



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)
October 2, 2018 Meeting Minutes
2800 Gateway Oaks Drive, Sacramento, CA 95833**

MEMBERS PRESENT

Joyce Chan – Chair
Ben Palazzolo – Vice Chair
Dale Kuil
Dave Runsten
Diana Rodgers
Ed Williams
James Murez
Jonathan Davis
Karen Wetzel Schott
Kimberly Hawthorne
Kurt Floren
Mary Alice Ponder
Oscar de Leon
Phillip Rhodes
Ronald Phillips
Susan Hutchinson
Suzanne Jester
Tyler Thayer

MEMBERS ABSENT

Amelia Moore
Casey Anderson
Charles Barth

INTERESTED PARTIES

Bonnie Wheeler – San Diego County
Frank Hilliker – Hilliker's Ranch Fresh Eggs, Inc.
Jeremy Dutra – CUESA
Jose Arriega – Solano County
Kaliko Orian – Kaliko Farms
Lupe Gutierrez – NuCal Foods
Matt Carl – Solano County
Paul Stonebarger – G&S Farms
Ruben Arroyo – Riverside County
Wayne Wilson – NuCal Foods

CDFA

Brandi Alston
Jenna Celigija
Jennifer Leidolf
Kara Breevaart
Marcee Yount
Maria Tenorio
Michele Dias
Natalie Krout-Greenberg
Thomas Osborn

ITEM 1: ROLL CALL/INTRODUCTIONS

The meeting was called to order at 10:03 a.m. by Joyce Chan, Chairperson. Roll was called, a quorum was established, and self-introductions were made.

ITEM 2: DIANA RODGERS RESOLUTION

Marcee Yount presented Diana Rodgers with a Resolution in recognition of her many years of service to the CFMAC. Marcee Yount thanked Diana Rodgers for her commitment to the CFMAC and California direct marketing.

Diana Rodgers thanked CDFA staff for their outreach and noted that she appreciates the recent growth in CFMAC membership.

ITEM 3: ELECTION OF CHAIRPERSON & VICE-CHAIRPERSON

Maria Tenorio opened the floor for nominations for Chairperson.

MOTION: James Murez moved to nominate Joyce Chan for the position of Chairperson. Ronald Phillips seconded the motion. The motion passed unanimously, with no abstentions.

There were no other nominations for Chairperson.

Joyce Chan opened the floor for nominations for Vice-Chairperson.

MOTION: Ronald Phillips moved to nominate Ben Palazzolo for the position of Vice-Chairperson. Joyce Chan seconded the motion. The motion passed unanimously, with no abstentions.

There were no other nominations for Vice-Chairperson.

ITEM 4: COMMITTEE INFORMATION

i. Committee Member Travel

Thomas Osborn provided attendees with an overview of the Committee Member Travel – Quick Reference Guide. Thomas Osborn summarized rules and procedures for claiming reimbursement for necessary travel expenses associated with attending Committee meetings, including maximum reimbursement rates for lodging by counties and meal per diem allowances.

ii. CFMAC Overview

Thomas Osborn provided attendees with an overview of the CFMAC, including the Committee member roles, decision-making procedures, meeting frequency, and other topics pertaining to the Committee. He further clarified that Alternate members serve in the absence of a specific designated voting member and informed the Committee that he would email the Committee list to the respective members.

ITEM 5: PUBLIC COMMENT

Kaliko Orian, Kaliko Farms, expressed concern that egg vendors at certified farmers' markets (CFM) are not abiding by labeling requirements, such as sell-by dates or origin information. Kaliko Orian stated that this issue may lead to food safety issues and poor traceability of eggs sold at CFMs.

Frank Hillaker, Hillaker's Ranch Fresh Eggs, Inc., shared similar concerns with the Committee. Frank Hillaker stated that he has encountered instances of vendors selling their eggs at CFMs in his company's cartons. He encouraged individuals to submit documentation of mislabeling to their respective County Agricultural Commissioner.

Paul Stonebarger, G & S Farms, expressed concern that second certificates for certified producers are being misused by individuals reselling produce grown by other farmers. He stated that greater enforcement and accountability is required for vendors selling under the second certified producer certificate allowances.

Kimberly Hawthorne expressed concern that small-scale certified producers and CFM operators face difficulties complying with existing regulations and documentation requirements.

Jenna Celigija, CDFA Meat, Poultry, and Egg Safety Branch, responded to some of the concerns expressed by members of the public. Jenna Celigija explained that the Meat, Poultry, and Egg Safety Branch is coordinating with the Direct Marketing Program to increase compliance and provide education and training on regulations pertaining to eggs sold at CFMs.

ITEM 6: APPROVAL OF MARCH 5, 2018 MEETING MINUTES

MOTION: Joyce Chan moved to approve the March 5, 2018 meeting minutes as submitted. James Murez seconded the motion. The motion passed unanimously, with Phillip Rhodes, Dale Kuil, Mary Ponder, Susan Hutchinson, Ronald Phillips, and Ben Palazzolo abstaining due to not being present at the meeting.

