



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Chris Bazar
Agency Director

Agenda Item _____ February 9, 2021

January 26, 2021

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Room 110

Hayward, California
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Honorable Board of Supervisors
Administration Building
1221 Oak Street, Suite 536
Oakland, California 94612

Dear Board Members:

SUBJECT: APPROVE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE SAN FRANCISCO PUBLIC UTILITIES COMMISSION FOR THE CONTROL OF INVASIVE NOXIOUS WEEDS

RECOMMENDATION:

- A. Approve the first amendment to the Memorandum of Understanding (MOU) between the County of Alameda and the San Francisco Public Utilities Commission for invasive weed control services at various SFPUC locations in Alameda County extending the period of 7/1/2016 – 6/30/19 by three years until 6/30/2022, retroactive to 7/1/19, and increasing the amount paid to the County from \$75,000 to \$195,000 (\$120,000 increase); and
- B. Authorize the Auditor-Controller to make the related budget adjustments

DISCUSSION/SUMMARY:

The Community Development Agency's (CDA) Agriculture/Weights and Measures Department (AWM) is responsible for preventing the introduction, establishment, and spread of harmful insects, plant diseases, weeds and other pests. Invasive noxious weeds pose an ongoing threat to natural ecosystems and place tremendous pressure on public and private land managers, and agricultural producers who manage invasive noxious weeds on lands they control. The County Agricultural Commissioner is the local regulatory enforcement authority for noxious weeds management, and regularly partners with public and private land managers for the coordinated regional control of invasive noxious weeds. These activities preserve natural resources and likewise support our local agricultural industries.

The San Francisco Public Utilities Commission (SFPUC), as a prominent landholder in Alameda County, and has previously entered into a partnership with the AWM to control invasive noxious weeds on various sites of SFPUC land in Alameda County. The MOU with SFPUC was originally approved by your Board on March 29, 2016 (Item 18) and

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provided AWM \$75,000 for a period of three years. This first amendment to the MOU will provide an additional \$120,000 to AWM for their services to control invasive noxious weeds on SFPUC property, and retroactively extends the term of the MOU through 6/30/2022. This work will be conducted in cooperation with, and under the direction of the local SFPUC Integrated Pest Management (IPM) Specialist.

FINANCING:

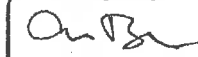
The amended amount of \$120,000 will come from San Francisco Public Utilities Commission (SFPUC) funds. The attached financial recommendation would increase appropriation in the amount of \$50,000 with offsetting revenue in CDA's approved Budget for FY 2020-2021, and the remaining balance of \$70,000 will be requested in the FY 2021-2022 Budget. There is no Net County Costs as a result of this action.

VISION 2026:

Regulatory invasive noxious weed control activities meet the 10X Goal of **Healthcare for All** in support of our shared vision of a **Healthy Environment** by preserving the integrity of natural ecosystems of Alameda County.

Very truly yours,

DocuSigned by:



002C10B338294FA...

Chris Bazar, Director

Community Development Agency

cc: Susan S. Muranishi, County Administrator
Donna R. Ziegler, County Counsel
Melissa Wilk, Auditor-Controller
Jennifer Schulz, County Administrator's Office
Heather M. Littlejohn, Office of the County Counsel
Sandra Rivera, Community Development Agency
Cathy Roache, CDA Deputy Director

FINANCIAL RECOMMENDATION

AGENDA DATE:

02/09/2021

Subject of Board Letter:

Approve First Amendment To The Memorandum Of Understanding
With The San Francisco Public Utilities Commission For The Control
Of Invasive Noxious Weeds.

