

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

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.**

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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

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

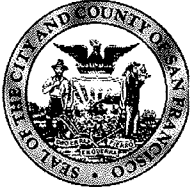
22 RESOLVED, That the Board of Supervisors authorizes the Director of the Department
23 of the Environment to enter into the Agreement with DPR.

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.

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5 Recommended:

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7
8 /s/
9 Tyrone Jue, Director, Environment Department

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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240061

Date Passed: February 13, 2024

Resolution authorizing the Department of the Environment to enter into a Grant Agreement with the California Department of Pesticide Regulation ("DPR") that includes DPR's standard dispute resolution process under which a court would give deference to the DPR director's determination in a dispute between DPR and the City, with a term starting upon approval of this Grant Agreement through December 31, 2025, or when the final deliverable is received, whichever is earlier, in an amount not to exceed \$321,670.


February 07, 2024 Budget and Finance Committee - RECOMMENDED

February 13, 2024 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240061

I hereby certify that the foregoing Resolution was ADOPTED on 2/13/2024 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

2/16/24

Date Approved