and collecting county taxes and the duties of the several county officers with respect to levying and collecting county taxes, are, so far as they are applicable and not in conflict with the specific provisions of this article, hereby adopted and made a part of this article. This article, however, shall operate so as to be compliant with Article XIII (C) and XIII (D) of the California Constitution, as incorporated by Proposition 218 of 1996. The several county officers referred to shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this article.

6047.101. The revenue from the assessments imposed pursuant to this article by the district are trust funds and shall be encumbered only for the purposes for which the district is formed and for the benefit of the acreage assessed. The district shall expend the minimum amount necessary for overhead and other administrative costs. No district funds shall be donated, loaned, or transferred to any other local agency or to the state for any purpose, except for the implementation of the duties of the district, set forth under this article, as determined to be necessary by the district board.

6047.102. (a) The county treasury shall be the repository of all the moneys of the district. The county treasurer shall receive and receipt for all those moneys, and place them to the credit of the district.

(b) The county treasurer shall be responsible upon his or her official bond for the safekeeping and disbursement, in the manner provided in this article, of all moneys held in the district.

6047.103. If a consolidated district includes parts of two or more counties, the repository of all money of the district shall be the county treasury of the county in which is located the largest area of table grape acreage of the district. Money collected for the use of the district in any other county in which a part of the district is located shall be transferred by the county treasurer upon warrant of the county auditor of the county in which the money was collected to the county treasurer of the county serving as repository for the district, in the same manner as prescribed for the disbursement of money held for a local district. Money derived from any county in which the district is located may be expended in any part of the district for the purposes authorized by this article, notwithstanding any other provision of law limiting the expenditure of any money to a specific area or county.

6047.104. (a) The county treasurer shall pay out money of the district only upon warrants of the county auditor drawn upon the order of the board of directors of the district signed by the chairperson or vice chairperson and attested to by the secretary. The county treasurer, with the approval of the board of supervisors, shall pay out the money of the district upon one master warrant of the county auditor drawn upon the order of the board of directors of the district and signed by the chairperson or vice chairperson and attested to by the secretary, to meet the district's expenses, including salaries, at intervals approved by the board of supervisors.

(b) The county treasurer shall report, in writing, on the first day of July, October, January, and March of each year, to the board of directors, the amount of money the treasurer then holds for the district, the amount of receipts since the last report, and the amounts paid out. Each report shall be verified and filed with the secretary of the district to whom it is addressed.

6047.105. Acreage devoted exclusively to the growing of table grapes within a tract of land outside the district, but in the county in which the district is located, may be annexed to the district in the same manner provided in this article for the formation of the district.

6047.106. Any two or more districts organized or existing under this article may be consolidated, whether or not the boundaries are coterminous, and whether or not the districts are located in the same county.

6047.107. The board of directors may adopt a resolution that recites the fact of receipt and the willingness of the district to consolidate, and shall then send copies of the resolution to the board of directors of each of the other districts. The board shall send a certified copy of the resolution to the board of supervisors of the county in which is located the largest area of table grape acreage of the proposed consolidated district, and a copy of the resolution to the board of supervisors of each of the other counties in which is located any part of the proposed consolidated district.

6047.108. The board of supervisors of the county in which is located the largest area of table grape acreage of the proposed consolidated district shall fix a time and place for hearing the proposal. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district pursuant to Sections 6047.70, 6047.71, 6047.72, 6047.73, and 6047.74.

6047.109. If the board of supervisors determines that consolidation is feasible and in the best interests of the table grape acreage owners of the respective districts, it shall, by resolution duly adopted, declare the districts consolidated into one district, giving the consolidated district a name that includes the term "consolidated." Certified copies of the resolution shall be filed with the Secretary of State and with the county recorder of each county in which is located any part of the consolidated district. Upon the filing, the districts are consolidated into a single consolidated district with all the rights, privileges, and powers of a district. The consolidated district shall succeed to all the funds and other property, and is subject to all the indebtedness, bonded and otherwise, of the districts consolidated. Each district that is included in the consolidated district shall continue in existence for the purpose of representation on the board of the consolidated district, and for the purpose of levying, assessing, and collecting assessments for district purposes. The board of the consolidated district is, however, the board of each district that is included in the consolidated district.

6047.110. Upon the adoption of a resolution consolidating two or more districts, the board of supervisors of the county in which is located the largest area of table grape acreage shall immediately appoint a board of directors of at least five members, including at least one member from each of the districts that are included in the consolidated district, and at least two members from each county, if districts located in more than one county are included in the consolidated district. If any of the districts that are included in the consolidated district includes more than 15,000 acres of table grape acreage, the board of directors shall be increased by one additional director for each 10,000 acres, or fraction of 10,000 acres, in any one district that is included in the consolidated district. If the consolidated districts are located in more than two counties, the board of directors of the consolidated district shall have at least seven members.

6047.111. The board of a consolidated district has all the duties, powers, purposes, responsibilities, and jurisdiction of the board of any other district organized pursuant to this article. The members of the consolidated board shall be appointed in the same manner and serve for the same term as the directors of any other district organized pursuant to this article.

6047.112. Any district that has been included in a consolidated district may withdraw from the consolidated district and be reconstituted as a separate district by filing with the board of directors of the consolidated district a petition for withdrawal that is signed by the owners of not less than a majority, by area, of table grape acreage in the district. The board of directors of the consolidated district shall send the original petition to the board of supervisors of the county in which the withdrawing district is located, and a copy of the petition to the board of supervisors of each of the other counties in which is located any part of the consolidated district. Upon receipt of a petition for withdrawal, the board of supervisors of the county in which the withdrawing district is located shall fix a time and place for hearing the petition. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the

formation of a district pursuant to Sections 6047.70, 6047.71, 6047.72, 6047.73, and 6047.74. Upon withdrawal of a district, all moneys collected from the district for the use of the consolidated district, and all property purchased with these moneys, shall remain the property of the consolidated district.

6047.113. Upon the filing of a petition with the board of supervisors that is signed by either (1) 50 percent or more of the table grape acreage owners who own 65 percent or more of the affected acreage or by (2) 65 percent or more of the table grape acreage owners who own 50 percent or more of the affected acreage requesting the dissolution of the district, the board of supervisors shall set a time and place for hearing on the petition, which shall not be less than 20 days, or more than 40 days, after the filing of the petition.

6047.114. The board of supervisors shall give notice of the time and place fixed for the hearing upon the petition for dissolution.

6047.115. The notice of hearing shall state all of the following: (a) That a petition has been filed requesting the dissolution of the district.
(b) That the petition is available for inspection at the offices of the board of supervisors.
(c) The time and place for the hearing.
(d) That at the hearing protests against the dissolution of the district shall be considered by the board of supervisors.

6047.116. Notice of the hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.

6047.117. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

6047.118. If, at the hearing, a majority of the board of supervisors does not find a compelling reason to override the owners' petition to dissolve the district, the board of supervisors shall by resolution dissolve the district.

6047.119. The board of supervisors shall cause a certified copy of the resolution to be recorded in the office of the county recorder and shall file a certified copy of it with the Secretary of State. Thereupon, the district is dissolved for all purposes.

6047.120. Upon dissolution, the right, title, and interest to property owned or controlled by the district that is situated within the corporate limits of any city shall vest absolutely in the city. If the property is situated outside the corporate limits of a city, it shall vest in the county in which the property is situated.

6047.121. The board of supervisors is ex officio the governing body of the dissolved district. It may levy assessments and perform other acts solely for the purpose and as may be necessary to wind up the affairs of the district and to raise money for the payment of any outstanding indebtedness.

6047.122. All claims and accounts against the district that have not been settled by the board within 90 days after the resolution is recorded pursuant to Section 6047.119 shall be presented to the board of supervisors of the county in which the district was located, or in the case of a consolidated district to the board of supervisors of the county in which is located the largest area of table grape acreage, and shall be passed and approved by the board of supervisors in the same manner as county claims and shall be paid out of the funds of the dissolved district.

6047.123. If there are insufficient funds to discharge all claims and accounts brought pursuant to Section 6047.122, the board of supervisors shall, at the time of levying the next general county taxes, levy a special assessment upon the net acreage devoted to the growing of table grapes that benefited from the dissolved district in an amount sufficient to discharge all outstanding claims and accounts against the district. In the case of a consolidated district, the board of supervisors of each county in which a portion of the district is located shall levy a special assessment based upon the ratio that the proportion of outstanding claims and accounts bears to the net acreage of the district in each county.

6047.124. Owners of wine grapes and raisin grapes and any other agricultural commodities may petition to become subject to any district established pursuant to this article. The petition shall adhere to all the requirements of this article and shall require the approval of the board of directors of the affected district. All provisions of this article are hereby incorporated in this section and are applicable to owners who

become subject to a district established pursuant to this article as though set forth in full in this section unless a provision in this article expressly states that it is not applicable to this section.

FOOD AND AGRICULTURAL CODE
SECTION 8401-8410

8401. This part shall be known as the Citrus Pest District Control Law.

8402. It is the purpose of this part to make available a procedure for the organization, operation, government, and dissolution of districts for the more effective control and eradication of citrus pests, whichever products the district is established to protect.

8403. Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

8404. "Board" means the board of directors of a district.

8405. "Citrus acreage" means any parcel, tract, or lot of land with 25 or more citrus trees of any age growing on it, except a parcel, tract, or lot which is used as a nursery.

8406. "Citrus pest" includes any infectious, transmissible, or contagious disease, any form of animal life, or any form of vegetable life infesting citrus trees or citrus fruits.
8407. "District" means a citrus pest control district organized pursuant to this part.

8408. "Number of trees per acre of average planting," for the purpose of assessment pursuant to this part, shall be 100 trees per acre.

8409. "Owner" includes joint owner, coowner, guardian, executor, administrator, or any other person that holds property in a trust capacity under appointment of court.

8410. "Citrus" includes "citrous" and any plants of the genera Citrus, Fortunella, Poncirus, and all hybrids having one or more of such as parents.

FOOD AND AGRICULTURAL CODE
SECTION 8451-8465

8451. Proceedings for the formation of a district within any county shall be commenced by a petition which is signed by the owners of not less than 51 percent by area of the land in the proposed district within the county devoted exclusively to the growing of citrus fruits. The petition shall be addressed to, and filed with, the board of supervisors of the county.

8452. The petition may be filed in sections each of which shall comply with all the requirements for a petition, except that a section need not contain the total number of signatures required for the petition.

8453. Signatures to the petition may be withdrawn at any time before it has been acted upon by filing with the clerk of the board of supervisors a declaration signed by the petitioner which states that it is the intention of the petitioner to withdraw his signature from the petition.

8454. (a) The petition shall state the name of the proposed district and shall set forth its boundaries or describe the lands to be included in it.
(b) It is a sufficient designation of the boundaries of a proposed district to recite that all the citrus acreage in the county is to be included in the district, or that all the citrus acreage in a designated area within the county is to be included in the district.

(c) If either designation is used, the outside boundary of the area so designated is the boundary of the district and the district shall include all area within the outside boundary, if the district is formed pursuant to this part.

8455. Upon the presentation and filing of a petition, the board of supervisors shall fix a time and place for the hearing of the petition and shall refer the petition to the commissioner for investigation and report. The hearing shall not be less than 20 days, nor more than 40 days after such presentation and filing.

8456. The board of supervisors shall order the clerk of the board of supervisors to give notice of the time and place fixed for the hearing upon the petition.

8457. The notice of hearing shall do all of the following: (a) State the name of the district and that it is being formed for the eradication and control of citrus pests.
(b) State the petition is available for inspection at the office of the clerk of the board of supervisors.
(c) Designate the boundaries of the proposed district in substantially the same way that they are described in the petition.
(d) State the time and place for the hearing.
(e) State that at the hearing protests will be considered by the board of supervisors.
(f) State that requests in writing for the exclusion of lands, from, or the inclusion of lands in, the proposed district will be heard and considered by the board of supervisors.

8458. Notice of the hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.

8459. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

8460. At the hearing, the report of the commissioner shall be received and protests may be made orally or in writing by any person interested in the formation of the proposed district. Any protest which pertains to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities and defects to which objection is made. All written protests shall be filed with the clerk of the board of supervisors on or before the time fixed for the final hearing. The hearing may be continued from time to time not exceeding 60 days.

8461. At the hearing, any owner of citrus acreage in the proposed district may present to the board of supervisors a request in writing for the exclusion of that land or any part of that land from, and any owner of citrus acreage outside the proposed district may present to the board of supervisors a request in writing for inclusion of the land in, the proposed district.

8462. If the board of supervisors determines that the petition does not comply with the requirements of law, the matter may be dismissed without prejudice to the right to present a new petition covering the same matter. A finding by the board of supervisors in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the state in a proceeding brought by the Attorney General within one year of the date of the making of the order establishing and describing the boundaries of the district.

8463. (a) If the board of supervisors determines that the project is feasible and in the interest of the citrus growers of the county, the board of supervisors shall, by order entered in its minutes, declare the district duly organized under the name designated in the petition for the formation of the district.
(b) The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include land pursuant to Section 8465, it is a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition. A copy of the order duly certified by the clerk of the board of supervisors shall be filed for record in the office of the county recorder of the county in which the district is situated.

8464. Any district formed prior to March 2, 1961, in which the order of the board of supervisors adopted the description in general terms as it appears in the petition is hereby validated.

8465. (a) In determining the boundaries of the district, the board of supervisors shall exclude from the district any citrus acreage which it finds will not be benefited by the proposed project, and it may include in the district any lands which it finds will be benefited if it also finds it will be to the interest of the district to include these lands. The inclusion may be upon application of the owner or, without the owner's application, upon giving the owner notice of the proposed inclusion and an opportunity for a hearing on it.
(b) Notice of inclusion shall be mailed, postage prepaid, by the clerk of the board of supervisors, to the address of the owner of the land as shown by the last equalized county assessment roll, and to any person

that has filed with the clerk that person's name and address and description of land in which he or she has either a legal or equitable interest. The notice shall describe the land proposed to be included, and shall state the time and place at which objections to the inclusion will be heard.

FOOD AND AGRICULTURAL CODE
SECTION 8501-8508

8501. Upon the adoption of the order of organization, the board of supervisors shall immediately appoint a board of directors of five members to administer the affairs of the district.

8502. In order to be eligible to hold the office of director of the district, a person shall be a citizen of the United States and of this state, and an owner of lands within the district which are devoted, in whole or in part, to the growing of the product for which the district is established.

8503. Upon his appointment, each director shall, in the manner provided by law, give such official bond for the faithful performance of his duties as shall be fixed by the board of supervisors and shall subscribe the oath of office and such bond and oath shall be filed with the county clerk.

8504. From and after the filing for record of the order of the board of supervisors declaring the district organized, and the appointment and qualification of its first board of directors, the organization of the district is complete.

8505. Immediately after the organization of the district, the directors shall meet and organize as a board and shall elect a chairman, a vice chairman, a secretary, and an assistant secretary, from among their own number. The chairman shall call and preside at all meetings of the board, sign all warrants drawn on the county treasurer and all contracts and other documents, and the minutes of all meetings at which he is present. In case of his absence from a meeting, the vice chairman shall act as chairman pro tempore for him. The vice chairman has the authority to sign warrants in place of the chairman if the chairman is absent from a meeting or unavailable. The secretary shall give notice of and keep the minutes of all meetings and prepare and have custody of all records and papers, and have custody of the seal of the district. He or the assistant secretary shall attest all warrants drawn on the county treasurer, all contracts and other documents and shall sign the minutes of all meetings at which he is present. He shall prepare the annual reports and any other reports required by the board and shall prepare all notices and all calls for bids. In case of his absence from a meeting, the assistant secretary shall perform his duties.

8506. The members of the board shall serve for terms of four years and until the appointment and qualification of their successors. The terms of the members of the first board appointed by the board of supervisors shall divide themselves by lot and one member shall serve for a term of one year, one member shall serve for a term of two years, one member shall serve for a term of three years, and two members shall serve for a term of four years.

8507. Upon the expiration of the term of any member of the board, the board of supervisors shall appoint his successor. Vacancies shall be filled by the board of supervisors for the unexpired term.

8508. The members of the board are not entitled to any compensation for their services, but may be reimbursed for their actual and necessary expenses, when claims for such expenses have been approved by the board.

FOOD AND AGRICULTURAL CODE
SECTION 8551-8568

8551. The district shall have perpetual succession and may do all of the following:
(a) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.
(b) Adopt a seal and alter it at pleasure.
(c) Take by grant, purchase, gift, devise, lease, or otherwise,
and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers.
(d) Cause assessments to be levied, as provided in Chapter 5 (commencing with Section 8601) to pay any obligation of the district and to accomplish the purposes of the district in the manner provided in this part.

(e) Make contracts, and employ, except as otherwise provided in this part, all persons, firms, and corporations necessary to carry out the purposes and the powers of the district, and at any salary, wage, or other compensation as the board of directors shall determine.
(f) Eradicate, remove, or prevent the spread of any and all citrus pests.
(g) Enter into or upon any land included within the boundaries of the district for the purpose of inspecting and treating the citrus trees and other host plants and fruit growing on them.
(h) Perform any and all acts either within or outside the district necessary or proper to fully and completely carry out the purposes for which the district was organized.

8552. Every district formed pursuant to this part has all of the powers prescribed by Section 8551 and other sections of this part, including the power to eradicate, remove, or prevent the spread of each and every citrus pest, regardless of any language in the petition for formation for any district or in any of the proceedings leading to formation which might seem to limit the power of the district to the control or eradication of one or more citrus pests in particular.

8553. (a) A district may pay limited compensation to the owner of any citrus tree infected with citrus tristeza virus which is removed by the district or by the owner within 15 days after written notice of the infection to the owner by the district. The limited compensation shall not exceed the following payment schedule, with the age of the tree being conclusively established as of the time written notice of the infection is first given to the owner. (b) The schedule of payments is as follows:

Age of trees	Maximum payment
1 year	$ 5.00 per tree
2 years	7.50 per tree
3 years	10.00 per tree
4 years	14.00 per tree
5 years	17.50 per tree
6 years	20.75 per tree
7 years or older	25.00 per tree

(c) For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.
(d) The written notice referred to in subdivision (a) shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of the infected trees, their location, and that they should be removed forthwith.
(e) For the purposes of determining the age of infected citrus trees under this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and shall be deemed one year older on the January 1st of each succeeding year.