BY: 2021

FUND: 10000

The use of Designations, as follows:

NAME OF DESIGNATION	ORG	AMOUNT

The increase (decrease) in anticipated revenue, as follows:

ORG	ACCT	PROG	<i>Informational</i> PROJ/GR	AMOUNT
260155	479990			\$50,000
ORG TOTAL				\$50,000

ORG	ACCT	PROG	<i>Informational</i> PROJ/GR	AMOUNT
ORG TOTAL				\$0

GRAND TOTAL ANTICIPATED REVENUE \$50,000

The increase (decrease) in appropriations, as follows:

ORG	ACCT	PROG	<i>Informational</i> PROJ/GR	AMOUNT
260155	610000			\$50,000
ORG TOTAL				\$50,000

ORG	ACCT	PROG	<i>Informational</i> PROJ/GR	AMOUNT
ORG TOTAL				\$0

GRAND TOTAL APPROPRIATION \$50,000



CLERK, BOARD OF SUPERVISORS

DATE: 2/24/21

TO: Cathy Roache

QIC: 50705

BOARD OF SUPERVISORS AGENDA DATE: 2/19/21

ENCLOSED ARE CONTRACTS REQUIRING SIGNATURE, SUBMITTED FOR APPROVAL BY THE BOARD OF SUPERVISORS ON THE ABOVE AGENDA DATE.

- WE RETAINED THE ORIGINAL CONTRACT FOR THE BOARD'S OFFICIAL RECORD AND FORWARDED ONE COPY TO THE AUDITOR-CONTROLLER. ALL REMAINING COPIES ARE RETURNED TO THE INITIATING AGENCY/DEPARTMENT FOR DISTRIBUTION.
- WE RETAINED THE ORIGINAL CONTRACT AND ARE RETURNING ALL REMAINING COPIES THE INITIATING AGENCY/DEPARTMENT FOR DISTRIBUTION.
- WE ARE RETURNING ALL ORIGINAL CONTRACTS REQUIRING EXECUTION TO YOU. WHEN THE CONTRACTS ARE SIGNED - **PLEASE RETURN THIS FORM AND THE ORIGINALLY SIGNED DOCUMENTS TO: CLERK OF THE BOARD, 1221 OAK STREET, SUITE 536, OAKLAND, CA 94612.** WHEN THE SIGNED ORIGINAL(S) ARE RETURNED, THE CLERK'S OFFICE WILL RETAIN ONE FOR OUR RECORDS AND FORWARD ONE TO THE AUDITOR-CONTROLLER.

CONTRACT NO(S): C-2021-8

ITEM: 28

FILE: 30618

PREPARED BY: Melissa Rydman

PHONE\EXTENSION: X26351

Address or QIC: 20101 or 1221 Oak Street, Suite 536, Oakland CA 94612

**FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
by and between the
ALAMEDA COUNTY DEPARTMENT OF AGRICULTURE/WEIGHTS AND
MEASURES
and the
SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

This First Amended Memorandum of Understanding (“Amendment”) is made and entered into by and between the Alameda County Department of Agriculture/Weights and Measures (AWM) and the San Francisco Public Utilities Commission (SFPUC).

Recitals

The SFPUC and AWM entered into a Memorandum of Understanding (“Original MOU”) dated August 2, 2016 for the purposes of invasive weed control services at various SFPUC sites in and adjacent to the Alameda Creek watershed authorized by SFPUC Res. No. 16-0128 dated June 28, 2016.

The SFPUC and AWM desire to retroactively amend the MOU to extend the Term; provide additional funding; provide for quarterly billing by the SFPUC to AWM, and to change the contacts for each Party in the MOU.

NOW, THEREFORE, it is mutually agreed and understood as follows:

Modifications to the MOU

The MOU is hereby modified as follows:

Section B is hereby amended to read as follows:

B. Term: The term of this agreement begins on July 1st, 2016 and ends on June 30th, 2022. Either party may terminate this MOU with cause upon provision of seven days' written notice to the other party. The expiration of the term of this MOU shall not relieve AWM of any post-termination responsibilities or work for which AWM has actually received payment in advance by the SFPUC. Provided, however, that prior to the issuance of notice of termination the issuing party shall provide written notice to the other party of such cause for termination and may request immediate action or cure or may establish a specific time period by which such action or cure must occur. If the party receiving notice fails to take prompt corrective action or otherwise pursue cure as requested in the written notice, the requesting party shall have the right to issue the seven-day notice of termination.

Section C.2 is hereby retroactively amended to read as follows:

2. Total SFPUC Contribution; Not To Exceed Amount: The SFPUC's total contribution to AWM for the amended term of this Agreement shall not exceed \$195,000. The original MOU amount of \$75,000 is increased by \$120,000 to a new not to exceed amount of \$195,000.

