1   [Grant Agreement - California Department of Pesticide Regulation - Pest Management
    Program - Not to Exceed $321,670]

2

3   **Resolution authorizing the Department of the Environment to enter into a Grant**

4   **Agreement with the California Department of Pesticide Regulation ("DPR") that**

5   **includes DPR's standard dispute resolution process under which a court would give**

6   **deference to the DPR director's determination in a dispute between DPR and the City,**

7   **with a term starting upon approval of this Grant Agreement through December 31,**

8   **2025, or when the final deliverable is received, whichever is earlier, in an amount not to**

9   **exceed $321,670.**

10

11   WHEREAS, In 1996, the City and County of San Francisco ("City") approved

12 Chapter 3, Environment Code, establishing San Francisco's prevention-centered Integrated

13 Pest Management ("IPM") model; and

14   WHEREAS, The City's program is among the most comprehensive IPM programs in

15 the nation, and, among other functions, requires City pest managers and their contractors to

16 use pesticides only as a last resort, restricts all municipal pesticide use to an approved list of

17 products, provides posting of all pesticide treatments on City-owned property, and maintains

18 data on the City's pesticide use; and

19   WHEREAS, In 2013, the Department of the Environment ("Department") expanded its

20 IPM program to promote IPM practices at public and affordable housing sites in the City; and

21   WHEREAS, The California Department of Pesticide Regulation ("DPR") awards grant

22 funds for IPM projects under California Food and Agricultural Code, Section 12536; and

23   WHEREAS, In 2019, DPR awarded the Department a competitive Pest Management

24 Research Grant to develop practices that reduce the use of and risk from pesticides that are

25 of human health or environmental concern in California; and

Mayor Breed; Supervisor Mandelman
BOARD OF SUPERVISORS   Page 1

1   WHEREAS, On August 4, 2023, DPR notified the Department that the Department had

2   been awarded a competitive Pest Management Alliance Grant for a project titled, "Expansion

3   of the Prevention-Centered IPM Model for Affordable Housing: Building the Capacity of the

4   Affordable Housing Sector to Implement Pest Prevention and IPM Best Practices," in the

5   amount of $321,670 for a grant term beginning upon execution of a grant agreement

6   ("Agreement") and ending December 31, 2025; and

7   WHEREAS, A draft of the Agreement is included in BOS File No. 240061; and

8   WHEREAS, This grant will help San Francisco refine its prevention-centered IPM

9   model, expand implementation of affordable housing IPM programs, and build the capacity of

10   affordable housing property managers and maintenance staff to conduct effective IPM

11   programs into the future; and

12   WHEREAS, The Board of Supervisors previously approved the Department's

13   acceptance and expenditure of this grant as part of the City's 2023-2024 budget process; and

14   WHEREAS, DPR requires that the Agreement include DPR's standard dispute

15   resolution language, which requires that the Department and DPR first attempt to resolve any

16   dispute under the Agreement informally, and provides that the DPR director's decision

17   regarding the dispute shall be considered "final and conclusive unless determined by a court

18   of competent jurisdiction to have been fraudulent, capricious, arbitrary, so grossly erroneous

19   as necessarily to imply bad faith, or not supported by substantial evidence"; and

20   WHEREAS, The Department seeks approval of the Board of Supervisors to enter into

21   the Agreement, including DPR's required dispute resolution language; now, therefore, be it

22   RESOLVED, That the Board of Supervisors authorizes the Director of the Department

23   of the Environment to enter into the Agreement with DPR.

24

25

1   FURTHER RESOLVED, That within thirty (30) days of the agreement being fully

2   executed by all parties, the Department of the Environment shall provide the final grant

3   agreement to the Clerk of the Board for inclusion into the official file.

4

5

6   Recommended:

7

8   /s/_____

9   Tyrone Jue, Director, Environment Department

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25