8554. In order to expedite the elimination of the source of citrus tristeza virus, if it appears to the board that the cost of testing, indexing, or retesting trees to determine infection may exceed the cost of removal, plus the payment of limited compensation, a district may, with the consent of the owner, remove and pay limited compensation pursuant to Section 8553 for trees which have not been determined to be infected with citrus tristeza virus.

8555. Any payment made to the owner or owners of citrus trees removed pursuant to Section 8553 or 8554 shall in no event exceed the sum of three thousand dollars ($3,000) per geographical acre.

8556. The commissioner of the county in which the district is located shall, upon request of the board and without fee or charge, supervise and direct, in accordance with the best known and accepted methods as determined by the board, all activities undertaken by the district for the control or eradication of citrus pests.

8557. The board shall, immediately after its qualification, formulate an effective plan based on the best known and accepted methods for the control and eradication of the citrus pests within the district.

8558. After the final adoption of the plan, the board shall make or cause to be made an estimate of the cost of operating the plan for the next fiscal year beginning not sooner than 90 days thereafter.

8559. Within 30 days after the receipt of the estimate, the board shall adopt a preliminary budget of expenditures for such fiscal year.

8560. Upon the adoption of the preliminary budget, the board shall fix a time and place for holding a hearing thereon. The hearing shall not be less than 20 days, nor more than 40 days, after the adoption of the preliminary budget.

8561. The board shall give notice of the time and place fixed for the hearing upon the preliminary budget by publication in a newspaper of general circulation published and circulated in the district.

8562. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

8563. The notice shall contain all of the following:
(a) A summary of the proposed budget and shall refer to the original on file with the board for further particulars.
(b) State that it is the intention to raise the amount of money required to meet the proposed budget by levying an assessment upon the assessed value of the citrus trees within the district in accordance with this part.
(c) A statement of the day, hour, and place, when and where any and all persons interested may appear and object to the adoption of the budget or to any item in it.

8564. At any time not later than the hour set for hearing objections to the proposed budget, any owner of citrus acreage in the district may make written protest against the budget or any item in it.

8565. At the time set for hearing protests, the board shall proceed to hear and pass upon all protests so made and its decision on the protests shall be final and conclusive.

8566. At the conclusion of the hearing, the board shall by resolution entered on its minutes make such changes in the proposed budget as it finds are proper and advisable. The tentative budget as so changed or modified shall be the budget of the district for the forthcoming fiscal year.

8567. There may be added to the budget for the first fiscal year of the operation of the district an amount not in excess of 20 percent of the total amount of the budget to cover the preliminary expenses of the district and for the expenses of operation up to the beginning of the first fiscal year.

8568. For each fiscal year subsequent to the first year of operation of the district, the board shall adopt the final budget therefor in the same manner and at the same time that the budget for the first fiscal year was adopted.

FOOD AND AGRICULTURAL CODE
SECTION 8601-8610

8601. (a) The county assessor, in making the annual assessment of property in each and every year after the organization of the district, shall assess any parcel of real property with 25 or more citrus trees on it and enter as a separate item, on the assessment roll for each such parcel of real propety included in the district, the value, as improvements on the parcel, of all citrus trees which are growing on it.
(b) For the purpose of this part, the county assessor shall assess all citrus acreage at a uniform value per acre. The assessment shall be upon an acreage basis and the number of acres shall be determined conclusively, except as otherwise provided in this section, by the assessor counting the trees and dividing the total number by the number of trees per acre of average planting. The county assessor in counting the citrus trees shall not, however, count any more than 200 trees on any one acre of land, and for any citrus acreage which has from 70 to 100 trees per acre the number of acres to be determined by the county assessor shall be the actual acreage of the parcel.
(c) Upon completing the assessment roll of the county in each year, the assessor shall separately compute and certify, to the board of supervisors, the total assessed value, as shown by the assessment roll, of all the citrus trees in the district.

8602. Whenever acreage within the district is planted with citrus trees in such a fashion as to qualify as citrus acreage, the acreage is subject to assessment as provided in this part.

8603. Whenever any citrus trees have been removed from any parcel of land included in the district, the owner of the parcel of land may file with the board an affidavit particularly describing the parcel of land, and setting forth the fact of the removal therefrom of the trees. Thereupon, the board shall cause an investigation of the parcel of land to be made and, if the board finds the allegations of the affidavit are true, the board shall immediately certify this fact to the county assessor and the amount of citrus acreage removed shall not be assessed on the next assessment roll.

8604. (a) The board shall, on or before the first Monday in July of each year, file with the board of supervisors the final budget which sets forth all estimated expenditures of the district for the fiscal year commencing on the first day of July. A copy of the budget shall also at the same time be filed with the auditor of the county.

(b) The board of supervisors shall annually, at the time of levying other county taxes, levy an assessment upon all the citrus trees planted or growing in the district, regardless of age, as assessed by the assessor pursuant to this part. The rate shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised on the secured roll. If a fraction of a cent occurs on a valuation of one hundred dollars ($100), it shall be taken as a full cent.

8605. The assessment authorized to be assessed and levied is hereby declared to be in the nature of a special assessment, and the Legislature hereby finds that the owners of all citrus trees will be benefited by the district to the same extent and in the same manner regardless of the age of the trees. The assessments authorized by this chapter to be assessed and levied on the trees shall be assessed and levied on all citrus trees regardless of their age.

8606. The tax so levied shall be computed and entered upon the assessment roll by the county auditor, and if the supervisors fail to levy the tax as required, the auditor shall do so. The tax shall be collected at the same time, and in the same manner as, and together with and not separate from, general county taxes, and when collected shall be paid into the county treasury for the use of the district.

8607. The general provisions of the laws of this state, prescribing the manner of levying and collecting county taxes and the duties of the several county officers with respect to levying and collecting county taxes, are, so far as they are applicable and not in conflict with the specific provisions of this part, hereby adopted and made a part of this part. The several county officers thus referred to shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this part.

8608. The county treasury shall be the repository of all the moneys of the district. The county treasurer shall receive and receipt for all such moneys, and place the same to the credit of the district. He shall be responsible upon his official bond for the safekeeping and disbursement, in the manner provided in this part, of all moneys of the district so held by him.

8609. If a consolidated district includes parts of two or more counties, the repository of all money of the district shall be the county treasury of the county in which is located the largest area of the district. Money collected for the use of the district in any other county in which a part of the district is located shall be transferred by the county treasurer upon warrant of the county auditor of the county in which the money was collected to the county treasurer of the county serving as repository for the district, in the same manner as prescribed for the disbursement of money held for a local district. Money derived from any county in which the district is located may be expended in any part of the district for the purposes authorized by this part, notwithstanding any other provision of law limiting the expenditure of any such money to a specific area or county.

8610. The county treasurer shall pay out money of the district only upon warrants of the county auditor drawn upon the order of the board of directors of the district signed by the chairman or vice chairman and attested by the secretary or assistant secretary. The county treasurer, with the approval of the board of supervisors, shall pay out the money of the district upon one master warrant of the county auditor drawn upon the order of the board of directors of the district and signed by the chairman or vice chairman and attested to by the secretary or assistant secretary, to meet the district's expenses, including salaries, at such intervals as is approved by the board of supervisors. The county treasurer shall report in writing on the first day of July, October, January, and March of each year, to the board the amount of money he then holds for the districts, the amount of receipts since his last report, and the amounts paid out. Each such report shall be verified and filed with the secretary of the district to whom it is addressed.

FOOD AND AGRICULTURAL CODE
SECTION 8651

8651. Lands devoted exclusively to the growing of citrus fruits within a tract of land outside the district but in the county wherein the district is located may be annexed to the district.

FOOD AND AGRICULTURAL CODE
SECTION 8701-8707

8701. Any two or more districts organized or existing under this part may be consolidated, whether or not the boundaries are coterminous and whether or not the districts are located in the same county.

8702. Proceedings for consolidation may be initiated by the filing of a petition for consolidation with the board of each district to be consolidated. Each petition shall be signed by the owners of 51 percent by area of the citrus land in the district. Upon the filing of a petition, the board of directors shall adopt a resolution which recites the fact of receipt and the willingness of the district to consolidate, and shall then send copies of the petition and resolution to the board of directors of each of the other districts. The board shall send the original petition and a certified copy of the resolution to the board of supervisors of the county in which is located the largest area of citrus acreage of the proposed consolidated district, and a copy of the petition and resolution to the board of supervisors of each of the other counties in which is located any part of the proposed consolidated district.

8703. Upon presentation and filing of the petitions of two or more districts proposing consolidation, the board of supervisors of the county in which is located the largest area of citrus acreage of the proposed consolidated district shall fix a time and place for hearing the petitions. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district pursuant to Chapter 2 (commencing with Section 8451).

8704. If the board of supervisors determines that the consolidation is feasible and for the best interests of the citrus growers of the respective districts, it shall by resolution duly adopted declare the districts consolidated into one district, giving the consolidated district a name which name shall include the term "consolidated." Certified copies of the resolution shall be filed with the Secretary of State and, for record, with the county recorder of each county in which is located any part of the consolidated district. Upon the filing, the districts are consolidated into a single consolidated district with all the rights, privileges, and powers of a district. The consolidated district shall succeed to all the funds and other property, and is subject to all the indebtedness, bonded and otherwise, of the districts consolidated. Each district which is included in the consolidated district shall continue in existence for the purpose of representation on the board of the consolidated district, and for the purpose of levying, assessing, and collecting assessments for district purposes. The board of the consolidated district is, however, the board of each district which is included in the consolidated district.

8705. Upon the adoption of a resolution consolidating two or more districts, the board of supervisors shall immediately appoint a board of directors of at least five members, including at least one member from each of the districts which are included in the consolidated district. If any of the districts which are included in the consolidated district includes more than 15,000 acres of citrus acreage, the board of directors shall be increased to a number equal to the number of districts which are included in the consolidated district, plus one additional director for each 10,000 acres, or major fraction of 10,000 acres, in any one district which is included in the consolidated district.

8706. The board of a consolidated district has all the duties, powers, purposes, responsibilities, and jurisdiction of the board of any other district. The members of the board shall be appointed in the same manner and serve for the same term as the directors of any other district. If, however, the number of directors is increased to more than five, as provided in Section 8705, the sixth member of the first board shall serve for three years, the seventh for two years, and all in excess of seven for one year each.

8707. Any district which has been included in a consolidated district may withdraw from the consolidated district and be reconstituted as a separate district by filing with the board of directors of the consolidated district a petition for withdrawal which is signed by the owners of not less than 51 percent by area of citrus land in the district. The board of directors of the consolidated district shall send the original petition to the board of supervisors of the county in which the withdrawing district is located, and a copy of the petition to the board of supervisors of each of the other counties in which is located any part of the consolidated

district. Upon receipt of a petition for withdrawal, the board of supervisors of the county in which the withdrawing district is located shall fix a time and place for hearing the petition. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district under Chapter 2 (commencing with Section 8451). Upon withdrawal of a district, all moneys collected from the district for the use of the consolidated district, and all property purchased with these moneys, shall remain the property of the consolidated district. All moneys collected from a district after it withdraws from a consolidated district shall be held for the use of the district.

FOOD AND AGRICULTURAL CODE
SECTION 8751-8759

8751. Upon the filing of a petition with the board of supervisors, signed by the owners of not less than 60 percent by area of the citrus acreage in the district, requesting the dissolution of the district, the board of supervisors shall set a time and place for hearing on the petition, which shall not be less than 20 days, nor more than 40 days, after the filing of the petition.

8752. The board of supervisors shall give notice of the time and place fixed for the hearing upon the petition for dissolution.

8753. The notice of hearing shall state all of the following:
(a) That a petition has been filed requesting the dissolution of the district.
(b) That the petition is available for inspection at the offices of the board of supervisors.
(c) The time and place for the hearing.
(d) That at such hearing protests against the dissolution of the district shall be considered by the board of supervisors.

8754. Notice of such hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.

8755. The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

8756. If, at the hearing, a majority of the members of the board of supervisors find that the dissolution of the district will benefit the citrus industry of the county, it shall by resolution dissolve the district.

8757. The board of supervisors shall cause a certified copy of the resolution to be recorded in the office of the county recorder and shall file a certified copy of the same with the Secretary of State. Thereupon, the district is dissolved for all purposes.

8758. Upon dissolution, the right, title, and interest to property owned or controlled by the district which is situated within the corporate limits of any city shall vest absolutely in such city. If such property is situated without the corporate limits of the city, it shall vest in the county in which the property is situated.

8759. The board of supervisors is ex officio the governing body of the dissolved district. It may levy such taxes and assessments and perform such other acts as may be necessary to wind up the affairs of the district and to raise money for the payment of any outstanding indebtedness.

FOOD AND AGRICULTURAL CODE
SECTION 8760-8772

8760. This part shall be known as the Olive, Stone, and Pome Fruit Pest District Control Law.

8761. All of Part 5 (commencing with Section 8401) applies to olive, stone, and pome fruit pest control districts and is hereby incorporated in this part as though set forth in full in this part unless a provision in this part expressly states that the provision is not applicable to this part.

8762. Any district formed pursuant to Part 5 (commencing with Section 8401) to control and eradicate olive, stone, and pome fruit pests shall continue in existence without further proceedings and shall be subject to this part.

8763. Sections 8451, 8551, 8553, 8554, 8555, 8556, 8601, 8602, 8603, and 8604, and subdivision (b) of Section 8563 do not apply to this part.

8764. It is the purpose of this part to make available a procedure for the organization, operation, government, and dissolution of districts for the more effective control and eradication of olive, stone, and pome fruit pests, whichever products the district is established to protect.

8764.5. Proceedings for the formation of a district within any county shall be commenced by a petition that is signed by the owners of not less than 51 percent by area of the land in the proposed district, which may be composed of noncontiguous parcels within the county devoted exclusively to the growing of olive, stone, and pome fruit trees. The petition shall be addressed to, and filed with, the board of supervisors of the county.

8764.6. (a) In determining the boundaries of the district, the board of supervisors shall exclude from the district any olive, stone, and pome fruit acreage that it finds will not be benefited by the proposed project, and it may include in the district any noncontiguous lands that it finds will be benefited if it also finds it will be in the interest of the district to include these lands. The inclusion may be upon application of the owner or, without the owner's application, upon giving the owner notice of the proposed inclusion and an opportunity for a hearing on it.

(b) Notice of inclusion shall be mailed, postage prepaid, by the clerk of the board of supervisors, to the address of the owner of the land as shown by the last equalized county assessment roll, and to any person that has filed with the clerk that person's name and address and description of land in which he or she has either a legal or equitable interest. The notice shall describe the land proposed to be included, and shall state the time and place at which objections to the inclusion will be heard.

8765. "Olive, stone, and pome fruit acreage" means any parcel, tract, or lot of land with 10 or more olive, stone, or pome fruit trees of any age growing on it with a commercial value of at least two hundred fifty dollars ($250), except a parcel, tract, or lot that is used as a nursery.

8766. The district shall have perpetual succession and may do all of the following:

(a) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction. Section 820.9 of the Government Code applies to this subdivision.

(b) Adopt a seal and alter it at pleasure.

(c) Take by grant, purchase, gift, devise, lease, or otherwise, and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers.

(d) Cause assessments to be levied, as provided in this chapter to pay any obligation of the district and to accomplish the purposes of the district in the manner provided in this part.

(e) Make contracts, and employ, except as otherwise provided in this part, all persons, firms, and corporations necessary to carry out the purposes and the powers of the district, and at any salary, wage, or other compensation as the board of directors shall determine.

(f) Eradicate, remove, or prevent the spread of any and all olive, stone, or pome fruit pests.

(g) Enter into or upon any land included within the boundaries of the district for the purpose of inspecting and treating the olive, stone, or pome fruit trees and other host plants and fruit growing on them.

(h) Perform any and all acts either within or outside the district necessary or proper to fully and completely carry out the purposes for which the district was organized.

8767. In order to expedite the elimination of the source of the olive fruit fly and the apple maggot, a district may, with the consent of the owner, remove trees that have not been determined to be infested with the olive fruit fly or the apple maggot.

8768. The board in which the district is located shall, after consultation with the commissioner, supervise and direct, in accordance with the best known and accepted methods as determined by the board, all activities undertaken by the district for the control or eradication of olive, stone, or pome fruit pests. The board may authorize the use of nonchemical alternatives.

8769. (a) The board, annually after the organization of the district, shall assess any assessor's parcel of real property with 10 or more olive, stone, or pome fruit trees on it and enter as a separate item, on an annual assessment roll for each assessor's parcel of real property included in the district, the number of all olive, stone, or pome fruit trees that are growing on it.

(b) For the purpose of this part, the board shall assess all olive, stone, or pome fruit acreage at a uniform value per tree. The assessment shall be upon a tree basis and the number of trees shall be determined conclusively by the board counting the trees on each assessor's parcel. The board, in counting the olive, stone, or pome fruit trees, shall not, however, count any more than 100 trees on any one acre of land.

(c) Upon completing the tree count within the district each year, the board shall separately compute and certify, to the board of supervisors, the total number of all the olive, stone, or pome fruit trees in the district on each parcel.

8770. Whenever new acreage within the district is planted with olive, stone, or pome fruit trees so as to qualify as olive, stone, or pome fruit acreage, the trees are subject to assessment as provided in this part.

8771. Whenever any olive, stone, or pome fruit trees have been removed from any parcel of land included in the district, the owner of the parcel of land may file with the board an affidavit particularly describing the parcel of land, and setting forth the fact of the removal of the trees. Upon receipt of the affidavit, the board shall cause an investigation of the parcel of land to be made and, if the board finds the statements in the affidavit are true, the board shall immediately verify this fact and the amount of olive, stone, or pome fruit trees removed shall not be assessed on the next assessment roll.

8772. (a) The board shall, on or before the first Monday in July of each year, file with the board of supervisors a list of assessor parcel numbers that sets forth all assessments of the district for the fiscal year commencing on the first day of July. At the same time, a copy of the list shall also be filed with the auditor of the county. (b) The board of supervisors shall annually, at the time of levying county taxes, levy a special assessment upon all the olive, stone, or pome fruit trees planted or growing in the district regardless of age, as submitted by the district pursuant to subdivision (a). The special assessment shall be added to the secured roll and collected by the county on behalf of the district in the same manner that the county collects county taxes.

