

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

May 18, 2021

FROM

**ROBERTA WILLHITE, Agricultural Commissioner/Sealer, Department of
Agriculture/Weights & Measures**

SUBJECT

Revenue Agreement with the State of California Department of Transportation to Provide
Noxious Weed Control

RECOMMENDATION(S)

Approve Revenue **Agreement No. 21-353** with the State of California Department of
Transportation (State Agreement No. 08A3245) for the Department of Agriculture/Weights &
Measures to provide noxious weed control service along specified highways on behalf of the
State from February 1, 2021 through January 31, 2024, for a total amount not to exceed
\$120,000.

(Presenter: Roberta Willhite, Agricultural Commissioner/Sealer, 387-2117)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

This item will not result in the use of additional Discretionary General Funding (Net County
Cost). The revenue agreement specifies a term from February 1, 2021 through January 31,
2024, for a maximum reimbursement of \$120,000. Adequate appropriation and revenue have
been included in the Department of Agriculture/Weights & Measures (AWM) 2020-21
Recommended Budget and will be included in future recommended budgets for the duration of
the revenue agreement. Services per the revenue agreement will be provided by existing AWM
staff.

BACKGROUND INFORMATION

This revenue agreement with the California Department of Transportation (CalTrans) will
reimburse AWM for providing CalTrans with requested herbicide control services along specific
State rights-of-way located in San Bernardino County for a maximum amount of \$120,000 from
February 1, 2021 through January 31, 2024.

This revenue agreement aligns with the County and Chief Executive Officer Goals and
Objectives to Pursue County Goals and Objectives by Working with Other Agencies with
respect to performing road side weed control services on behalf of CalTrans to help keep
highway right-of-ways in the County free from noxious weeds and receiving reimbursement for
the cost of the herbicides, equipment and personnel hours spent providing the services.

**Revenue Agreement with the State of California Department of
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AWM has had a long-standing relationship providing herbicide control services to CalTrans since the 1970s and has the experience and resources to continue to provide this service for CalTrans. Vegetation growth that appears along the rights-of-way must be kept to a minimum by herbicide spraying and removal in order to maintain safe travel for the public and to prevent the spread of noxious weeds along additional roads in the State.

AWM will continue to perform herbicide control services in order to control noxious weeds and other unwanted vegetation along specific State rights-of-way located within the borders of the County, especially along State right-of-way I-15 at Cima Road, 1-15/210, and State route 58 at and west of Barstow where yellow star thistle, white horse nettle, and Halogeton recurrently infest the State right-of-way. These noxious weeds are of serious concern because they affect native plant diversity, displace desirable vegetation, and are poisonous to wildlife and livestock if not properly managed.

The Board of Supervisors first approved the initial revenue agreement with CalTrans in 1976 to provide road side weed control services and an agreement has since been renewed on a continual biennial basis. The current revenue agreement encompasses a three-year period from February 1, 2021 through January 31, 2024.

On March 30, 2021, AWM received the revenue agreement in the amount of \$120,000, for the period of February 1, 2021 through January 31, 2024. This item is being presented to the Board at this time as AWM did not receive the agreement from CalTrans until March 30, 2021. This is the first date available for presentation following the required operational, fiscal and legal reviews. Approval at this time will have no impact on work performed for CalTrans since February 1, 2021, as it will be reimbursed under this agreement.

The revenue agreement contains the following nonstandard terms and conditions. The County is required to defend, indemnify and save harmless CalTrans from third party claims arising out of the revenue agreement by reason of any action taken or omitted by the County in connection with any work or authority delegated to the County under the revenue agreement.

The County is also required to indemnify CalTrans from any claims filed by the County's employees or subcontractors, in connection with providing services under the revenue agreement, including but not limited to exposure to chemicals.

The indemnity provision increases the County's potential liability resulting from its own actions in providing services under the agreement. The State and/or its agencies are increasingly including this indemnity provision in local agency revenue agreements.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on April 20, 2021; Finance (Elias Duenas, Administrative Analyst, 387-4052) on April 30, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on April 30, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 18, 2021



cc: AW&M- Willhite w/agree for sign
Contractor- C/O AW&M w/agree
File- w/agree
LA 05/19/2021