



Legislation Details (With Board Report)

**File #:** RES 20-069      **Name:**

**Type:** BoS Resolution      **Status:** Passed - Agricultural Commissioner's Office

**File created:** 5/5/2020      **In control:** Board of Supervisors

**On agenda:** 5/19/2020      **Final action:** 5/19/2020

**Title:** Adopt Resolution No. to:

- a. Authorize the Agricultural Commissioner to issue layoff notices to impacted employees no sooner than May 21, 2020, with an effective date of June 12, 2020;
- b. Authorize County negotiators to meet with Service Employees International Union (SEIU) Local 521 to discuss the impacts of the layoffs;
- c. Authorize the Human Resources Department to collaborate with the Departments to provide inplacement and outplacement services;
- d. Grant flexibility to withhold the issuance of layoff notices due to employee movement, unanticipated vacancies, retirements, or resignations that may occur.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A- Filled Position Reductions, 3. Resolution, 4. Item No. 13 Completed Board Order and Resolution

Date	Ver.	Action By	Action	Result
5/19/2020	1	Board of Supervisors		

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**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

Consider Adopting a Resolution to:

- a. Authorize the Agricultural Commissioner to issue layoff notices to impacted employees no sooner than May 21, 2020, with an effective date of June 12, 2020;
- b. Authorize County negotiators to meet with Service Employees International Union (SEIU) Local 521 to discuss the impacts of the layoffs;
- c. Authorize the Human Resources Department to collaborate with the Departments to provide inplacement and outplacement services;
- d. Grant flexibility to withhold the issuance of layoff notices due to employee movement, unanticipated vacancies, retirements, or resignations that may occur.

**SUMMARY/DISCUSSION:**

Monterey County Code (MCC) Chapter 10.16 was adopted in 1976 at the behest of the head lettuce industry to fund and 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 standards 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 Agricultural Commissioner 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 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 and shipper industry's quality standards for head lettuce now exceed CCR standards. Notwithstanding the repeal of MCC Chapter 10.16, the Agricultural Commissioner will continue inspection of head lettuce as one of the many crops grown in the county and to the extent agreed upon by contract with the California Department of Food and Agriculture. In 2019, one (1) vacant position remained unfilled and the two (2) full-time positions remained on seasonal leave.

On November 16, 2018, the Agricultural Commissioner's Office received a letter from the Grower-Shipper Association of Central California (GSA) requesting that the County repeal Chapter 10.16 of the Monterey County Code relating to produce inspection of head lettuce because the head lettuce inspection program no longer provides value to the industry. On February 28, 2019, the Agricultural Commissioner met with industry representatives, and they reiterated their request to repeal Chapter 10.16. 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. On March 28, 2019, the Agricultural Advisory Committee (AAC) considered the GSA request and voted to recommend repeal of Chapter 10.16 of the MCC in its entirety to the Board of Supervisors. On May 30, 2019, the Agricultural Commissioner submitted the proposed ordinance repealing MCC Chapter 10.16 to the Budget Committee for review and direction. The Budget Committee suggested that the Office of the County Counsel review the ordinance and directed staff to meet again with industry representatives, after which the item should be brought to the Board of Supervisors. On August 26, 2019, staff again met with industry representatives, the GSA, and Supervisors Lopez and Alejo to discuss the proposed ordinance repealing MCC Chapter 10.16. Staff was directed to schedule the item before the Board of Supervisors for review and approval.

On October 17, 2019, the Board of Supervisors approved the consideration of an ordinance repealing Chapter 10.16 on November 19, 2019, as a consent agenda item. On November 19, 2019, ordinance repealing Chapter 10.16 passed. The passing of the ordinance repealing Chapter 10.16 results in the potential loss of two (2) filled Produce Inspector positions. If the Board of Supervisors approves the issuance of layoff notices, the Agricultural Commissioner is prepared to offer the impacted employee's demotions in lieu of layoff.

The Human Resources Department (HRD) is responsible for coordinating the County layoff procedures, which include directing affected departments to prepare seniority lists, reviewing, analyzing, and approving bumping rights of affected employees. The recommended action requests authority to issue layoff notices no sooner than May 21, 2020, with an effective date of June 12, 2020. No layoff notices will be issued prior to May 21, 2020. Attachment A delineates the filled positions identified for reduction by the Office of the Agricultural Commissioner by classification and bargaining unit.

The HRD also is responsible for communicating with employee bargaining units where applicable; utilizing the Supporting - Empowering - Engaging - Keeping (SEEK) inplacement and outplacement program to assist impacted employees.

The recommended action further requests authority to withhold the issuance of layoff notices under certain

conditions, such as employee movement, retirements or resignations that may occur.

OTHER AGENCY INVOLVEMENT:

The Office of the Agricultural Commissioner and the Human Resources Department have worked closely to define the impacted positions.

FINANCING:

The recommended action will eliminate two (2) filled positions. The balance of the Produce Inspection (Fund 501.BSA 2684) will be used to cover costs in FY 2019-20 and FY 2020-21. The proposed action will negatively impact the Agricultural Commissioner’s budget in FY 2020-21 and beyond. The program contributes to the administrative/overhead costs as well as shared costs of the department. The department will delay vehicle replacements and/or filling some vacant positions to meet Net County Contribution (NCC) in FY 2019-20.

The produce inspection program does not receive a General Fund Contribution. Therefore, the department’s Maintenance of Effort (MOE) is not impacted by the repeal of MCC Chapter 10.16.

MCC Chapter 10.16 authorized the Board of Supervisors to adopt by resolution a schedule of fees to carry out the inspections under Chapter 10.16. With the repeal of Chapter 10.16, the Agricultural Commissioner will no longer collect those fees. Staff intends to return to the Board with a resolution (consent agenda) that would repeal those inspection fees.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action addresses the Board of Supervisors’ Administration Strategic Initiative and demonstrates the County’s commitment to meeting the Board’s initiatives by sustaining efficient and effective government operations.

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

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Approved by:  
Henry S. Gonzales, Agricultural Commissioner, 759-7325

- Attachments:
- Resolution
  - Resolution Word
  - Attachment A: FY 2019-20 AG Recommended Filled Position Reductions