Appendix 2 – Legal Resources

Agricultural Preserve List (Williamson Act) -

http://www.conservation.ca.gov

Brown Act (The Ralph M. Brown Act) –

http://www.ccfc.ca.gov
(California Government Code 54950-54963)

Claims Act –

http://www.leginfo.ca.gov
(California Government Code – Division 3.6)

Local Agency Formation Commission (LAFCO) –

http://www.assembly.ca.gov
(Committee Publications – The Guide to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000)

Political Reform Act –

http://www.ss.ca.gov

Proposition 218 –

http://www.leginfo.ca.gov
(California Constitution – Article XIII - C and D)

Public Records Act (The California Public Records Act) –

http://www.cfac.org
(Statutes – California Public Records Act)

Appendix 3 – Contact Resources

3.1 County Agricultural Commissioners

http://www.cdpr.ca.gov

3.2 Local Agency Formation Commission (LAFCO) – listings by county

http://www.assembly.ca.gov
(Committee Publications – LAFCO Contact Info)

COUNTY AGRICULTURAL COMMISSIONERS, and SEALERS of WEIGHTS and MEASURES
Contact Information Updated on June 7, 2005

Co. Comm/Sealer	Address	Telephone/Fax	General County E-Mail/Office Hours
Alameda Dennis Bray	224 W. Winton Ave, Rm 184 Hayward, 94544	(510) 670-5232 (510) 783-3928	dennis.bray@acgov.org M-F : 8-5
Amador Mike Boitano	12200 Airport Road Jackson, 95642-9527	(209) 223-6487 (209) 223-3312	agriculture@co.amador.ca.us M-F : 8-5
Butte Richard Price	316 Nelson Ave. Oroville, 95965-3318	(530) 538-7381 (530) 538-7594	butteag@buttecounty.net M-F : 8-5
Calaveras Jearl Howard	891 Mountain Ranch Rd, San Andreas, 95249-9709	(209) 754-6504 (209) 754-6521	agpublic@co.calaveras.ca.us M-F : 8-5
Colusa Harry A. Krug	100 Sunrise Blvd, Ste F Colusa, 95932-3246	(530) 458-0580 (530) 458-5000	ccag@colusanet.com M-F : 8:30-5
Contra Costa Ed Meyer	2366 A. Stanwell Circle Concord, 94520 - 4804	(925) 646-5250 (925) 646-5732	emeye@ag.cccounty.us M-F : 8-5
Del Norte Glenn Anderson	2650 Washington Blvd Crescent City, 95531 – 8627	(707) 464-7235 (707) 465-6044	dnag@co.del-norte.ca.us M-F, 8-5, X Alt Fri, 8-Noon
El Dorado/ Alpine William Stephans	311 Fair Lane Placerville, 95667 – 4195	(530) 621-5520 (530) 626-4756	eldcag@co.el-dorado.ca.us M-F : 8-5
Fresno Jerry Prieto, Jr.	1730 S. Maple Ave Fresno, 93702-4596	(559) 456-7510 (559) 456-7379	fresnoag@co.fresno.ca.us M-F : 8-5
Glenn Mark Black	720 N Colusa Street, PO Box 351 Willows, 95988	(530) 934-6501 (530) 934-6503	agcomm@countyofglenn.net M-F : 8-5
Humboldt Heidi Wong	5630 S Broadway Eureka, 95503-6998	(707) 445-7223 (707) 445-7220	hwong@co.humboldt.ca.us M-F, 8-Noon; 1- 5
Imperial Stephen L. Birdsall	150 S 9th Street El Centro, 92243-2850	(760) 482-4314 (760) 353-2561/9420	stephenbirdsall@imperialcounty.net M-F, 8-4
Inyo/Mono George Milovich	County Srvs Bldg, 207 W South St Bishop, 93514-3492	(760) 873-7860 (760) 872-1610	inyomono@inyocoag.com M-F, 8-4
Kern Ted Davis	1001 S Mt.Vernon Ave Bakersfield, 93307-2857	(661) 868-6300 (661) 868-6301	agcomm@co.kern.ca.us M-F, 8-5
Kings Tim Niswander	680 N Campus Drive, Suite B Hanford, 93230-5923	(559) 582-3211 xt 2830 (559) 582-5251	agstaff@co.kings.ca.us M-F, 8-5
Lake Steve Hajik	883 Lakeport Blvd Lakeport, 95453	(707) 263-0217 (707) 263-1052	lakecoag@co.lake.ca.us M-F, 8-5
Lassen Kenneth R. Smith	175 Russell Ave Susanville, 96130-4299	(530) 251-8110 (530) 257-6515	lassenag@psln.com M-F, 8-5
Los Angeles Kurt Floren	12300 Lower Azusa Rd Arcadia, 91006	(626) 575-5451 (626) 350-3243	KurtF@acwm.co.la.ca.us M-Th, 7-5:30, Closed Fridays
Madera Robert Rolan	332 Madera Ave Madera, 93637-5499	(559) 675-7876 (559) 674-4071	commissioner@madera-county.com M-F, 8-5
Marin Stacy Carlsen	1682 Novato Blvd, 150-A Novato, 94947-7021	(415) 499-6700 (415) 499-7543	Marin.dept.ag@co.marin.ca.us M-F, 9-3
Mariposa Cathi Boze	5009 Fairgrounds Road/POBox 905 Mariposa, 95338-0905	(209) 966-2075 (209) 966-2056	agcomm@mariposacounty.org M-F, 8-5
Mendocino Dave Bengston	890 North Bush St. Ukiah, 95482-3745	(707) 463-4208 (707) 463-0240	gulsethc@co.mendocino.ca.us M-F, 8-Noon; 1-5
Merced Dave Robinson	2139 Wardrobe Ave Merced, 95340-6495	(209) 385-7431 (209) 725-3536	Ag00@co.merced.ca.us M-F, 8-5
Modoc Joe Moreo	202 W 4th Street Alturas, 96101-3915	(530) 233-6401 (530) 233-5542	modocag@hdo.net M-F, 8-5
Monterey Eric Lauritzen	1428 Abbott Street Salinas, 93901	(831) 759-7325 (831)759-2268	agcomm@co.monterey.ca.us M-F, 8-5
Napa David Whitmer	1710 Soscol Ave, Suite 3 Napa, 94559-1315	(707) 253-4357 (707) 253-4881	agcommissioner@co.napa.ca.us M-F, 8-5
Nevada Paul Boch	255 S Auburn Street Grass Valley, 95945-7289	(530) 273-2648 (530) 273-1713	agdept@co.nevada.ca.us M-F, 8-Noon; 1-4:30
Orange Rick Le Feuvre	1750 Douglass Road, Bldg D Anaheim, 92806-6031	(714) 447-7100 (714) 567-6203	Terri.Aguirre@pfrd.ocgov.com M-F, 8-5
Placer Christine Turner	11477 E Ave Auburn, 95603-2799	(530) 889-7372 (530) 823-1698	PlacerAg@placer.ca.gov M-F, 8-5
Plumas/Sierra Karl Bishop	208 Fairgrounds Road Quincy, 95971-9462	(530) 283-6365 (530) 283-4210	karlbishop@countyofplumas.com M-F, 8-5

Co. Comm/Sealer	Address	Telephone/Fax	General County E-Mail/Office Hours
Riverside John Snyder	4080 Lemon St, Rm 19/PO Box 1089 Riverside, 92502-1089	(951) 955-3000 (951) 955-3012	Jsnyder@co.riverside.ca.us M-F, 7:30-4:30
Sacramento Frank E. Carl	4137 Branch Center road Sacramento, 95827-3897	(916) 875-6603 (916) 875-6150	agcomm@saccounty.net M-F, 7:30-4:30
San Benito Paul Matulich	3224 Southside Road/PO Box 699 Hollister, 95024	(831) 637-5344 (831) 637-9015	SBenitAg@cdfa.ca.gov M-F, 8-5
San Bernardino Ed Layaye	777E Rilato Ave San Bernardino, 92415-0720	(909) 387-2115 (909) 387-2449	awm@awm.sbcounty.gov M-F, 7:30-5
San Diego Kathleen Thuner	5555 Overland Ave, Suite 3101 San Diego, 92123-1292	(858) 694-2741 (858) 565-7046	sdcawm@sdcounty.ca.gov M-F, 8-5
San Francisco Dr. Rajiv Bhatia, Acting	1390 Market Street, Suite 822 San Francisco, 94102	(415) 252-3830 (415) 252-3818	Fernando.Ona@sfdph.org M-F, 8-5
San Joaquin Scott T. Hudson	1868 E Hazelton Ave/PO Box 1809 Stockton, 95201-1809	(209) 468-3300 (209) 468-3330	stocktonag2@co.san-joaquin.ca.us M-F, 8-5
San Luis Obispo Robert Lilley	2156 Sierra Way, Suite A San Luis Obispo, 93401-4556	(805) 781-5910 (805) 781-1035	agcommslo@co.slo.ca.us M-F, 8-5
San Mateo Gail M. Raabe	728 Heller Street/PO Box 999 Redwood City, 94064-0999	(650) 363-4700 (650) 367-0130	SMateoAG@co.sanmateo.ca.us M-F, 8-5
Santa Barbara William D. Gillette	263 Camino Del Remedio Santa Barbara, 93110-1335	(805) 681-5600 (805) 681-5603	agcommissioner@co.santa-barbara.ca.us M-F, 8-4:30
Santa Clara Greg Van Wassenhove	1553 Berger Dr, Bldg 1 San Jose, 95112-2795	(408) 918-4600 (408) 286-2460	Santa.clara@era.co.santa_clara.ca.us M-F, 8-5
Santa Cruz David Moeller	175 Westridge Drive Watsonville, 95076-2797	(831) 763-8080 (831) 763-8255	Agc001@agdept.com M-F, 8-Noon; 1-5
Shasta Mary Pfeiffer	3179 Bechelli Lane, St 210 Redding, 96002-2041	(530) 224-4949 (530) 224-4951	shastaag@pacbell.net M-F, 8-5
Siskiyou Pat Griffin	525 S Foothill Drive Yreka, 96097-3090	(530) 841-4025 (530) 842-6690	PGriffin@co.siskiyou.ca.us M-F, 8-5
Solano Susan Cohen	501 Texas Street Fairfield, 94533	(707) 421-7465 (707) 429-0827	agcomm48@solanocounty.com M-F, 8-5
Sonoma Lisa Correia	133 Aviation Blvd, Ste 110 Santa Rosa, 95403-2893	(707) 565-2371 (707) 565-3850	SonomaAg@cdfa.ca.gov M-F, 8-5
Stanislaus Dennis Gudgel	3800 Cornucopia Way, Ste B Modesto, 95358	(209) 525-4730 (209) 525-4790	agcom50@mail.co.stanislaus.ca.us M-F, 8-4:30
Sutter Mark P. Quisenberry	142 Garden Highway Yuba City, 95991-5512	(530) 822-7500 (530) 822-7510	sutterag@co.sutter.ca.us M-F, 8-5
Tehama Rick Gurrola	1760 Walnut Street/POBox 38 Red Bluff, 96080	(530) 527-4504 (530) 529-1049	RGurrola@tehamaag.net M-F, 8-Noon; 1-5
Trinity Mark Lockhart	173 Tom Bell Road/Box 1466 Weaverville, 96093-1466	(530) 623-1356 (530) 623-1391	trinitag@cdfa.ca.gov M-F, 7-4
Tulare Gary Kunkel	4437 S Laspina Street Tulare, 93274	(559) 685-3323 (559) 685-3335	gkunkel@co.tulare.ca.us M-F, 8-5
Tuolumne Gary Caseri	22365 S Airport Road/2 S Green Street Columbia/Sonora, 95370-4617	(209) 533-5691 (209) 533-5520	Gcaseri@co.tuolumne.ca.us M-F, 8-5
Ventura - Agriculture W. Earl McPhail	815 E Santa Barbara Street/PO Box 89 Santa Paula, 93061-0889	(805) 933-8415 (805) 525-8922	Earl.McPhail@ventura.org M-F, 7-4
Ventura - Weights & Measu Jim Delperdang	800 S Victoria Ave, # 1750 Ventura, 93009	(805) 654-2444 (805) 654-5177	Joy.fowler@mail.co.ventura.ca.us M-F, 7:30-5
Yolo David "Rick" Landon	70 Cottonwood Street Woodland, 95695-2593	(530) 666-8140 (530) 662-6094	YoloAg@cdfa.ca.gov M-F, 7-4
Yuba Dennis Pooler	915 8th Street, Ste 127 Marysville, 95901	(530) 749-5400 (530) 749-5404	YubaAg@co.yuba.ca.us M-F, 8-5
DPR Liaison Jim Shattuck	1001 I Street Sacramento, 95814-2828	(916) 445-3906 (916) 324-1452	JShattuck@cdpr.ca.gov M-F, 8-5
CDFA Liaison Ed Williams	1220 N Street, A-425 Sacramento, 95814	(916) 653-6649 (916) 651-9079	Ewilliams@cdfa.ca.gov M-F, 8-5

LAFCO CONTACT INFORMATION

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Fax: 707/445-7446
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El Centro, CA 92243
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Fax: 760-353-3743
www.imperialcounty.net.lafco/

Inyo
René Mendez, Interim Ex. Officer
Post Office Drawer L
Independence, CA 93526
Ph: 760/878-0263
Fax: 760-872/2712
www.sdsc.edu/Inyo/lafco.html

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Fax: 661/862-8951
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Fax: 559/584-8989

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Granite Bay, CA 95746
Ph: 707/592-7528; Fax: 916/707-7631
www.co.lake.ca.us

Lassen
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Fax: 916/707-7631
lafco@co.lassen.ca.us

Los Angeles
Larry J. Calemine, Executive Officer
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Fax: 818/254-2452
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Fax: 415/446-4410
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Appendix 4 – Sample Documents (in chronological order)

Note: Documents provided by Tulare County Agricultural Commissioner’s Office

4.1 Bill Text

4.2 Solicitation letter and petition for support of the PCD formation

4.3 Proposed agenda item to Board of Supervisors to review and hear petition

4.4 Notice of Public Hearing

4.5 Public Hearing Agenda

4.6 Agricultural Commissioner’s report

4.7 Notice of Exemption

4.8 Proclamation of Pest Control District

4.9 Budget

4.10 Notice of Public Hearing for Assessment Ballot

4.11 Ballot

4.12 Engineer’s report

4.13 Publicity in industry newsletter

BILL NUMBER: SB 1604 CHAPTERED
BILL TEXT

CHAPTER 400
FILED WITH SECRETARY OF STATE SEPTEMBER 9, 2004
APPROVED BY GOVERNOR SEPTEMBER 9, 2004
PASSED THE SENATE AUGUST 26, 2004
PASSED THE ASSEMBLY AUGUST 25, 2004
AMENDED IN ASSEMBLY AUGUST 23, 2004
AMENDED IN ASSEMBLY AUGUST 12, 2004
AMENDED IN ASSEMBLY JUNE 21, 2004
AMENDED IN ASSEMBLY JUNE 8, 2004
AMENDED IN SENATE APRIL 16, 2004

INTRODUCED BY Senator Ashburn

FEBRUARY 20, 2004

An act to amend the heading of Article 8.7 (commencing with Section 6047.60) of Chapter 9 of Part 1 of Division 4 of, and to amend Sections 6047.60, 6047.61, 6047.62, 6047.63, 6047.64, 6047.68, 6047.69, 6047.70, 6047.74, 6047.76, 6047.78, 6047.79, 6047.80, 6047.82, 6047.87, 6047.88, 6047.89, 6047.92, 6047.94, 6047.96, 6047.97, 6047.101, 6047.105, 6047.109, 6047.112, 6047.113, 6047.118, and 6047.124 of, and to repeal Sections 6047.77 and 6047.93 of, the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1604, Ashburn. Pest control: Pierce's disease.

Existing law, the Table Grape Pest and Disease Control District Law, establishes a procedure for the organization, operation, and dissolution of districts to, among other things, respond to, manage, and control the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other pests that attack grapevines.

Existing law requires that proceedings for the formation of a district within a county shall be commenced by a petition that is signed by specified percentages of table grape growers. Existing law authorizes the district to cause assessments to be levied on table grapes being grown in the district to pay obligations of the district incurred to accomplish the purposes of the district.

This bill would revise these provisions so that they apply to table grape growers as well as the owners of table grape acreage. This bill would clarify that these abatement districts apply to infestations of other designated pests and diseases in addition to the glassy-winged sharpshooter and Pierce's disease. This bill would instead authorize the district to recommend an assessment to the board of supervisors to be levied on the owners of acreage of table grapes being grown in the district. This bill would make other conforming changes.

This 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 heading of Article 8.7 (commencing with Section 6047.60) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code is amended to read:

Article 8.7. Table Grape Pest and Disease District

SEC. 1.5. Section 6047.60 of the Food and Agricultural Code is amended to read:

6047.60. The Legislature hereby finds and declares the following:

(a) California is the leading producer of table grapes in the United States, accounting for 97 percent of table grapes grown in this country.

(b) Table grapes are grown in 15 counties located throughout the state.

(c) California grows more than 170,000 acres of table grapes producing over 700,000 tons of table grapes per year, valued at more than eight hundred sixty million dollars ($860,000,000) with a direct and indirect impact on the state's economy that totals more than four billion dollars ($4,000,000,000).

(d) The plant killing bacterium, Xylella fastidiosa, and the resulting plant disease known as Pierce's disease, and its vectors, present a clear and present danger to California's nearly three billion dollar ($3,000,000,000) grape industry, as well as to many other commodities and plant life.

(e) Pierce's disease and its vector the glassy-winged sharpshooter have spread into the southern San Joaquin Valley, which, if left unabated, places grapes and other commodities throughout California in immediate peril.

(f) In addition to the research funds and program provisions set forth in Article 8 (commencing with Section 6045) of Chapter 9 of Part 1 of Division 4, dealing with wine grapes, the table grape industry is at substantial risk for Pierce's disease and other pests and recognizes the need for additional specific control programs.