Section C.4, Invoices, is hereby amended to read as follows:

4. Invoices: AWM shall submit monthly or quarterly invoices to the SFPUC. The invoices shall set forth in detail the actual work performed, materials used, and the expenses incurred, as well as the amount of total billings to date and the remaining balance in the contract.

Section C.6, Notice, is hereby amended to read as follows:

6. Notice.

Any notice, payment, credit or instrument required or permitted to be given hereunder shall be deemed received upon personal delivery or five (5) days after deposit in any United States mail depository, first class postage prepaid and addressed to the party for whom intended; or on the same day as a facsimile transmission is sent as long as original is placed in the mail on the same day.

For purposes of this MOU the following persons are authorized representatives of their respective agencies.

AWM:

Cathy Roache
Alameda County Agricultural Commissioner/Sealer
224 W. Winton Avenue, Room 184
Hayward, CA 94544
510-670-6688

SFPUC:

Clayton Koopmann
Natural Resources and Lands Management Division
505 Paloma Way
Sunol, CA 94586
(925) 862-5509

Any party may change such address by notice given to the other party as provided herein.

Except as expressly modified by this first retroactively Amended MOU, all of the terms and conditions of the Original MOU shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this First Amended Memorandum of Understanding by their duly authorized representatives as of the day and year indicated on the first page of this MOU.

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

ALAMEDA COUNTY

By: _____
Michael Carlin
Acting General Manager

By: Keith Carson

Dated: _____

Dated: 2/24/21

Authorized by San Francisco Public Utilities
Commission, Resolution No.19-0071 _____

By: _____
Commission Secretary

Approved as to Form
DONNA R. ZIEGLER, County Counsel

Adopted April 23rd, 2019

By Auth
Print Name Heather Littlejohn

Approved as to form:

By: _____
Deputy City Attorney

Printed Name of Deputy City Attorney

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 19-0071

WHEREAS, The SFPUC in Resolution No. 16-0128 dated June 28, 2016, authorized the General Manager to execute a Memorandum of Understanding (MOU) by and between the San Francisco Public Utilities Commission and the County of Alameda, Community Development Agency, Department of Agriculture/Weights and Measures (AWM) to provide weed and rodent controls in the Alameda Creek Watershed; and

WHEREAS, The original MOU had a duration of three years and an approved budget of \$75,000; and

WHEREAS, The parties desire to enter into the First Amendment to the MOU to continue to control weeds and rodents in the Alameda Creek Watershed for an additional three years and to increase the amount by \$120,000, in substantially the form attached hereto; and

WHEREAS, Exhibit A to the MOU, provided by Alameda County, is included for purposes of setting billing rates only, and does not constitute a recommended list of materials or resources to be used under this MOU; and

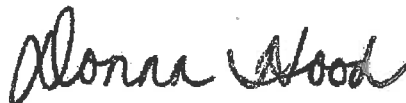
WHEREAS, Consistent with the City and County of San Francisco's Integrated Pest Management Ordinance, under this MOU no pesticide products will be used that are not listed on the most current San Francisco Reduced Risk Pesticide List without a specific exemption from the San Francisco Department of the Environment; and

WHEREAS, On August 3, 2000, the Planning Commission certified the Alameda Watershed Management Plan Final EIR which includes mitigation measures to control and eradicate invasive plant species (exotics) and noxious weeds and eradicate pest species, including harmful, feral, or introduced animals, consistent with the City and County of San Francisco Integrated Pest Management Ordinance. On September 26, 2000 this Commission adopted CEQA findings and the Alameda Watershed Management Plan; now, therefore, be it

WHEREAS, Funds in the amount of \$120,000 for this amendment will be available from Water Enterprise Watershed Protection funds 25950/292656/15831/10016977/0001; now, therefore, be it

RESOLVED, That this Commission hereby authorizes the General Manager of the San Francisco Public Utilities Commission to execute a First Amendment to the Memorandum of Understanding with the County of Alameda – Community Development Agency, Department of Agriculture/Weights and Measures, increasing the amount of funding by \$120,000 for a total not-to-exceed agreement amount of \$195,000, and increasing the duration by three years for a total agreement duration of six years.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of April 23, 2019.



Secretary, Public Utilities Commission