



## Legislation Details (With Board Report)

|                      |            |                      |   |
|----------------------|------------|----------------------|---|
| <b>File #:</b>       | ORD 19-028 | <b>Name:</b>         | Ordinance Produce Inspection - Head Lettuce |
| <b>Type:</b>         | Ordinance  | <b>Status:</b>       | General Government - Consent                |
| <b>File created:</b> | 10/22/2019 | <b>In control:</b>   | Board of Supervisors                        |
| <b>On agenda:</b>    | 11/19/2019 | <b>Final action:</b> | 11/19/2019                                  |

**Title:** a. Consider adoption of an ordinance repealing Chapter 10.16 of Title 10 of the Monterey County Code relating to Produce Inspection - Head Lettuce (Attachment 1); and  
 b. Proposed California Environmental Quality Act (CEQA) action: Find that this action is categorically exempt from environmental review pursuant to CEQA Guidelines California Code of Regulations (CCR) Section 15309.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment 1 - Proposed Ordinance Repealing Chapter 10.16 of Monterey County Code, 3. Attachment 2 - GSA Letters, 4. Attachment 3 - AAC Minutes, 5. Completed Board Order Item No. 33

| Date       | Ver. | Action By            | Action                              | Result |
|------------|------|----------------------|-------------------------------------|--------|
| 11/19/2019 | 1    | Board of Supervisors | adopted - agricultural commissioner | Pass   |

a. Consider adoption of an ordinance repealing Chapter 10.16 of Title 10 of the Monterey County Code relating to Produce Inspection - Head Lettuce (Attachment 1); and  
 b. Proposed California Environmental Quality Act (CEQA) action: Find that this action is categorically exempt from environmental review pursuant to CEQA Guidelines California Code of Regulations (CCR) Section 15309.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Consider adoption of an ordinance repealing Chapter 10.16 of Title 10 of the Monterey County Code relating to Produce Inspection - Head Lettuce (Attachment 1); and
- b. Proposed California Environmental Quality Act (CEQA) action: Find that this action is categorically exempt from environmental review pursuant to CEQA Guidelines California Code of Regulations (CCR) Section 15309.

**SUMMARY/DISCUSSION:**

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 of the Monterey County Code (MCC) relating to Produce Inspection - Head Lettuce (Attachment 1) 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, and the request to repeal MCC Chapter 10.16 was reiterated. A revised letter from the GSA clarifying the applicable ordinance was received by the Agricultural Commissioner on March 22, 2019. On March 28, 2019, the Agricultural Advisory Committee (AAC) concurred with the GSA. On October 16, 2019, the Board of Supervisors introduced, waived reading, considered the ordinance repealing Chapter 10.16 of Title 10 of the MCC relating to Produce Inspection - Head Lettuce (Attachment 1) and set November 19, 2019, to consider adoption of the ordinance.

MCC Chapter 10.16 was adopted in 1976 at the behest of the grower shipper industry to require uniform compliance with head lettuce standards in the California Code of Regulations (CCR). The Head Lettuce Inspection program began in 1976 as an industry-funded program. Head lettuce was inspected for uniform compliance and quality. The inspection program under MCC Chapter 10.16 is no longer necessary for several reasons. In 1994, at the height of the program, there were 38 Produce Inspectors employed by the Monterey County Agricultural Commissioner's (MCAC) Office to implement the program 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 (6) produce inspectors and approximately 38,000 acres of head lettuce. Additionally, the inspection program under MCC Chapter 10.16 is no longer necessary because the grower shipper industry's quality standards for head lettuce now exceed CCR standards. Lastly, notwithstanding the repeal of MCC Chapter 10.16, the MCAC's Office will continue inspection of production of head lettuce to the extent agreed upon by contract with the California Department of Food and Agriculture. In 2019, ten (10) vacant produce inspector positions remain unfilled and the two (2) full-time positions remain on seasonal leave. Upon repeal of the ordinance, the two (2) remaining employees will be offered alternate positions in lieu of layoff.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has approved the proposed Ordinance as to form. The MCAC's Office has worked closely with the GSA and the AAC regarding the proposed repeal of MCC Chapter 10.16.

FINANCING:

The proposed action will negatively impact the MCAC's Office budget in FY 2019-20 and beyond. The program contributes to the MCAC's Office administrative/overhead costs as well as shared costs of the department. The estimated dollar amount is about \$200,000 per fiscal year. If approved, the repeal of MCC Chapter 10.16 will remove specific fees for Produce Inspection - Head Lettuce. Upon repeal of MCC Chapter 10.16, the balance of the Produce Inspection (Fund 501.BSA 2684) will be returned to contributing participants on a pro rata basis.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

- ✓ Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by:

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Approved by:

Henry S. Gonzales, Agricultural Commissioner, 759-7325

Attachments:

Board Report

1. Proposed ordinance repealing MCC Chapter 10.16
2. GSA Letters

3. AAC Minutes