(g) Additional programs may include field treatments similar to, or the expansion of, the successful United States Department of Agriculture and California Department of Food and Agriculture General Beale area pilot program in Kern County. The expansion of those programs may require industry assessments from the table grape industry through the creation of a pest abatement district.

(h) The state has an interest in protecting its agricultural products from further destruction by the glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases.

(i) As a known vector for Pierce's disease, the glassy-winged sharpshooter has been determined to carry and spread Pierce's disease to many forms of California agriculture, usually with complete destruction to the infected crop. This destructive effect of the disease has been determined by experts in the viticulture field to be especially true with respect to infected table grapes. To avoid a potentially catastrophic loss to one of California's most important industries, the Legislature declares that this article is in the interest of the public health and welfare.

(j) This article shall not establish a precedent for, or supercede, reduce, or in any way alter, government funding from any source related to Pierce's disease and other designated pests and diseases in this state.

(k) The Legislature further declares that it is in the interest of the public health and welfare that the districts authorized to be created by this article not duplicate existing services already being provided by the University of California, state, counties, or the county agricultural commissioners to eradicate the glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases.

SEC. 2. Section 6047.61 of the Food and Agricultural Code is amended to read:

6047.61. This article shall be known and may be cited as the Table Grape Pest and Disease District Law.

SEC. 2.5. Section 6047.62 of the Food and Agricultural Code is amended to read:

6047.62. (a) It is the purpose of this article to make available a procedure for the organization, operation, and dissolution of

districts to respond to the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases that attack table grape plants, and to collect and disseminate to table grape producers in the district all relevant information and scientific studies concerning the pest or pests, as well as to chart and determine the extent and location of any infestations.

(b) Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to districts organized pursuant to this article.

SEC. 3. Section 6047.63 of the Food and Agricultural Code is amended to read:

6047.63. Unless the context otherwise requires, the definitions in this section govern the construction of this article.

(a) "Board" or "board of directors" means the board of directors of a district.

(b) "District" means a table grape pest district organized pursuant to this article.

(c) "Owner" includes joint owner, coowner, guardian, executor, administrator, or any other person that holds property in a trust capacity under court appointment.

(d) "Pierce's disease" is the disease of grapevines caused by the bacterium Xylella fastidiosa.

(e) "Table grapes" means all table grape varieties specified in the report issued pursuant to Section 55601.5. "Table grapes" also means all raisin varieties specified in the report issued pursuant to Section 55601.5 that are intended to be marketed in their fresh form.

(f) "Table grape acreage" means any parcel of real property with more than one acre of table grape plants.

(g) "Grower" or "producer" means any person who is engaged within this state in the business of producing, or causing to be produced, table grapes for market.

(h) "Other designated pests and diseases" means pests and diseases designated by the district as serious pests and diseases warranting district action.

SEC. 4. Section 6047.64 of the Food and Agricultural Code is amended to read:

6047.64. (a) Proceedings for the formation of a district within any county shall be commenced by a petition signed by the owners of 15 percent of the table grape acreage.

(b) The petition shall be addressed to, and filed with, the board of supervisors of the county.

SEC. 5. Section 6047.68 of the Food and Agricultural Code is amended to read:

6047.68. (a) The petition shall be accompanied by a fee in an amount established by the board of supervisors as is necessary to reimburse the county for all costs incurred by it in connection with the proposed organization of the district and subsequent election. The board of supervisors may charge the district for actual expenses incurred by the county in connection with the proceedings for the formation of the district.

(b) Upon the establishment of the district, the district shall reimburse those who provided the funds specified in subdivision (a) from assessments collected pursuant to this article.

SEC. 6. Section 6047.69 of the Food and Agricultural Code is amended to read:

6047.69. (a) Upon the presentation and filing of a petition, the board of supervisors shall refer the petition to the county agricultural commissioner for the preparation of a register of owners of table grape acreage within the proposed district, and for an investigation and report.

(b) The county agricultural commissioner shall create a register of all table grape acreage owners within the proposed district and specifically describe the net acreage of land devoted to the growing of table grapes by each owner. The county agricultural commissioner

shall file with the register of table grape acreage owners a report to the board of supervisors describing the present condition of the glassy-winged sharpshooter and Pierce's disease infestations, or infestation of other designated pests and diseases, and any proposed program that may warrant the board of supervisors proceeding with the organization of the district and recommendation as to the advisability of creating the district.

SEC. 7. Section 6047.70 of the Food and Agricultural Code is amended to read:

6047.70. (a) The board of supervisors shall fix a time and place for a hearing of the petition.

(b) The hearing shall not be less than 20 days, or more than 40 days, after the filing of the petition with the board of supervisors.

(c) The board of supervisors shall order the clerk of the board of supervisors to give notice of the hearing that will do the following:

(1) State the time and place for the hearing that was fixed by the board of supervisors.

(2) State that at the hearing protests will be considered by the board of supervisors.

(3) State that requests in writing for the exclusion of acreage from, or the inclusion of acreage in, the proposed district, will be heard and considered by the board of supervisors.

(4) State that the petition is available for inspection at the office of the clerk of the board of supervisors.

(5) Designate the boundaries of the proposed district in substantially the same way that they are described in the petition.

SEC. 8. Section 6047.74 of the Food and Agricultural Code is amended to read:

6047.74. At the hearing, any owner of table grape acreage in the proposed district may present to the board of supervisors a request, in writing, for the exclusion of that acreage or any part of that acreage from the proposed district upon a showing that the acreage or part of that acreage will not be benefited by the activities of the proposed district. However, if the excluded acreage is planted with table grapes, the owner of the acreage shall inform the district, in writing, within 30 days of planting. Factors that the board of supervisors may consider in its determination for exclusion, as set forth in an affidavit from the owner of the acreage, shall include the following:

(a) That the acreage is not planted to table grapes and will not be so planted in the foreseeable future, as evidenced by an affidavit from the owner of the acreage so stating.

(b) That the table grape plants have been removed from the acreage and that no living table grape plants remain on the acreage.

(c) That exclusion of the acreage, or any part of the acreage, from the district will not present a risk of glassy-winged sharpshooter infestation or infestation by other designated pests or diseases because of the acreage's distance or isolation from infested geographical regions.

SEC. 9. Section 6047.76 of the Food and Agricultural Code is amended to read:

6047.76. (a) If the board of supervisors determines that the project is feasible and in the interest of the table grape acreage owners of the county, the board of supervisors shall, by order entered in its minutes, declare the district is duly organized under the name designated in the petition for the formation of the district.

(b) The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include acreage pursuant to Section 6047.78, it is a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition.

(c) A copy of the order certified by the clerk of the board of

supervisors shall be filed with the county recorder of the county in which the district is situated.

SEC. 9.5. Section 6047.77 of the Food and Agricultural Code is repealed.

SEC. 10. Section 6047.78 of the Food and Agricultural Code is amended to read:

6047.78. (a) In determining the boundaries of the district, the board of supervisors shall exclude from the district any table grape acreage that it finds will not be benefited by the proposed project, pursuant to the facts in Section 6047.74, and it may include in the district any acreage that it finds will be benefited if it also finds it will be in the interest of the district to include this acreage. The inclusion may be upon application of the owner or, without the owner's application, upon giving the owner notice of the proposed inclusion and an opportunity for a hearing on the inclusion.

(b) Notice of inclusion shall be mailed, postage prepaid, by the clerk of the board of supervisors, to the address of the owner of the acreage as shown by the last equalized county assessment roll, and to any person that has filed with the clerk that person's name and address and description of acreage in which he or she has either a legal or equitable interest. The notice shall describe the acreage proposed to be included, and shall state the time and place at which objections to the inclusion will be heard.

(c) Any owner of table grape acreage outside of the proposed district may present to the board of supervisors a request in writing for inclusion of the acreage in the proposed district.

SEC. 11. Section 6047.79 of the Food and Agricultural Code is amended to read:

6047.79. Upon the filing of the order of organization, the board of supervisors shall appoint a board of directors of five members to administer the affairs of the district.

SEC. 12. Section 6047.80 of the Food and Agricultural Code is amended to read:

6047.80. To be a director of the district, a person shall be either an owner of, or the designee of an owner of, acreage included in the district that is devoted, in whole or in part, to the growing of table grapes.

SEC. 13. Section 6047.82 of the Food and Agricultural Code is amended to read:

6047.82. (a) From and after the filing for record of the order of the board of supervisors declaring the district organized, and the appointment and qualification of its first board of directors, the organization of the district is complete. The district shall operate for a period of five years from the date of its organization, and shall cease to exist after five years unless the district is reauthorized by the board of supervisors.

(b) The board of directors shall hold a public hearing six months prior to termination of its initial organization or last reauthorization to determine whether the conditions of the glassy-winged sharpshooter or Pierce's disease or other designated pests and diseases warrant the reauthorization of the district for an additional five years.

(c) The notice of hearing shall state the name of the district and that consideration is being given to reauthorizing the district for an additional five years, the boundaries of the district, and the time and place for the hearing. Notice of the hearing shall be given as provided in Sections 6047.71 and 6047.72. The board of directors shall submit the record of the hearing and its recommendation to the board of supervisors within 90 days of the hearing. The board of supervisors shall approve or reject the recommendation. If it rejects the recommendation, the board of supervisors shall return the report accompanied by its reasons for the rejection to the board of directors within 30 days of receipt. The board of directors may thereafter address the reasons for rejection by the board of supervisors and submit an amended report and new recommendations for reauthorization for approval or rejection by the board of

supervisors, unless the district has ceased to exist pursuant to subdivision (a).

(d) If the board of supervisors approves the continuation of the district, the board of supervisors shall, by an order entered in its minutes, declare the district duly extended.

SEC. 14. Section 6047.87 of the Food and Agricultural Code is amended to read:

6047.87. (a) The district may do all of the following:

(1) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(2) Adopt a seal and alter it at pleasure.

(3) Accept contributions, and by grant, purchase, gift, devise, lease, or otherwise, and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers.

(4) Recommend an assessment to the board of supervisors to be levied on the owners of acreage of table grapes being grown in the district to pay obligations of the district incurred to accomplish the purposes of the district as provided in this article, which may involve funding all or a portion of a Pierce's disease or glassy-winged sharpshooter program, or program involving other designated pests and diseases.

(5) Make contracts, and employ, except as otherwise provided in this article, all persons, firms, and corporations necessary to carry out the purposes and the powers of the district, and at any salary, wage, or other compensation as the board of directors shall determine.

(6) Respond to the effects of, the spread of glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases, and collect and disseminate to table grape growers and the owners of table grapes acreage in the district relevant information and scientific studies concerning these pests or diseases, as well as to chart and determine the extent and location of any infestations.

(7) Take all actions necessary to control, eradicate, remove, or prevent the spread of the glassy-winged sharpshooter or Pierce's disease, or other designated pests and diseases injurious to table grapes.

(8) With reasonable advance notice in writing to the landowner, as determined by the district, enter into or upon any land included within the boundaries of the district for the purpose of inspecting the grape plants and any other host plants and fruit growing on these lands.

(9) Eradicate, eliminate, remove, or destroy any table grape plants having evidence of Pierce's disease or other designated pests and diseases.

(10) Coordinate with the county agricultural commissioner as to his or her taking appropriate actions to have any table grape plants growing within the district infested with Pierce's disease or other designated pests and diseases adjudged a public nuisance, and decreed that the nuisance be abated.

(11) Coordinate district activities with other table grape pest and disease districts established pursuant to this article and Section 6047.3.

(12) Perform any and all acts, either within or outside the district, necessary or proper to fully and completely carry out the purposes for which the district is organized.

(b) The district's administrative costs shall be limited to 5 percent of the annual assessment revenue.

SEC. 15. Section 6047.88 of the Food and Agricultural Code is amended to read:

6047.88. Every district formed pursuant to this article has all of the powers prescribed by Section 6047.87 and other provisions of this article, regardless of any language in the petition for formation for any district or in any of the proceedings leading to

the formation that would otherwise limit the power of the district.

SEC. 16. Section 6047.89 of the Food and Agricultural Code is amended to read:

6047.89. The county agricultural commissioner of the county in which the district is located shall, upon request of the board, assist the district to the extent possible in all activities undertaken by the district for the control of glassy-winged sharpshooter and Pierce's disease or other designated pests and diseases.

SEC. 16.5. Section 6047.92 of the Food and Agricultural Code is amended to read:

6047.92. For each fiscal year subsequent to the first year of operation of the district, the board shall adopt the final budget in the same manner that the budget for the first fiscal year was adopted.

SEC. 17. Section 6047.93 of the Food and Agricultural Code is repealed.

SEC. 18. Section 6047.94 of the Food and Agricultural Code is amended to read:

6047.94. The district shall identify any parcel of real property with more than one acre of table grape plants that shall be subject to assessments.

SEC. 19. Section 6047.96 of the Food and Agricultural Code is amended to read:

6047.96. (a) After the district has been formed, an owner of table grape acreage in the district may present to the board a request in writing for the exclusion of that acreage or any part of the acreage from the district upon a showing that the acreage or part of the acreage will not be benefited by the activities of the district. Factors that the board may consider in its determination for exclusion, as set forth in an affidavit from the owner of the acreage, shall include those specified in Section 6047.74.

(b) After receipt of the request, the board shall cause an investigation of the parcel of acreage to be made and, if the board determines that the acreage or part of the acreage will not be benefited by the activities of the district and that exclusion of the acreage will not present a pest risk to the district, the board shall exclude the table grape acreage from the district and immediately certify this fact to the county assessor and the county auditor or tax collector.

(c) Any owner of table grape acreage outside of, or otherwise not included in, the district may present to the board a request in writing for inclusion of the acreage in the district.

SEC. 20. Section 6047.97 of the Food and Agricultural Code is amended to read:

6047.97. (a) The board shall, on or before the first Monday in April of each year, or as soon thereafter as possible, file with the board of supervisors a budget that sets forth all estimated expenditures of the district for the fiscal year commencing on the first day of July. A copy of the budget shall also, at the same time, be filed with the auditor of the county.

(b) The board of supervisors may, by ordinance or by resolution, adopted after notice and a hearing, determine and levy an assessment for table grape pest and disease control activities or other activities specified in subdivision (a) of Section 6047.87 related to designated pests and diseases for any of the following purposes:

(1) Responding to, managing, and controlling the effects of the spread of glassy-winged sharpshooter and other designated pests and diseases that attack table grape plants.

(2) Collecting and disseminating to table grape growers in the district relevant information and scientific studies concerning the pest or pests.

(3) Charting and determining the extent and location of any Pierce's disease infestations and infestations of other designated pests and diseases.

(4) Reimbursing the county or counties in which the district is located for expenses incurred in connection with providing services under this article that are not otherwise reimbursed.

(c) (1) The annual assessment shall not exceed fifteen dollars ($15) per planted acre.

(2) The maximum annual assessment shall be established in accordance with the voting requirements of Articles XIII C and XIII D of the California Constitution, as incorporated by Proposition 218 of 1996, as provided for in Section 6047.100.

(3) The board shall annually establish the assessment which shall not exceed the maximum annual assessment specified in paragraph (1), except as otherwise specified in this section.

(d) An annual assessment greater than the amount provided for in this section may not be charged unless a greater assessment is approved by eligible owners in accordance with the voting requirements of Articles XIII C and XIII D of the California Constitution, as incorporated by Proposition 218 of 1996, as provided for in Section 6047.100.

(e) The board of supervisors shall cause to be prepared and filed with the clerk of the board of supervisors a written report that contains all of the following information:

(1) A description of each parcel of property proposed to be subject to the assessment.

(2) The amount of the assessment of each parcel for the initial fiscal year.

(3) The maximum amount of the assessment that may be levied for each parcel during any fiscal year.

(4) The duration of the assessment.

(5) The basis of the assessment.

(6) The schedule of the assessment.

(7) A description specifying the requirements for written and oral protests, and the protest threshold necessary for requiring abandonment of the proposed assessment pursuant to subdivision (f).

(f) Unless otherwise excluded, the assessment shall be levied on each parcel within the boundaries of the district, zone, or area of benefit.

(g) (1) The board of supervisors shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code.

(2) In addition, the mailed notice shall include the name of the district, the return address of the sender, the amount of the assessment for the initial fiscal year, the maximum amount of the assessment that may be levied during any fiscal year and the name and telephone number of the person designated by the board of supervisors to answer inquiries regarding the protest proceedings.

SEC. 21. Section 6047.101 of the Food and Agricultural Code is amended to read:

6047.101. The revenue from the assessments imposed pursuant to this article by the district are trust funds and shall be encumbered only for the purposes for which the district is formed and for the benefit of the acreage assessed. The district shall expend the minimum amount necessary for overhead and other administrative costs. No district funds shall be donated, loaned, or transferred to any other local agency or to the state for any purpose, except for the implementation of the duties of the district, set forth under this article, as determined to be necessary by the district board.

SEC. 22. Section 6047.105 of the Food and Agricultural Code is amended to read:

6047.105. Acreage devoted exclusively to the growing of table grapes within a tract of land outside the district, but in the county in which the district is located, may be annexed to the district in the same manner provided in this article for the formation of the district.

SEC. 23. Section 6047.109 of the Food and Agricultural Code is amended to read:

6047.109. If the board of supervisors determines that

consolidation is feasible and in the best interests of the table grape acreage owners of the respective districts, it shall, by resolution duly adopted, declare the districts consolidated into one district, giving the consolidated district a name that includes the term "consolidated." Certified copies of the resolution shall be filed with the Secretary of State and with the county recorder of each county in which is located any part of the consolidated district. Upon the filing, the districts are consolidated into a single consolidated district with all the rights, privileges, and powers of a district. The consolidated district shall succeed to all the funds and other property, and is subject to all the indebtedness, bonded and otherwise, of the districts consolidated. Each district that is included in the consolidated district shall continue in existence for the purpose of representation on the board of the consolidated district, and for the purpose of levying, assessing, and collecting assessments for district purposes. The board of the consolidated district is, however, the board of each district that is included in the consolidated district.

