

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
REPEALING CHAPTER 10.16 OF TITLE 10 OF THE MONTEREY COUNTY CODE
RELATING TO PRODUCE INSPECTION OF HEAD LETTUCE.**

County Counsel Summary

This ordinance repeals Chapter 10.16 of Title 10 of the Monterey County Code relating to inspection of head lettuce packed for sale in Monterey County. The ordinance would repeal Chapter 10.16 in its entirety. The ordinance would take effect on the thirty-first day following its adoption.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS.

A. Chapter 10.16 of the Monterey County Code was adopted in 1976 pursuant to California Food and Agriculture Code section 42821 to require uniform compliance with head lettuce standards in the California Code of Regulations (CCR) relating to the quality of the production of head lettuce and to establish a schedule of fees for such inspection. The inspection program under Chapter 10.16 is no longer necessary for several reasons. In 1994, at the height of the program, there were 38 produce inspectors and 73,347 acres of head lettuce. Over time, the popularity of romaine lettuce has led to a decline in head lettuce production. In 2018, there were six produce inspectors and approximately 40,000 acres of head lettuce. Additionally, the inspection program under Chapter 10.16 is no longer necessary because the grower and shipper industry's quality standards for head lettuce now exceed CCR standards. Lastly, notwithstanding the repeal of Chapter 10.16, the Agricultural Commissioner will continue inspection of production of head lettuce to the extent agreed upon by contract with the California Department of Food and Agriculture.

B. On November 16, 2018, the Agricultural Commissioner's Office received a letter from the Grower Shipper Association of Central California (GSA) requesting that Chapter 10.16 be repealed because the program no longer provided value to the industry. On February 28, 2019, the Agricultural Commissioner met with industry representatives, and the GSA reiterated its request. On March 22, 2019, the Agricultural Commissioner received a revised letter from the GSA clarifying that the industry was requesting repeal of Chapter 10.16 in its entirety.

C. On March 28, 2019, the GSA request was presented to the Agricultural Advisory Committee (AAC) by the Agricultural Commissioner. On March 28, 2019, the AAC voted to recommend the repeal of Chapter 10.16 to the Monterey County Board of Supervisors.

D. Repeal of Chapter 10.16 is categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15309 which states,

15309. INSPECTIONS Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

SECTION 2. Chapter 10.16 of the Monterey County Code is hereby repealed in its entirety.

SECTION 3. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of ____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

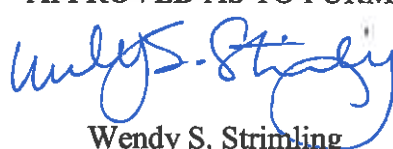
ABSTAIN:

John M. Phillips, Chair
Monterey County Board of Supervisors

A T T E S T

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

Wendy S. Strimling
Senior Deputy County Counsel