SEC. 24. Section 6047.112 of the Food and Agricultural Code is amended to read:

6047.112. Any district that has been included in a consolidated district may withdraw from the consolidated district and be reconstituted as a separate district by filing with the board of directors of the consolidated district a petition for withdrawal that is signed by the owners of not less than a majority, by area, of table grape acreage in the district. The board of directors of the consolidated district shall send the original petition to the board of supervisors of the county in which the withdrawing district is located, and a copy of the petition to the board of supervisors of each of the other counties in which is located any part of the consolidated district. Upon receipt of a petition for withdrawal, the board of supervisors of the county in which the withdrawing district is located shall fix a time and place for hearing the petition. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district pursuant to Sections 6047.70, 6047.71, 6047.72, 6047.73, and 6047.74. Upon withdrawal of a district, all moneys collected from the district for the use of the consolidated district, and all property purchased with these moneys, shall remain the property of the consolidated district.

SEC. 25. Section 6047.113 of the Food and Agricultural Code is amended to read:

6047.113. Upon the filing of a petition with the board of supervisors that is signed by either (1) 50 percent or more of the table grape acreage owners who own 65 percent or more of the affected acreage or by (2) 65 percent or more of the table grape acreage owners who own 50 percent or more of the affected acreage requesting the dissolution of the district, the board of supervisors shall set a time and place for hearing on the petition, which shall not be less than 20 days, or more than 40 days, after the filing of the petition.

SEC. 26. Section 6047.118 of the Food and Agricultural Code is amended to read:

6047.118. If, at the hearing, a majority of the board of supervisors does not find a compelling reason to override the owners' petition to dissolve the district, the board of supervisors shall by resolution dissolve the district.

SEC. 27. Section 6047.124 of the Food and Agricultural Code is amended to read:

6047.124. Owners of wine grapes and raisin grapes and any other agricultural commodities may petition to become subject to any district established pursuant to this article. The petition shall adhere to all the requirements of this article and shall require the approval of the board of directors of the affected district. All provisions of this article are hereby incorporated in this section

and are applicable to owners who become subject to a district established pursuant to this article as though set forth in full in this section unless a provision in this article expressly states that it is not applicable to this section.

SEC. 28. 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:

The spread of the glassy-winged sharpshooter and Pierce's disease, and other designated pests and diseases, threatens the economic viability of the table grape industry. Because the immediate establishment of a pest control district is necessary to avoid severe economic loss, it is necessary for this act to take effect immediately.

PLEASE SUPPORT THE TABLE GRAPE PEST AND DISEASE CONTROL DISTRICT

Supporters for a Table Grape Pest & Disease Control District

Kevin Andrew

Steve Biswell

David Brown

John Buksa

Chris Caratan

Allan Corrin

Delano Farms

Steve Hash

Mark Isaak

Aram Kinosian

Fred Lagomarisno

Robert McCloskey

Chuck Olsen

Jack Pandol, Jr.

Dennis Parnagian

Kerry Whitson

Marko Zaninovich

Martin Zaninovich

(Partial list)

December 20, 2004

DEAR FELLOW TABLE GRAPE GROWER:

Recently, the State Legislature and the Governor approved a bill that allows table grape owners to establish a grower-operated district to combat table grape pests and diseases. This district would allow growers to focus on a variety of devastating pests including Glassy-winged sharpshooter (GWSS), Pierce's Disease (PD), and Vine Mealybug to name a few. Additionally, this district would establish a mechanism that would provide a tool to control the pests, such as the Mediterranean or Oriental fruit fly, if they should enter our counties.

To date, the federal and state governments have spent over $135 million to combat GWSS and PD. In addition, state and federal governments continue to keep pressures on foreign countries to ensure that exotic pests are kept out of the Central Valley. However, as budget deficits grow and spending mandates take away from exotic pest funding, monies for table grape programs begin to shrink. All too often, government bureaucrats talk of "cutting back" from specialty crop funding and ask the question "what is the industry doing about its problems?" The formation of this district will silence several of these critics by sending a strong message to state and federal officials that exotic pests continue to be a threat, and the industry is doing its part to fight these pests and diseases.

In order to create the district, growers must present to their local county board of supervisors a petition signed by the owners of at least 15 percent of the table grape acreage. The petition is then voted on by the local county board of supervisors to form the district. Once the district is approved, local table grape growers will manage the new pest and disease control district, and they will decide how to successfully combat the pests and diseases. Growers will also have the ability to vote on an assessment (not to exceed $15 an acre) to pay for the necessary programs needed to fight these pests. These dollars will stay local. Coupled with state and federal monies, table grape growers will have the necessary funds and management district to successfully combat the table grape pest and disease pressures.

Please join us in signing your enclosed petition to create a table grape pest and disease control district. Should you have any questions, please do not hesitate to contact Kevin Andrew at (661) 392-5002 or Jack Pandol, Jr. at (661) 326-8004. Also, please return your petition to:

The California Grape & Tree Fruit League
1540 E. Shaw, Suite 120
Fresno, CA 93710
(559) 222-8326 (fax)

Thank you for your support.

Sincerely,

KEVIN ANDREW
Sun World

CHRIS CARATAN
M. Caratan, Inc.

JACK PANDOL, JR.
Grapery

LOUIS PANDOL
Pandol Bros., Inc.

MARTIN ZANINOVICH
Jasmine Vineyards, Inc.

MARKO S. ZANINOVICH
Marko Zaninovich, Inc.

RYAN ZANINOVICH
V.B. Zaninovich & Sons, Inc.

To: **Tulare County Board of Supervisors**

Re: **Petition to Form a Table Grape Pest and Disease Control District**

Name of Proposed District: Tulare County Table Grape Pest and Disease Control District

I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the land owner, or the authorized representative of the land owner, of table grape plant acreage in **Tulare County, California**, and do hereby sign this petition requesting that the **Board of Supervisors of Tulare County** form a Table Grape Pest and Disease Control District in accordance with the Table Grape Pest and Disease District Law (California Food and Agriculture Code, §§6047 *et seq.*) for the purpose of eradicating, removing, or preventing the spread of any and all grape pests, including the Glassy-Winged Sharpshooter (GWSS) and Pierce's Disease. The boundaries of the proposed district are intended to include all of the table grape acreage in **Tulare County**.

Name of Petitioner:_____

Address: _____

City and State: _____

Zip Code: _____

Telephone No: _____

Total Number of Acres of Table Grape Plants Grown in Tulare County:_____**Acres**

_____

Print Name **Signature** **Title** **Date**

Note: Authorized representative shall attach signed authorization provided by landowner.

FOR ACREAGE YOU DO NOT OWN, PLEASE CONTACT THE PERSON LISTED ON THE TAX ROLE AS THE OWNER. IT IS IMPERATIVE THAT THE OWNER SIGN AND RETURN THE PETITION.

- PLEASE FAX THIS PETITION TO THE OWNER
- CONTACT THE OWNER AND LET THEM KNOW THE IMPORTANCE OF A PEST DISTRICT
- HAVE THE OWNER SIGN THE PETITION AND PLEASE ADD THEIR ADDRESS AND CONTACT INFORMATION
- HAVE THE OWNER MAIL THE PETITION TO THE LEAGUE OR FAX YOU A COPY OF THE SIGNED PETITION AND RETURN TO THE LEAGUE
- MAIL THE PETITION TO THE FOLLOWING ADDRESS:

CALIFORNIA GRAPE & TREE FRUIT LEAGUE
1540 E. SHAW, SUITE 120
FRESNO, CA 93710-8000

THANK YOU FOR YOUR SUPPORT!

Tulare County Agricultural Commissioner/Sealer

Gary Kunkel, Agricultural Commissioner
Sealer of Weights and Measures
William R. Appleby, Assistant
Commissioner/Sealer

AGENDA DATE: March 1, 2005 **ITEM NO.**

SUBMITTED BY: Agricultural Commissioner/Sealer **DATE:** February 9, 2005

SUBJECT: Accepting petitions asking that a Table Grape Pest and Disease Control District be formed, establishing a petition fee and trust fund for the deposit of the fee, referring the petitions to the Agricultural Commissioner for investigation, and setting a time and place for a hearing of the petitions.

REQUEST:

1. Accept petitions asking that a Table Grape Pest and Disease Control District be formed in accordance with existing law;

2. Establish a fee of $5,000, based on supporting data available to the public 14 days before approval of this resolution, to reimburse the County for all costs incurred by it in connection with the proposed organization of the district and subsequent election;

3. Direct the Auditor to establish a trust fund for the deposit of the fee;

4. Refer the petitions to the Agricultural Commissioner for the preparation of a register of owners of table grape acreage within the proposed district, and for an investigation and report;

5. Fix March 22, 2005, at a regularly scheduled meeting of the Board of Supervisors, as the time and place for a hearing of the petitions, which shall not be less than 20 days, nor more than 40 days, after the filing of the petitions; and

6. Order the Clerk of the Board of Supervisors to give notice of the hearing in accordance with existing law.

SUMMARY/JUSTIFICATION: Pierce's Disease, a deadly disease of grape vines which is found in Tulare County, is spread by the glassy-winged sharpshooter insect and can cause severe damage to Tulare County's valuable grape industry if not controlled. The proposed Pest Control District (PCD) will provide table grape growers with a mechanism by which they can assist in vector control, diseased vine removal, public education, etc. It will also provide a framework within which other pests and diseases (such as vine mealybug) can be controlled should the district decide to do so.

FINANCING: The $5,000 fee, if established, should reimburse the county for all costs incurred by it in connection with the proposed organization of the district and subsequent election. Enclosed is a schedule identifying the amount of the fee and its basis. This information is made available to the public at the Office of the Clerk of the Board of Supervisors at least 14 days before this Agenda Item is considered by the Board. The public should be given an opportunity to comment on the proposed fees.

ALTERNATIVES: The Board of Supervisors could elect not to establish a fee for the petition described above, or could elect not to pursue establishing such a pest control district.

4437 S Laspina St • Tulare CA 93274 • Phone (559) 685-3323 • Fax (559) 685-3335

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES: County Counsel, Auditor, County Administrative Office, Assessor.

SIGNATURE REQUIREMENTS: If approved, please have the Clerk of the Board sign the attached resolution which will accept petitions asking that a Table Grape Pest and Disease Control District be formed, establish a petition fee and trust fund to deposit the fee, refer the petitions to the Agricultural Commissioner for investigation and report, and fix a time and place for a hearing of the petition.

ADMINISTRATIVE SIGN-OFF

Gary Kunkel
Agricultural Commissioner
Sealer of Weights and Measures

SUMMARY OF PROPOSED SCHEDULE OF FEES

AGENDA DATE: March 1, 2005 **AGENDA ITEM #** _____

DEPARTMENT: Agricultural Commissioner/Sealer

SUBMITTED BY: Gary W. Kunkel, Agricultural Commissioner/Sealer

Tulare County Table Grape Pest and Disease Pest Control District Petitions

Pursuant to the authority granted by the Table Grape Pest and Disease District Law
(Food and Agriculture Code section 6047.60 et seq.)

"The petition shall be accompanied by a fee in an amount established by the board of supervisors as is necessary to reimburse the county for all costs incurred by it in connection with the proposed organization of the district and subsequent election. The board of supervisors may charge the district for actual expenses incurred by the county in connection with the proceedings for the formation of the district." (Food and Agriculture Code (FAC) section 6047.68)

Description of Fee (This is a new one-time-only fee)	Total Cost for Service (Salaries, Administration, Services/Supplies)	Proposed Fee $ Amount and % of Cost Recovered	
County Assessor's Estimated Costs	$3,300.00	$3,300.00	100%
Based on approved per hour charge of $66.00 (50 hours) for parcel records research of table grape acreage.			
County Agricultural Commissioner's Estimated Costs	$1,200.00	$1,200.00	100%
Based on approved per hour charge of $40.00 (30 hours) for the preparation of a register of owners of table grape acreage within the proposed district, and for an investigation and report. (ref. FAC section 6047.69); participation at industry meetings to help facilitate the formation of the district.			
County Auditor's Estimated Costs	$500.00	$500.00	100%
Services rendered			
County Administrative Office Estimated Costs	$0.00	$0.00	
None			
Clerk of the Board of Supervisors Estimated Costs	$0.00	$0.00	
None			
Total Petition Cost / Fee	**$5,000.00**	**$5,000.00**	100%

BEFORE THE BOARD OF SUPERVISORS

OF THE COUNTY OF TULARE

STATE OF CALIFORNIA

In the matter of accepting petitions asking that a Table Grape Pest and Disease Control District be formed, establishing a petition fee and trust fund for the deposit of the fee, referring the petitions to the Agric. Commissioner for investigation, and setting a time and place for a hearing of the petitions.	RESOLUTION NO.

UPON MOTION OF SUPERVISOR , SECONDED BY SUPERVISOR , THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS AT AN OFFICIAL MEETING HELD , 2005. BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: BRIAN HADDIX
COUNTY ADMINISTRATOR/CLERK
BOARD OF SUPERVISORS

BY: _____
DEPUTY CLERK

* *

Based on substantial evidence before the Board, approved this resolution to:

1. Accept petitions asking that a Table Grape Pest and Disease Control District be formed in accordance with existing law;

2. Establish a fee of $5,000, based on supporting data available to the public 14 days before approval of this resolution, to reimburse the County for all costs incurred by it in connection with the proposed organization of the district and subsequent election;

3. Direct the Auditor to establish a trust fund for the deposit of the fee;

4. Refer the petitions to the Agricultural Commissioner for the preparation of a register of owners of table grape acreage within the proposed district, and for an investigation and report;

5. Fix March 22, 2005, at a regularly scheduled meeting of the Board of Supervisors, as the time and place for a hearing of the petitions, which shall not be less than 20 days, nor more than 40 days, after the filing of the petitions; and

6. Order the Clerk of the Board of Supervisors to give notice of the hearing in accordance with existing law.

NOTICE OF PUBLIC HEARING
PERTAINING TO FORMATION OF A TABLE GRAPE DISTRICT

NOTICE IS HEREBY GIVEN that on March 22, 2005, at 9:30 a.m., the Tulare County Board of Supervisors will consider taking action to order the formation of a table grape district within the County of Tulare pursuant to Food and Agricultural Code Section 6047.60 *et seq*. The location of the public hearing is set forth as follows:

Tulare County Board of Supervisors Chambers
County Administration Building
2800 West Burrel
Visalia, CA 93291

At this public hearing, protests to the formation of the proposed district will be considered by the Board of Supervisors, and requests for exclusion of acreage from, or the inclusion of acreage in, the proposed district will be heard and considered by the Board. Requests for exclusion of acreage (1) shall be made by affidavit by the owner of said acreage, and (2) shall address the factors of exclusion set forth in Food and Agricultural Code Section 6047.74.

The petition to form the table grape district is available for inspection at the Office of the Clerk of the Board of Supervisors. The address, where such inspection may take place, is: County Administration Building, 2800 West Burrel, Visalia, California 93291 (Telephone: (559) 733-6271).

As described in the petition, the boundaries of the proposed district are intended to include all of the table grape acreage within Tulare County.

At this public hearing, the report of the County Agricultural Commissioner regarding the feasibility and advisability of forming the table grape district will be considered and may be received by the Board.

Assuming action is taken to order the formation of the table grape district, the Board of Supervisors also will consider taking concurrent action to appoint a Board of Directors of five members to administer the affairs of the district, subject to filing with the Tulare County Clerk / Recorder a certified copy of the resolution ordering the formation of said district.

Protests may be made orally or in writing by any person interested in the formation of the proposed table grape district. Any protest that pertains to the regularity or sufficiency of the proceedings shall be made in writing and shall clearly set forth the defects to which objection is made. All written protests shall be filed with the Clerk of the Board of Supervisors on or before the time fixed for this hearing.

All interested parties are invited to attend this public hearing and be heard. Please take notice, however, that if any interested party challenges in court the proposed action described above, then that party may be limited to raising only those protests, issues or objections raised during the public hearing described herein.

The Board of Supervisors may continue this public hearing from time to time, not to exceed 60 days.

For further information about this matter, please contact Gary Kunkel, Tulare County Agricultural Commissioner / Sealer, or William Appleby, Assistant Agricultural Commissioner / Sealer at (559) 685-3323.

Brian Haddix
County Administrative Officer and
Clerk of the Board of Supervisors

MEMBERS OF THE BOARD

ALLEN ISHIDA
District One

CONNIE CONWAY - Chairman
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

JIM MAPLES
District Five

County of Tulare

Board of Supervisors

Agenda

C. BRIAN HADDIX
County Administrator

KATHLEEN BALES-LANGE
County Counsel

MICHELLE BALDWIN
Chief Clerk

ADMINISTRATION BUILDING
2800 W. Burrel
Visalia, CA 93291
(559) 733-6271
FAX (559) 733-6898

SITTING AS THE TULARE COUNTY BOARD OF SUPERVISORS AND THE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

March 22, 2005

9:00 A.M. Board Convenes

PLEDGE OF ALLEGIANCE

Moment of Silence

NOTICE TO THE PUBLIC
PUBLIC COMMENT PERIOD

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak. At all times, please use the microphone and state your name and address for the record.

1. Public Comments.

2. **9:00 a.m.** Proclamation declaring March 20 – 26, 2005 as National Agriculture Week in Tulare County.

3. **9:00 a.m.** 2005 Calendar Art Presentation with student winners presented by Craig Knudson, Tulare Farm Bureau.

4. **9:00 a.m.** Presentation and demonstration by Affiliated Computer Services on new Board Chambers technology project and Information Technology service improvements and directions for Tulare County.

As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office at (559) 733-6271

9:30 A.M. - TIMED ITEMS

5. **Public Hearing:** Request from Agricultural Commissioner/Sealer to allow public comment, objections, protests and requests for exclusion for the proposed formation of the Tulare County Table Grape Pest and Disease Control District. Declare that the proposed formation of the district is not a project subject to the California Environmental Quality Act (CEQA) or, in the alternative, that the proposed formation of the district is exempt from CEQA. Consider the Agricultural Commissioner's register of all owners of table grape acreage within the proposed district. Consider the Agricultural Commissioner's report describing the present condition of the glassy-winged sharpshooter and Pierce's disease infestations, or infestations of other designated pests and diseases, and the Commissioner's recommendation as to the advisability of the creation of the district. Accept the Agricultural Commissioner's report recommending the creation of the proposed district, and determine that the formation of the proposed district is feasible and in the best interest of the table grape acreage owners of Tulare County. Declare that the Tulare County Table Grape Pest and Disease Control District is duly organized. Order that the boundaries of the district include all of the table grape acreage within the County of Tulare, unless otherwise excluded by the Board. Subject to recording of the resolution ordering the formation of the district, appoint the five nominees as the Directors of the Board of the Tulare County Table Grape Pest and Disease Control District. Authorize the Chairman to execute the Notice of Exemption, and direct the Clerk of the Board to file the notice with the State Clearing House and Tulare County Clerk/Recorder. Direct that the Clerk of the Board send a notice of inclusion to the property owners (or their designees) identified on the roster, unless otherwise excluded by the Board.

CONSENT CALENDAR (Number 6 thru 25)

NOTICE TO THE PUBLIC
Background information has been provided to the board on all matters listed under the Consent Agenda, and these items are considered to be routine by the Board. All items under the Consent Agenda are normally approved by one motion. If discussion is requested by any Board members on any item, that item will be removed from the Consent Agenda if separate action is required.

6. Reaffirm declaration of State of Emergency in Tulare County due to the Deep Incident Fire.

7. Request from Resource Management Agency to ratify increased expenditures of County Road Funds specified in the County's Snow Removal Policy by authorizing up to an additional $7,500 in County Road funds for snow removal from each designated area above 5,000 feet elevation, if matched by equivalent non-County Road funds.

8. Request from Resource Management Agency to approve an amendment to Agreement No. 21035 with Environment Control to provide contracted custodial services, extending the Agreement through June 30, 2005.

REPORT ON PRESENT CONDITION OF GLASSY-WINGED SHARPSHOOTER AND PIERCES DISEASE INFESTATION AND OTHER GRAPE PESTS AS REQUIRED BY THE TABLE GRAPE PEST AND DISEASE DISTRICT LAW

Glassy-winged Sharpshooter (GWSS)

Tulare County has been actively employing control and suppression methods for the GWSS for the past several years. Cooperative efforts involving the United States Department of Agriculture (USDA), California Department of Food and Agriculture (CDFA), University of California Cooperative Extension (UCCE), Tulare County Agricultural Commissioner/Sealer, and the Kern/Tulare GWSS Task Force have resulted in significant progress toward the goal of suppressing GWSS in commercial crops.

In 2003, the GWSS program was expanded to include an area-wide control project. Tulare County was divided into zones that could be effectively managed utilizing the available funds. Five such zones were established and monitored for GWSS populations using a trapping grid of one trap per 40 acres ... a network of some 6,000 traps.

From July 2003 through December 2004, 56,592 acres of citrus were treated in Tulare County. Citrus groves from the Lindsay area South to the Kern County line were treated for GWSS populations for the first time under the area-wide GWSS management program. This resulted in a reimbursement to citrus growers of more than $4.8 million to cover the cost of these grower-applied treatments.

The area-wide management program will continue for the current year. GWSS populations are at a very low level currently. The program's goal is to keep these levels down. Most areas show a reduction of greater than 50% when compared to those of the 2002 season. The harvests of grapes, citrus, and nursery stock have been able to continue without significant disruption.

Pierce's Disease (PD)

Pierce's Disease has long been known to exist in Tulare County. Although growers have previously found ways to manage or live with the disease, the arrival of GWSS, which spreads PD efficiently, may now threaten more than 74,000 acres of grape production. The combination of Glassy-winged Sharp Shooter, Pierce's Disease and grapevines has resulted in the widespread death of grape vines in other locations.

Vine Mealybug (VMB)

Vine Mealybug is emerging as a serious vineyard pest across the major grape growing districts in California. VMB was first identified in California in 1994 in the Coachella Valley and is currently found in many of California's grape-producing counties, including Tulare.

VMB negatively impacts crop quality and yield by contaminating clusters with egg sacs, larvae, adults, and honeydew. Excessive feeding on the leaves can cause premature defoliation of the vine whereas feeding near the fruit allows for the entry of fungi that can rot entire clusters. VMB is particularly troublesome because it excretes significantly more honeydew than other mealybug species, reproduces more quickly, and over winters below ground where it is protected from pesticides, cold weather, and biological control organisms. Due to its cryptic nature and rapid rate of reproduction, even a small infestation of VMB can quickly spread and result in large economic losses if left unchecked. Once established in a vineyard, VMB is nearly impossible to eradicate. Control with conventional insecticides is difficult and at times cost prohibitive.

Aside from chemical treatments, there are two additional keys to control VMB: sanitation and biological control. Biological control of VMB is an active area of research in California. Resident natural enemies play a key role in the suppression of the pest in other countries. However, none of these species currently provides effective economic control or is capable of reducing the spread of VMB to new areas within the San Joaquin Valley.

In the past year, there have been extensive field tests of pheromone trapping, a technique considered to be an excellent method of detecting incipient infestations. Pheromone traps are currently being used to monitor VMB males in nurseries and newly infested areas of the state. David Haviland and Walter Bently, both of the UCCE, have been working with this grape pest in Tulare County.

Petition Verification

Pursuant to Table Grape Pest and Disease District Law (Food and Agriculture Code section 6047.60 et seq.) a petition to form a District was submitted to the Board of Supervisors on March 1, 2005 by table grape growers of Tulare County. The Tulare County Agricultural Commissioner/Sealer was able to verify that the petition met the requirements of the Food and Agricultural Code has been signed by at least 15% of the owners of table grape acreage in Tulare County.

District Boundaries

The boundary of the proposed Table Grape Pest and Disease Control District is intended to include all of the table grape acreage within Tulare County. Most existing table grape acreage is found from Richgrove in the Southeast part of the county to Kingsburg in the Northeast part of the county. The major concentration of acreage lies in an area ranging from South of Hwy 190 to the County Line, between Highways 99 and 65. Another, although smaller, concentration of acreage is north of Ave 368 to the County Line, between Highways 99 and 63.

Register of Table Grape Owners

The register of table grape owners is being submitted with this report. This list was developed using the Tulare County Assessor's Final 2004 parcel data (Williamson Act parcels only). The registry contains 1,079 records and lists the owner name, address, and acreage of each owner.

Recommendation

Because of the potential for significant, even potentially devastating, losses posed by Glassy-winged Sharpshooter, Pierce's Disease and other grape pests to the County's third-leading agricultural crop, it is my recommendation that your Board proceed with the formation and organization of the District.

Respectfully submitted,

Gary W. Kunkel
Agricultural Commissioner/Sealer

Attachment: Register of table grape acreage owners

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: County of Tulare
2800 W. Burrel
Visalia, CA 93291

County Clerk / Recorder
County of Tulare
221 South Mooney Boulevard
Room 105
Visalia, CA 93291-4593

Project Title: Formation of Tulare County Table Grape Pest and Disease Control District

Project Location (General): County of Tulare

The proposed table grape pest and disease control district is intended to include all of the table grape acreage within Tulare County as defined in Food and Agricultural Code sections 6047. 60 et seq. Attached is a map depicting table grape acreage according to the most recent records of the Tulare County Agricultural Commissioner.

Project Location (Specific):

Most existing table grape acreage is located in Richgrove in the southeast part of the county to Kingsburg in the northeast part of the county. The major concentration of acreage is south of Highway 190 to County Line Road (which separates Tulare County from Kern County), and between Highway 99 and Highway 65. The other concentration of table grape acreage is located north of Avenue 368 to County Line Road and between Highway 99 and Highway 63. The attached map provides a graphic illustration of existing table grape acreage shown as dark polygons.

Description of Nature, Purpose, and Beneficiaries of Activity:

Consistent with Food and Agricultural Code section 6047.62(a), the nature, purpose and beneficiaries of the activity are to form a table grape pest and disease control district to respond to the effects of the spread of the glassy-winged sharp shooter and Pierce's disease, and other designated pests and diseases that attack table grape plants, and to collect and disseminate to table grape producers in the district all relevant information and scientific studies concerning pests, as well as to chart and determine the extent and location of any infestations.

Nature of Public Agency Approving Project: Local Agency – County of Tulare.

Name of Person or Agency Carrying Out Project: Tulare County Board of Supervisors, with the assistance of the Tulare County Agricultural Commissioner.

Exempt Status:

The proposed activity is not a project subject to CEQA because the formation of the district is an organizational or administrative activity which is political or which are not physical changes in the environment (Guidelines section 15378(b)(5); or, alternatively, the project is subject to the General Rule Exemption such that it can be seen with certainty that there is no possibility that the activity in

question (formation of district) may have a significant effect on the environment. (Guidelines section 15061(b)(3).)

Reason(s) why project is exempt:

The proposed activity is to form a table grape pest and disease control district authorized by state law; and as such, consistent with the report prepared by the Tulare County Agricultural Commissioner, the proposed activity does not authorize any physical changes to the environment. The proposed activity merely establishes political boundaries for the newly formed district. A board of directors for the district will be appointed by the Tulare County Board of Supervisors. Pursuant to Food and Agricultural Code section 6047.79(a), the board of directors is authorized to administer the affairs of the district, and such affairs, as they affect the physical environment, will be evaluated by the board of directors when a project is proposed, and appropriate action under CEQA will be taken at that time.

Lead Agency Contact Person: **Gary Kunkel, Tulare County Agricultural Commissioner, or William Appleby, Assistant Agricultural Commissioner**

Area Code / Telephone / Extension: **(559) 685-3323**

Connie Conway		Chairman, Tulare County Board of Supervisors
Signature	*Date*	*Title*

Date Received for filing at OPR:

MCS/03/02/2005/20031734/

Tulare County Agricultural Commissioner/Sealer

Gary Kunkel, Agricultural Commissioner
Sealer of Weights and Measures
William R. Appleby, Assistant
Commissioner/Sealer

AGENDA DATE: March 22, 2005 **ITEM NO.**

SUBMITTED BY: Agricultural Commissioner/Sealer **DATE:** "Revision 2" March 16, 2005

SUBJECT: In the matter of the formation of the Tulare County Table Grape Pest and Disease Control District.

REQUESTS:

1. Open the public hearing for the proposed formation of the Tulare County Table Grape Pest and Disease Control District and allow public comment, objections, protests and requests for exclusion.

2. Close the public hearing.

3. Declare that the proposed formation of the district is not a project subject to the California Environmental Quality Act (CEQA), or, in the alternative, that the proposed formation of the district is exempt from CEQA.

4. Consider the Agricultural Commissioner's register of all owners of table grape acreage within the proposed district.

5. Consider the Agricultural Commissioner's report describing the present condition of the glassy-winged sharpshooter and Pierce's disease infestations, or infestations of other designated pests and diseases, and the Commissioner's recommendation as to the advisability of the creation of the district.

6. Accept the Agricultural Commissioner's report recommending the creation of the proposed district, and determine that the formation of the proposed district is feasible and in the best interest of the table grape acreage owners of Tulare County.

7. Declare that the Tulare County Table Grape Pest and Disease Control District is duly organized.

8. Order that the boundaries of the district include all of the table grape acreage within the County of Tulare, unless otherwise excluded by the Board.

9. Subject to recording of the resolution ordering the formation of the district, appoint the five nominees identified below as the directors of the board of the Tulare County Table Grape Pest and Disease Control District.

4437 S Laspina St Ste A • Tulare CA 93274-9537 • Phone (559) 685-3323 • Fax (559) 685-3335

10. Authorize the Chairman to execute the Notice of Exemption, and direct that the Clerk of the Board file the notice with the State Clearing House and Tulare County Clerk / Recorder.

11. Direct that the Clerk of the Board send a notice of inclusion to the property owners (or their designees) identified on the roster, unless otherwise excluded by the Board.

SUMMARY/JUSTIFICATION: The State Legislature enacted the Table Grape Pest and Disease District Law (Food and Agricultural Code section 6047.60 et seq.), which allows table grape owners to establish a grower-operated district to combat table grape pests and diseases. This district would allow growers to focus on a variety of devastating pests including Glassy-winged Sharpshooter (GWSS), Pierce's Disease (PD), and Vine Mealy Bug among others. The Federal and State governments have spent over $135 million to combat GWSS and PD. Some $10,000,000 of that funding has been expended in the detection, control and management of these pests in Tulare County.

On March 1, 2005, Tulare County table grape growers in favor of the formation of the Tulare County Table Grape Pest and Disease District filed a petition asking that the Tulare County Board of Supervisors form such a district. Food and Agriculture Code section 6047.69 requires that upon the filing of a petition signed by at least 15% of the owners of table grape acreage that your Board refer the petition to the County Agricultural Commissioner/Sealer for the preparation of a register of owners of table grape acreage within the proposed district and for an investigation and report. The petition filed describes the territory to be included in the proposed district.

On March 1, 2005, your Board set March 22, 2005 for a hearing to consider formation of the district. A registry of all table grape acreage owners within the proposed district and the Agricultural Commissioner's report on the present condition of the Glassy-Winged Sharpshooter (GWSS) and Pierce's Disease (PD) infestations, or infestation of other designated pests and diseases will be presented at the hearing. Because of the potential threat that GWSS, PD and other grape pests pose to the County's number three agricultural crop, it will be the Agricultural Commissioner's recommendation that your Board proceed with the formation and organization of the district.

If your Board determines that the formation of a district is feasible and is in the interest of table grape growers, your Board shall appoint a board of directors of five members to administer the affairs of the district. To be a director of the district, a person shall be either an owner of, or the designee of an owner of, acreage included in the district that is devoted, in whole or in part, to the growing of table grapes. Tulare County table grape growers have put forth the following nominees for appointment as Board of Directors:

Supervisory District	Nominee	Company
District 1	Blake Ueki	Lagomarsino Farming, LLC
District 2	Art Foster	Delano Farms
District 4	Clarence Robbins	Sundale Vineyards/Mt. View Farming
District 5	Max Jehle	Rio Blanco
District 5	Bob McCloskey	Green Valley

Pursuant to Food and Agricultural Code section 6047.80, the persons listed on the attached roster are either an owner of, or the designee of an owner of, acreage included in the district that is devoted, in whole or in part, to the growing of table grapes.

FINANCING: No fiscal impact. Costs of formation and subsequent operation of the pest and disease control district will be borne by the district.

ALTERNATIVES: After the public hearing, the Board of Supervisors could determine that the project is not feasible and/or not in the interest of the table grape acreage owners of the county and therefore the district would not be duly organized.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES: County Counsel, Auditor, County Administrative Office, and Assessor.

SIGNATURE REQUIREMENTS: Chairman to sign Notice of Exemption (CEQA).

ADMINISTRATIVE SIGN-OFF

Gary Kunkel
Agricultural Commissioner
Sealer of Weights and Measures

By Bill Appleby, Assistant
Agricultural Commissioner

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF TULARE
STATE OF CALIFORNIA

IN THE MATTER OF THE FORMATION OF THE TULARE COUNTY TABLE GRAPE PEST AND DISEASE CONTROL DISTRICT	) Resolution No. 2005-))

The Tulare County Board of Supervisors hereby finds, determines and orders as follows:

1. The public hearing for the proposed formation of the Tulare County Table Grape Pest and Disease Control District was duly opened for public comment, objections, protests and requests for exclusion; oral testimony and written evidence were considered during the public hearing; any comments, objections, protests, and requests for exclusion were duly considered and acted upon by the Board; and the public hearing was duly closed.

2. Notice of the public hearing to determine the formation of the proposed district was duly given for two successive weeks on March 3 and 10, 2005 in two newspapers of general circulation (*i.e.*, the Visalia Times-Delta and the Tulare Advance Register).

3. Pursuant to State CEQA Guidelines section 15378, subdivision (b)(5), the proposed activity is not a project subject to the California Environmental Quality Act (CEQA) because the formation of the district is an organizational or administrative activity which is political in nature or does not cause any physical changes in the environment. Thus, the Board declares that the proposed formation of the district is not a project subject to CEQA.

4. Alternatively, pursuant to State CEQA Guidelines section 15061, subdivision (b)(3), the project is subject to the General Rule Exemption such that it can be seen with certainty that there is no possibility that the activity in question (formation of district) may have a significant effect on the environment because the proposed activity merely establishes political boundaries and does not authorize any physical changes in the environment. Pursuant to Food and Agricultural Code section 6047.79, subdivision (a), the newly appointed board of directors will be authorized to administer the affairs of the district, and such affairs, as they affect the physical environment, will be evaluated by the board of directors when a project is proposed, and appropriate action under CEQA will be taken at that time. Thus, the Board declares that the proposed formation of the district is exempt from CEQA.

5. The Board considered the Agricultural Commissioner's register of all table grape acreage owners within the proposed district, and such register specifically described the net acreage of land devoted to the growing of table grapes by each owner.

6. The Board also considered the Agricultural Commissioner's report describing the present condition of the glassy-winged sharpshooter and Pierce's disease infestations, or infestations of other designated pests and diseases, and any proposed program that may warrant

the Board's proceeding with the organization of the district, and the Commissioner's recommendation as to the advisability of the creation of the district.

7. The Board hereby accepts the Agricultural Commissioner's report recommending the creation of the proposed district and finds and determines that the Commissioner's roster of table grape owner acreage is sufficient and in order. Based on this report, roster and such other substantial evidence, the Board finds and determines pursuant to Food and Agricultural Code section 6047.76, subdivision (a), that that the formation of the proposed district is feasible and in the best interest of the table grape acreage owners of Tulare County.

8. Accordingly, the Board hereby orders the formation of the Tulare County Table Grape Pest and Disease Control District; directs that this order be entered into its minutes; declares that the Tulare County Table Grape Pest and Disease Control District is duly organized; and directs that a certified copy of this resolution be recorded with the Tulare County Clerk / Recorder forthwith.

9. The Board further orders that the boundaries of the district include all of the table grape acreage within the County of Tulare unless otherwise excluded by the Board. Said boundaries of the district are based on the acreage generally located as follows:

> Said table grape acreage is located in Richgrove in the southeast part of the county to Kingsburg in the northeast part of the county. The major concentration of acreage is south of Highway 190 to County Line Road (which separates Tulare County from Kern County), and between Highway 99 and Highway 65. The other concentration of table grape acreage is located north of Avenue 368 to County Line Road and between Highway 99 and Highway 63.

The foregoing boundaries are depicted generally in the attached map (made a part hereof) and illustrated in said map as dark polygons. However, the boundaries of said district shall coincide with the table grape owner acreage described in the roster of acreage prepared by the Agricultural Commissioner, unless said roster was otherwise amended by the Board.

10. Notice of inclusion in the District shall be mailed, postage prepaid, by the Clerk of the Board of Supervisors to the address of the owners of the acreage as shown by the last equalized assessment roll. Said notice shall state that the owners of such acreage may request exclusion from the District's Board of Directors on the ground that such acreage shall not be benefited by the activities of the District.

11. Subject to the filing of a certified copy of this resolution ordering the formation of the District, the Board hereby appoints the following five nominees as directors of the board of the Tulare County Table Grape Pest and Disease Control District:

Name of Nominee	Supervisorial District
Blake Ueki	1
Art Foster	2
Clarence Robbins	4

Max Jehle	5
Bob McCloskey	5

12. The Board hereby authorizes the Chairman to execute the Notice of Exemption and directs that said notice be filed forthwith with the State Clearing House and the Tulare County Clerk / Recorder.

Upon motion of Supervisor , seconded by Supervisor , this resolution was adopted by the Board of Supervisors at the official meeting held on March ___, 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: BRAIN HADDIX
COUNTY ADMINISATRATIVE OFFICER /
CLERK OF THE BOARD OF SUPERVISRS

By: _____
Deputy Clerk

MCS/03/07/2005/20031734

TULARE COUNTY OLIVE PEST CONTROL DISTRICT

Projected Budgets: Fiscal Years 2003-2004, 2004-2005, 2005-2006 and 2006-2007

RESOURCES	2003 - 2004 FY	2004 - 2005 FY	2005-2006 FY	2006-2007 FY
County Advance(s)				
Approved June, 2003	50,000	-	-	-
Additional Request (July 2004)	-	80,000	-	-
Carryforward from previous fiscal year	-	15,000	98,500	99,000
Revenue:				
Grower Assessments	-	303,800	195,000	196,000
(first payment received January 2005)				
Interest Income	-	1,000	5,000	5,000
Total	$ 50,000	$ 399,800	$ 298,500	$ 300,000
EXPENDITURES				
Proposition 218 Vote		-	-	-
Legal and Engineering Consultants	11,700			
Tulare County Ag Commissioner	5,000			
Printing, Mailing, etc.	2,500			
Public Relations / Outreach Program	5,000	20,000	20,000	20,000
County Auditor Processing Fees	-	2,000	2,000	2,000
Legal, Insurance, CPA	-	10,000	11,000	12,000
Administration				
Meetings	3,300	2,500	2,500	2,500
Accounting	1,000	2,500	2,500	2,500
General	1,500	2,500	2,500	2,500
Operational Activities				
Management	5,000	4,000	4,000	4,000
Mapping	-	62,000	50,000	25,000
Satellite Images	-	2,000	2,000	2,000
Database	-	3,200	3,000	3,000
Treatment Programs				
GF-120 Applications	-	10,000	20,000	25,000
Mass Trapping Program	-	20,000	40,000	50,000
Attract & Kill Trap Program	-	20,000	40,000	50,000
Carryforward to fund first half of next FY	15,000	98,500	99,000	99,500
LAFCO Fees (repay Ag Commissioner)	-	6,600	-	-
Loan Repayment *(including interest)* - Tulare C	-	134,000	-	-
Total	$ 50,000	$ 399,800	$ 298,500	$ 300,000
Estimated assessment per tree:		$ 0.26	$ 0.17	$ 0.17
Calculated per-acre basis for FY 2004-05:	$ 19.86			

NOTICE OF PUBLIC HEARING

TO: Property Owner of Record
Assessor's Parcel Number

FROM: Tulare County Agriculture Commissioner/Sealer

DATE: April 2, 2004

SUBJECT: Assessment Ballot Proceeding

The purpose of this notice is to provide you with information about the assessment ballot proceeding being conducted by the Tulare County Agriculture Commissioner/Sealer for the Tulare County Olive Pest Control District and its effects on real property that you own. This notice is being sent to you in accordance with section 53753 of the California Government Code, and section 4(c), article XIIID of the California Constitution.

Please be advised of the following:

- The hearing will be on Thursday, May 20, 2004 at 1:30 P.M.
- The location of the hearing is in the auditorium at the Tulare County Agricultural Commissioner's office, 4437A S. Laspina Street, Tulare, CA 93274.
- The reasons for the assessment include:
  - To establish district operations;
  - To cover the cost of accurate mapping of olive acreage and ornamental plantings, trapping and baiting program, and chemical control of the olive fruit fly and/or any other pest based on scientific recommendation;
  - To protect the olive industry from economic loss due to the olive fruit fly and/or any other pest infestation.
- The proposed assessment for the first year (fiscal year 2004-2005) will be $19.86 per acre based on an assumed planting density of 75 trees per acre and an approved assessment of $0.26 per tree. In subsequent years the assessment will be determined by actual tree count at the approved assessment rate.
- The total amount chargeable to the entire assessment district for fiscal year 2004-2005 is $303,800.
- The duration of this assessment will be until the olive fruit fly and/or any other pest no longer poses a threat to the olive industry.
- The assessment was calculated based on (1) budget projections for repayment of loan amounts; and (2) district operations, including mapping commercial and noncommercial olive trees, trapping program, and pesticides. Projections were calculated based on the amount of current Assessor's acreage and on an average of 75 trees per acre. This budget is supported by a detailed engineer's report that is available for public review at the Tulare County Pest Control District Office located at the Central California Tristeza Eradication Agency, 22847 Road 140, Tulare, CA. It may also be viewed at the county Agricultural commissioner's office, 4437A S. Laspina Street, Tulare, CA; or online at http://agcomm.co.tulare.ca.us/.

Enclosed with this notice, you will find an assessment ballot. Please follow the directions on the ballot to express your view on the proposed assessment.

TULARE COUNTY
OLIVE PEST CONTROL DISTRICT
GROWER ASSESSMENT BALLOT

NAME
ADDRESS

Assessor's Parcel Number (APN)	Assessed Acres	Estimated Assessment

Proposed Assessment:

- Beginning July 1, 2004 for Fiscal Year 2004 - 2005: $19.86 per acre, which is based on 75 trees per acre, $0.26 per tree.
- Subsequent fiscal year assessments to be based on actual tree count, projected at $0.17 per tree, not to exceed $0.26 per tree.
- Proposed annual inflation adjustment index is the Engineering-News Record 20-city skilled labor index (to be applied for a maximum of 5 years).

Instructions for Completing and Delivering This Ballot

- Please indicate your position on the proposed assessment by placing a check mark (3) in the appropriate box below.
- Sign and date the ballot. For a ballot to be valid, it must have the original signature of the property owner of record. Photocopies of this ballot will not be counted.
- You may return your assessment ballot with original signature by postal mail to the Tulare County Agricultural Commissioner's Office, 4437A S. Laspina Street, Tulare, CA 93274 in the enclosed self-addressed envelope, **postmarked by May 13, 2004**, (Multiple ballots may be returned in one envelope.)
- or you may bring your ballot with original signature in person to the Tulare County Agricultural Commissioner's Office, 4437A S. Laspina Street, Tulare, CA 93274, any time before 2:00 P.M. on May 24, 2004,
- alternatively, you may bring your ballot with original signature in the enclosed envelope to the public hearing on May 20, 2004.
- **Ballots must be received by the close of the public hearing on May 20, 2004.**

YES		I support the levy of an assessment as described above for the benefit of the olive industry.
NO		I do not support the levy of an assessment as described above.

I hereby declare under penalty of perjury that I am record owner of or party responsible for the payment of the assessment for the parcel listed above.

Signature of Record Owner / Responsible Party

Date

Print Name

REVISED
ENGINEERS' REPORT
SPECIAL BENEFIT ASSESSMENT

TULARE COUNTY OLIVE
PEST CONTROL DISTRICT

MARCH 2004

DENNIS R. KELLER/JAMES H. WEGLEY
Consulting Engineers
Visalia, California

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REPORT SUMMARY

TO: Interested Landowners

FROM: Tulare County Olive Pest Control District

DATE: March 29, 2004

SUBJECT: Detailed Engineer's Report in Support of Service Charges

Dear Landowner:

The attached report is being provided to you based on your request and in accordance with the provisions of Article 13(D) of the California Constitution and specifically in accordance with the provisions of Section 53750 through 53753.5 of the Government Code of the State of California. These Constitutional and statutory provisions implement so-called Proposition 218, which was intended to establish certain mandatory procedures for the levy of special benefit assessments, as well as other assessments and charges by special agencies.

The Board of Directors of the Tulare County Olive Pest Control District has determined that the District should establish an assessment sufficient to raise $303,800 in the first year and $195,000, indexed for inflation, in subsequent years. Funds will be utilized to support the programs necessary to control pests affecting the production of olives, specifically at this time, the olive fruit fly. These programs include, at a minimum, educational programs, spray programs and trapping programs. The specific programs which are eligible to be funded with the proposed service charge are detailed in Chapter II.

The attached report also presents an evaluation of the proposal based on the statutory requirements of the implementing legislation for Proposition 218. This evaluation is presented in Chapter III. The evaluation is divided into two specific segments. The first of these is the determination of the eligibility and the extent of eligibility of each specified program. The second portion of the evaluation deals with the allocation of costs to the impacted landowners within the District. The requirement of allocation of costs on a proportional benefits basis is also addressed.

Per the Notice provided, a public hearing will be held by the District in order to consider and address comments and questions from affected landowners. In addition, procedures have been established whereby landowner may participate in that hearing, as well as the mandatory procedures by which all landowners affected by the assessment are entitled to respond to the imposition of the proposed assessments.

CHAPTER I
DISTRICT BACKGROUND DATA
TULARE COUNTY OLIVE PEST CONTROL DISTRICT

GENERAL

The Tulare County Olive Pest Control District (District) was formed and organized under the provisions of the California Stone and Pome Fruit Pest District Control Law in 2002. The formation documents for the District indicate that the purpose of formation was to allow for an organizational mechanism having as its purpose the eradication or controlling of pests affecting the viability of the olive crop grown within the County of Tulare. The District was formed by authority of the Tulare County Board of Supervisors. The District contains lands which are varied in nature, including valley floor, foothill and mountainous terrain. The lands within the boundary of the District are presented on Figure I with crop locations also presented.

MISSION STATEMENT

The purpose of the District is to monitor, research and support the control of any pest or disease which endangers the commercial production and/or viability of olives in Tulare County.

OLIVE FRUIT FLY

The olive fruit fly, *Bactrocera oleae*, is considered to be the most serious pest of olive fruit in the world. In areas where this species is endemic and uncontrolled, its damage has been responsible for up to 100% loss of the table crop and 80% loss of the oil crop. The fly was first detected in the Los Angles basin of California in 1998 and, by 2001, had spread to Tulare County. It has been detected as far north in California as the counties of Butte, Glenn and Tehama.

The insect lays its eggs in the fruit. As the eggs hatch, the larvae feed on the fruit. Processing and table industry officials have set a rejection threshold at one (1) percent infestation. This past season, one entire county (Butte County) was deemed fully infested and all commercial deliveries of harvested fruit were stopped.

The impacts of the fly on the fruit are numerous. Of significant impact, the larvae feeding on the fruit causes premature fruit drop. The infestation also causes an increase in fruit acidity. This increase decreases fruit and oil quality and is a principal cause for the rejection of fruit for oil.

CURRENT PROGRAMS

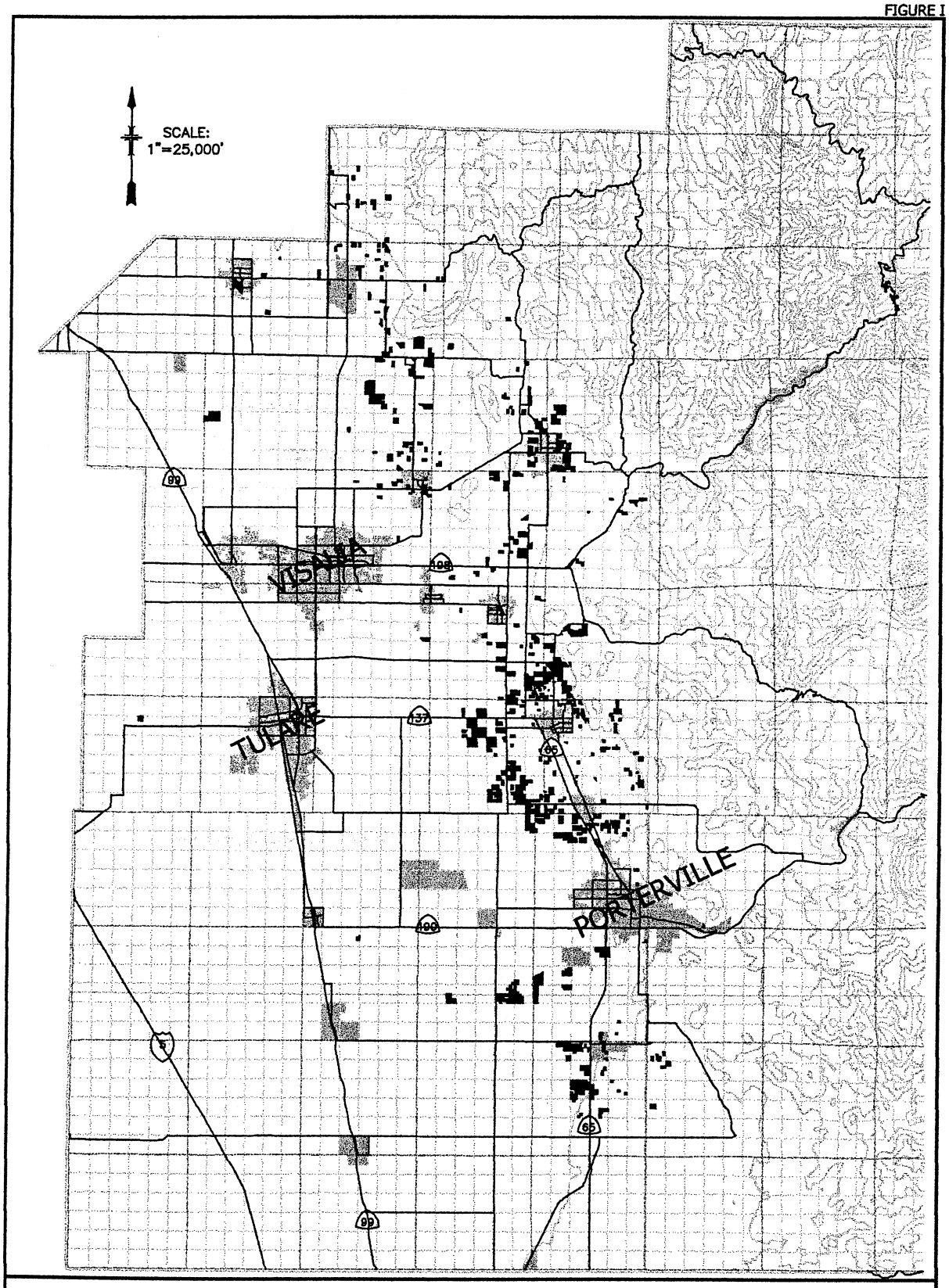
Several programs are in motion to address the problems generated by the fly, considered a statewide problem. Specific control programs have been implemented in the counties of Glenn and Butte and growers are being assessed in those counties to support those programs.

The California Olive Committee (COC) has been funding research to define the insect's biology, to determine potential chemical and biological control methods of control and the timing

of application of chemicals which have demonstrated the capability to control the pest. The COC has also been funding a two year monitoring program that includes all of the valley floor portion of Tulare County and extends from Bakersfield to Madera.

Recognizing the importance of the issue to the economy of Tulare County, the Tulare County Board of Supervisors has granted the District a loan to develop a control program. The loan proceeds were also granted to develop long-term budget strategies and benefit assessment procedures.

FIGURE I



LEGEND

OLIVE GROVES

OLIVE GROVES WITHIN TULARE COUNTY
TULARE COUNTY OLIVE PEST CONTROL DISTRICT

KELLER/WEGLEY

CHAPTER II
DISTRICT COST DATA
TULARE COUNTY OLIVE PEST CONTROL DISTRICT

GENERAL

The District operates under a budget prepared on a fiscal year basis. The District's fiscal year runs from July 1 to June 30 of the following year. Said budget is prepared on a detailed line item basis and is subject to approval by the Board of Directors. Revenues are budgeted by source with expenditures budgeted by use in categories consistent with those utilized by the Auditor of the County of Tulare. Due to its formation date, the District does not receive any portion of the general county tax revenue resulting from the provisions of Chapter 13 of the California Constitution.

The District's principal source of revenue is anticipated to be income from assessments, with collection of said assessments requested to be by the County of Tulare in conjunction with collection procedures associated with general County property taxes. As such, the District must make provision to finance activities of the District from July 1 of each fiscal year until the first element of the then current revenue becomes available for distribution to the District. It is therefore a requirement of the

construction of each annual budget to specify a reserve to be carried forward from the prior fiscal year to fund expenditures during this defined period of time.

ANNUAL BUDGET

At the time of the preparation of this revised Report, the Board of Directors had replaced the original split budget for Fiscal Year 2003-2004 with a single budget. The Board also established revised preliminary budgets for Fiscal Years 2004-2005, 2005-2006 and 2006-2007. It was determined from this exercise that there were anticipated cost increases associated with labor and with the purchase of chemicals that required consideration. The Board also established an initial assessment rate and implemented procedures to conduct an election to allow for conformance with the provisions of Proposition 218. The purpose of the election will be to confirm the initial and future annual rates of assessment. The first year budget is presented herein in Table I and establishes balancing revenue and expenditures of $50,000.

The total amount of grower assessments called for in the initial post election budget is $303,800 representing an assessment rate of $19.86 per acre planted to olives. This is based on a verified olive acreage as of the date of this Report of 15,296 acres. This assessment rate is proposed for the initial assessment only. The assessment rate is proposed to be reduced in subsequent years as the loans from the County of Tulare will have been repaid and a sufficient reserve will have been generated to cover the dry period between transmittal of assessment proceeds.

The budget for the initial post election year is presented in Table II. Budgets for the two subsequent years are presented in Table III. Assessment rates for the subsequent years are to be based on an actual tree count basis. The tree count will be established as a result of mapping efforts

undertaken in the initial post election year. The per tree assessment rate for Fiscal Year 2005-2006 is estimated at $0.1700 and for Fiscal Year 2006-2007 is estimated at $0.1709. The assessment rate is based on an average number of trees of 75 per acre on an estimated 15,296 acres.

TABLE I
ADOPTED BUDGET - FIRST YEAR
FISCAL YEAR 2003-2004
TULARE COUNTY OLIVE PEST CONTROL DISTRICT

CATEGORY	Amount
Revenue:	
County Advance(s):	
Approved June, 2003	$ 50,000
Carryforward from previous fiscal year	0
Revenue:	
Grower Assessments	0
Interest Income	0
Total Revenue	$ 50,000
Expenditures:	
Proposition 218 Procedures:	
Legal and Engineering Consultants	$ 11,700
Tulare County Ag Commissioner	5,000
Printing, Mailing, etc.	2,500
Public Relations / Outreach Program	5,000
Legal, Insurance, CPA	0
Administration:	
Meetings	3,300
Accounting	1,000
General	1,500
Operational Activities:	
Management	5,000
Mapping	0
Satellite Images	0
Database	0
Treatment Programs:	
GF-120 Applications	0
Mass Trapping Program	0
Attract & Kill Trap Program	0
Carryforward to fund first half of next FY	15,000
LAFCO Fees (repay Ag Commissioner)	0
Loan Repayment *(including interest)* - Tulare County	0
Total Expenditures	$ 50,000

TABLE II
PRELIMINARY BUDGET - POST ELECTION YEAR
FISCAL YEAR 2004-2005
TULARE COUNTY OLIVE PEST CONTROL DISTRICT

CATEGORY	Amount
Revenue:	
County Advance	$ 80,000
Carryforward from previous fiscal year	15,000
Revenue:	
Grower Assessments	303,800
Interest Income	1,000
Total Revenue	$ 399,800
Expenditures:	
Public Relations / Outreach Program	$ 20,000
County Auditor Processing Fees	2,000
Legal, Insurance, CPA	10,000
Administration:	
Meetings	2,500
Accounting	2,500
General	2,500
Operational Activities:	
Management	4,000
Mapping	62,000
Satellite Images	2,000
Database	3,200
Treatment Programs:	
GF-120 Applications	10,000
Mass Trapping Program	20,000
Attract & Kill Trap Program	20,000
Carryforward to fund first half of next FY	98,500
LAFCO Fees (repay Ag Commissioner)	6,600
Loan Repayment *(including interest)* - Tulare County	134,000
Total Expenditures	$ 399,800

TABLE III
PROPOSED BUDGETS
FISCAL YEAR 2005-2006 AND 2006-2007
TULARE COUNTY OLIVE PEST CONTROL DISTRICT

CATEGORY	AMOUNTS FY 2005-2006	AMOUNTS FY 2006-2007
Revenue:		
Carryforward from previous fiscal year	$ 98,500	$ 99,000
Revenue:		
Grower Assessments	195,000	196,000
Interest Income	5,000	5,000
Total Revenue	$ 298,500	$ 300,000
Expenditures:		
Public Relations / Outreach Program	$ 20,000	$ 20,000
County Auditor Processing Fees	2,000	2,000
Legal, Insurance, CPA	11,000	12,000
Administration:		
Meetings	2,500	2,500
Accounting	2,500	2,500
General	2,500	2,500
Operational Activities:		
Management	4,000	4,000
Mapping	50,000	25,000
Satellite Images	2,000	2,000
Database	3,000	3,000
Treatment Programs:		
GF-120 Applications	20,000	25,000
Mass Trapping Program	40,000	50,000
Attract & Kill Trap Program	40,000	50,000
Carryforward to fund first half of next FY	99,000	99,500
LAFCO Fees (repay Ag Commissioner)	0	0
Loan Repayment *(including interest)* - Tulare County	0	0
Total Expenditures	$ 298,500	$ 300,000

CHAPTER III
IMPLEMENTATION PROCEDURES
TULARE COUNTY OLIVE PEST CONTROL DISTRICT

GENERAL

On November 5, 1996, California's voters endorsed Proposition 218 - the Right to Vote on Taxes Act of 1996. The express purpose of Proposition 218 is to limit "the methods by which local governments exact revenues from taxpayers without their consent." Proposition 218, officially referred to as Articles XIIIC and D of the California Constitution, require the preparation of a report which determines the proportionate special benefit for each element of the assessment base, based on each cost element. The amount of any assessment is limited to the "reasonable cost of the proportional special benefit conferred."

As the District has established an initial budget which calls for an assessment based on planted acreage, followed by budgets which call for assessments based on a per-tree basis, it must be determined that the purposes for which the funds derived from the assessments are expended, confers approximate equivalent benefit on a per-tree basis.

PROCEDURAL REQUIREMENTS

Following the action by the Board of Directors of their intent to request authority to implement specific assessments and the expenditure purposes, a notice is to be prepared notifying all record owners of land effected by the proposed assessment and located within the agency's boundaries, of the proposed assessments. This notice must describe the total assessments, the bases on which the assessments are to be computed, the duration of each assessment, the purpose of the assessments and the relationship of the assessments to the election process. The District must further include on the notice, a description of the procedures required to levy an assessment and specifically detail the procedures wherein parties adverse to the establishment of the assessment can record their protest. Also to be enclosed with the notice must be a ballot for use in voting on the proposed assessments.

The District must then hold a public hearing on the proposed assessments. This hearing must precede the election, following which the election may be held. Each landowner receives a number of votes proportional to the financial obligations on which the assessment is based. In the subject procedure, as the assessment is initially proposed to be levied on a per-acre basis, the votes will be in accordance with a per-acre basis. If a majority of the votes cast oppose the proposed assessment, the District is forbidden from levying the assessment.

In support of that process, this Report has been prepared to determine that there is an assessable special benefit and that the amount of the proposed assessment is proportional to the special benefit.

DETERMINATION OF BENEFITS

The Board of Directors of the District have proposed an initial assessment of $19.86 per acre, as specific tree count data is lacking. Following development of a specific tree count to be generated during the first year, subsequent assessments are to be based on a per tree assessment to pay for defined activities of the District. These activities are directed specifically at efforts to control the generation of the olive fruit fly and to study presence/absence in defined areas. The main activities proposed to be conducted during the upcoming fiscal year include spray programs targeting non-commercial landscape trees, a mass trapping program, an attract and kill trap program, random surveys and informational programs. As growers specifically benefit from the protection of their groves from infestation generated in landscape trees and from educational programs, the benefits derived from the proposed program elements are not disproportionate.

The proposed mass trapping program and the attract and kill trap program are designed to provide information related to the extent to which the fly exists and the areas in which they exist. Information derived from these surveys will be utilized by the District and by growers within the District to determine the level of potential threat to the viability of non-infected fruit, the education of growers as to the level to which the pest exists in defined areas of the District and to allow growers to provide input and direction to the Board of Directors as to what types of programs, if any, they desire the District to engage in, in the future, relative to the pest.

As the information which is proposed to be generated will be made available to all growers within the District and is felt to be of interest to the growers, as well as to be of use in the development of specific input related to future policies and procedures of the District, the

benefits appear to be non-differential and thus, in conformance with the requirements of Articles XIIIC and D of the California Constitution.

Most compelling of the equivalent benefit issues is that associated with fruit purchase agreements. The current form of agreement being utilized contains a rejection clause with two significant provisions. The first allows for an election, at the buyer's option, to reject any load that contains damage from the olive fly or its larvae. No threshold amount is set, nor is damage defined in any terms other than those established by the buyer. On rejection of the delivered fruit, the second provision applies, that being the responsibility of the seller to fulfill his obligations contemplated by the contract by delivering the balance owing of the contracted fruit. Thus, a grower who takes proper steps to control the presence of the fly in his grove, can be adversed by others who do not take similar steps, particularly those individuals with non-commercial trees who have no economic incentive to undertake control steps. The procedures which are a part of the District's current program are designed to address those deficiencies specifically to the benefit of the commercial grower.

ANALYSIS OF FUTURE PROGRAMS

The mission statement of the District does not limit the efforts of damage control to only that of the olive fruit fly. As yet unidentified threats to the olive industry may be determined in the future which must be addressed by the District to protect the industry. Some of these efforts may meet the requirements utilized in the Engineer's Report to establish the existence of equivalent benefit and some may not. The addressing of issues such as benefit to trees being grown and maintained for landscape purposes, assurance that benefits exist across all varieties

and that benefits are not proportioned to distance to non-commercial plantings must be addressed.

It is the policy direction of the District Board of Directors to include eligible program elements within the scope of the opinion contained within this Engineer's Report. As each effort may carry with it characteristics which are potentially different that other proposed efforts, it is the recommendation of this Engineer's Report that, as proposals arise to potentially utilize funds generated from the proposed assessment structure, that they be subjected to a brief, but criteria compatible examination to insure that the benefits test requirements are met. Such examinations are to be performed in such a fashion to be appendices to this Engineer's Report. In this manner, they will benefit from the compatible information which is contained herein without the necessity of preparing a new engineer's report which simply mimics the pertinent information contained herein.

COST INDEXING

The Board of Directors has considered the effects of inflation on the proposed program elements. Significant inflationary impact effects are felt to exist in the elements involving labor and chemicals. The Board is therefore seeking approval to index the assessment rate. The Board has selected an index to be utilized for the inflationary adjustment. The index which has been chosen is the Engineering - News Record 20-city skilled labor index. The base for the index was 100, first established in 1913. The December 8, 2003, index value was 6615.89. Indexing is proposed to be effective on July 1 of each year, beginning July 1, 2005. The maximum number of years which the index can be applied is five without further approval of the owners of the assessed acreage.

OPINION

Based on an examination of the preliminary budgets established by the District and further examination of the intent of the Board of Directors as to the types of programs envisioned to be funded with the proceeds of the proposed assessments, it is our opinion that the assessments have been reasonably apportioned to the benefitted assessment base and that costs attributable to the proposed benefits are proportional to the proposed assessments.

Programs which have insufficient detail at the current time to determine their compliance with the equivalent benefits tests are required to be subjected to further evaluation when such detail is available that will allow for the proper evaluation to be performed. Those evaluations are to be appended to this Engineer's Report as the revenue stream evaluation and background information provided herein are completed within the scope of the statutory requirements.

March 4, 2005

Kern/Tulare

GWSS Update

A project of the Glassy-winged Sharpshooter Task Force of Kern and Tulare Counties. Participants: Agricultural Commissioner's Offices of Kern and Tulare Counties, California Department of Food and Agriculture, University of California-Cooperative Extension, U.S. Department of Agriculture (APHIS and ARS Divisions).

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Table grape district petitions head to Kern, Tulare boards of supervisors

Plans are progressing rapidly to develop California's Table Grape Pest and Disease Control Districts.

On March 8, Kern County's board of supervisors will review a petition submitted in February by local table grape growers. The petition showed that more than 15 percent of Kern County's table grape owners support establishing the pest and disease control district.

Tulare County's board of supervisors will consider a similar petition March 22.

According to Alex Ott, director of government relations for the California Grape and Tree Fruit League, the Kern County Agricultural Commissioner's Office will verify to county supervisors that the petition has met the required signature amount at the March 8 meeting.

If Kern supervisors accept the petition, they will appoint five members to form a local district board. The five, who must be local table grape owners or their representatives, will then develop an assessment level and budget for fighting table grape pests and diseases in the district. That information must be submitted April 1 to Kern's board of supervisors. If county supervisors approve the plan, ballots will be sent to Kern's table grape owners to vote on the assessment level.

If all goes smoothly, Ott says, "Ballots will be sent out around April 15 to Kern's table grape owners."

Under the law, a protest hearing will be held for any who object to the assessment. That would take place May 31.

"If the assessment is approved this year, it would go on to property taxes for the 2005-06 year," Ott says.

Tulare County's board of supervisors will appoint a district board March 22, with a May 1 deadline for a pest district budget.

The vine mealybug, a growing threat to vineyards, is one pest that could be pursued using funds from table grape assessments. (Photo: David Haviland)

Legislation to establish the Table Grape Pest and Disease Control Districts was passed last year. It lays out provisions to create county pest abatement districts with funding assessments by owners of table grape acreage. The districts are empowered to combat Pierce's Disease (PD), glassy-winged sharpshooter (GWSS), and any other pest or disease, such as the vine mealybug, that poses a threat to table-grape production.

"The law is broad enough to encompass present and future invasive species," Ott says.

The law also authorizes each district to assess table grape owners up to $15 per acre to fund the districts.

So far, Kern and Tulare Counties are the only two to have developed table grape petitions for the pest and disease control districts.

"We're trying to establish a front line on districts that have significant GWSS populations," Ott says. "Kern is also where there are programs in place to contain and combat GWSS."

Kern launched its GWSS fight with the General Beale Pilot Program in 2000. From there, several government agencies, led by the U.S. Department of Agriculture, initiated

(continued on page 2)

Special thanks

A special thanks to the California Table Grape Commission for its support of this newsletter.

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Kern-Tulare GWSS Update

Table grape district petitions head to Kern, Tulare boards of Supervisors

(continued from page 1)

an area-wide GWSS program to contain and control the sharpshooter. The area-wide program encompasses Kern, Tulare and Ventura Counties. Much of the funding has come from mandatory assessments of the state's wine grape growers and from USDA, the California Department of Food and Agriculture and county agricultural commissioners' offices.

"So far, $137 million has been spent on GWSS and PD," Ott says. "Table grape growers want to do their part by funding a mechanism that assists in combating all table grape pests and diseases, for now and the future."

"I hope my fellow grape growers will support the assessment," says Kern County table grape grower Jack Pandol. "It's extremely important. We have GWSS under control, but it will require a long-term commitment from the industry to maintain that control. The districts are vital to making that happen."

—by Catherine Merlo

"I hope my fellow grape growers will support the assessment. It's extremely important. We have GWSS under control, but it will require a long-term commitment from the industry to maintain that control. The districts are vital to making that happen."

Jack Pandol, Kern County table grape grower

PD Board dissolves bulk grape movement subcommittee, eliminates yellow tags

After more than five years of hunting unsuccessfully for glassy-winged sharpshooters among bulk grape shipments moving from California vineyards to processing facilities, the PD Advisory Task Force voted in late January to dissolve its bulk grape movement subcommittee.

The board also voted to eliminate the yellow tag certification program for bulk grape loads heading from GWSS-infested areas to non-infested areas during harvest. The yellow tag denoted a bulk grape load that originated in a GWSS infested area and was designated free of any GWSS life stages.

Roger Spencer of the California Department of Agriculture said no GWSS have been found in any grape loads since inspections and tagging began in 2000. For that reason, the subcommittee recommended disbanding itself and eliminating the yellow tag program. That will allow funds used for inspection and materials to be diverted to other program needs.

Spencer emphasized that bulk grape regulations will remain in place. "We will continue with compliance agreements between shippers and county agricultural commissioners to assure that all are still meeting the regulation requirement that loads be GWSS-free," he said. "We continue to encourage shipment receivers to inspect bulk loads at destination."

GWSS traps will continue to be required at all grape crush receiving facilities.

Kern-Tulare GWSS Update

Kern's table-grape pest control district gains county approval

The Kern County Board of Supervisors unanimously accepted a petition from the local table-grape industry to form a pest control district at its regular meeting March 8 in Bakersfield.

At the same meeting, supervisors also appointed a five-member board of directors to oversee Kern County's Table Grape Pest and Disease Control District. The directors, each a Kern County table grape owner or representative, are: Eric Casterline of Sun World International; Paul Giboney of M. Caratan, Inc.; Andrew Pandol of Pandol and Sons, Inc.; Gisela Wittenborn of Marko Zaninovich, Inc.; and Jason Kosareff of V.B.Z. Farms.

The new table-grape board will meet March 22 in Bakersfield to elect officers and set the district's goals, operational plan, budget and assessment level, says Giboney, ranch agronomist for M. Caratan, a table-grape grower based in Delano. The district's budget must be submitted April 1 to Kern County's board of supervisors for approval.

The district was formed to help the table-grape industry combat Pierce's Disease (PD), the glassy-winged sharpshooter (GWSS), and any other diseases or pests, such as the vine mealybug, that threaten table-grape production.

District efforts will be funded by an assessment of local table-grape owners. Ballots with the proposed assessment amount are scheduled to be mailed to Kern's table-grape owners April 15 for a vote.

"It's absolutely critical that the table-grape industry show its support by voting affirmatively for the assessment," Giboney says. "That would show all other parties that the table-grape industry is serious about maintaining programs that protect it from GWSS and PD."

Among preliminary plans for Kern's table-grape district:

- **Hiring a full-time manager.** "The manager's responsibilities will include interfacing and communicating with government agencies and other organizations to help maintain the involvement of all," Giboney says.

The manager also will disseminate information to table-grape owners and search for grants to supplement the district's funds. The manager would also follow research "to serve as a lookout for other pests and diseases that threaten the industry," Giboney adds. "We will look at research that meets local needs that may not be satisfied by other sources."

Such research projects might include rootstock resistant programs and quick PD testing that can be used in vineyards.

- **Creating an emergency response fund.** "This will enable us to deal quickly and effectively with any new pests or diseases that threaten table-grape production in the pest control district," says Giboney. "We hope to avoid a repeat of an invasion like that of the vine mealybug."
- **Determining the assessment level.** Giboney says no definite amount can be ascertained until the board sets a level and voters approve the amount.

"I think it will be significantly less than the $15 per-acre maximum set by the law," he says. "All members of the board are conscious of and respectful of the value of a dollar. Everybody intends to try to get the most value for the amount that would be assessed. We intend to have the most responsible and effective program with the least amount of cost to growers."

Giboney says local table-grape leaders hope to merge Kern's pest control district with Tulare County's, once Tulare receives district formation approval from its county board of supervisors. Tulare County's board of supervisors will consider a similar petition for a table-grape pest and disease control district March 22. If approved, supervisors will appoint a district board at the same meeting.

"Together, under a joint powers agreement between Kern and Tulare Counties, we can be more efficient in how we operate and utilize resources," Giboney says.

—by Catherine Merlo

"All members of the board are conscious of and respectful of the value of a dollar. Everybody intends to try to get the most value for the amount that would be assessed. We intend to have the most responsible and effective program with the least amount of cost to growers."

Paul Giboney, board member, Kern County Table Grape Pest and Disease Control District