ITEM 7: BAGLEY-KEENE ACT/FORM 700 REQUIREMENTS

Kara Breevaart, CDFA Staff Counsel, provided attendees with an overview of the Bagley-Keene Open Meeting Act. Kara Breevaart explained that advisory committees must follow three primary rules under the Bagley-Keene Open Meeting Act: to give adequate notice of meetings to be held, to provide an opportunity for public comment, and to conduct meetings in a public session, except where a closed session is specifically authorized.

Kara Breevaart further explained that under the Bagley-Keene Open Meeting Act, any instance of a majority of an advisory committee's members discussing or receiving information within the committee's jurisdiction may be considered a meeting of the advisory committee and must be noticed as such. This includes meetings facilitated by technology, such as email, teleconferences, and webinars.

Thomas Osborn delivered a presentation pertaining to the Form 700 Statement of Economic Interests. Thomas Osborn provided information regarding tutorials and guides that are available to assist filers who are submitting their Form 700 documents electronically. He further explained that CDFA staff are available to assist with technical issues such as account accessibility, and that filers should contact the Fair Political Practices Commission Toll Free Help Line for assistance regarding specific disclosure requirements.

ITEM 8: FUND CONDITION

Maria Tenorio provided the Fund Condition Report for the 2017/18 Fiscal Year (FY). As of June 30, 2018, the beginning fund balance was \$1,778,921; total revenue was \$1,593,593; and total expenditures were \$1,828,881. The ending balance was \$1,543,633.

The Committee asked how much has been spent on database development. Maria Tenorio stated that to-date, there has been approximately \$58,000 expended.

The Committee requested that expenses associated with development of the database system be listed as a separate line item in future Fund Condition Reports.

ITEM 9: PROGRAM UPDATES

i. Enforcement Updates

Maria Tenorio informed the Committee that CDFA Direct Marketing Program staff performed 222 market inspections, and 101 production site inspections in the 2017/18 FY. She went on to provide a summary of Notices of Noncompliance (NNC) issued to certified producers and market operators, as well as Notices of Proposed Action (NOPA) issued by CDFA and County staff.

Maria Tenorio noted that as requested by the Committee during the previous enforcement update, data was provided by the number of violations and types of violations. In the 2017/18 FY, a total of 733 NNCs were issued to certified producers, with the majority issued in response to selling products not listed on the Certified Producer's Certificate (Certificate), and for selling product not of own production. A total of 206 NNCs were issued to market operators, with the majority issued for failing to ensure that all certified producers have valid Certificates, and for market operators lacking a valid CFM Certificate. A total of 108 NOPAs were also issued in the 2017/18 FY, with 103 issued to certified producers, and five issued to certified farmers' market operators.

Kurt Floren requested that data pertaining to NNCs issued to certified producers for selling products not listed on their CPC and selling products not of their own production be listed under distinct categories for future meetings.

Maria Tenorio replied stating that both of those violations are for California Code of Regulations Section 1392.4(a), and therefore it is very difficult to categorize them separately without a robust database at this time.

ii. Proposed Regulations

Maria Tenorio provided an update on the Direct Marketing proposed regulations. She explained that the rulemaking packet, which incorporates clarifying language to definitions, amendments to the administrative civil penalties, and additional clean up language has been reviewed and approved by the Committee and the California Agricultural Commissioners and Sealers Association. She further stated that the proposed regulations have also been reviewed and approved by the Inspection and Compliance Branch and the Division of Inspection Services, are currently under a second review by CDFA's Legal Office.

The Direct Marketing Program anticipates that the proposed regulations will be published by the Office of Administrative Law in the California Regulatory Notice Register in October or November of 2018. This publication will begin the 45-day public comment period for the proposed regulations. Maria Tenorio noted that the Committee and all interested parties will be notified of the publication.

ITEM 10: DATABASE SUBCOMMITTEE UPDATES

James Murez provided the Committee with the Database Subcommittee Update. He provided the Committee with a brief overview of the history and overall goals of the database project. James Murez explained that the Subcommittee has made progress in determining the needs associated with each user role that the database should address. He further stated that the Subcommittee has completed discussion of the Market Operator/Manager, Certified Producer, and Consumer roles. The user roles for the State and County Agricultural Commissioner staff will be worked on at the Subcommittee meeting that follows this Committee meeting. He also noted that the Subcommittee plans to create an "Also Known As" list for commodities which may be referred to by multiple names.

ITEM 11: FUTURE AGENDA ITEMS

Joyce Chan asked if any of the Committee members had items to be considered for inclusion on the next meeting agenda.

Dave Runsten and Kurt Floren requested that enforcement of egg standards at CFMs be included as an agenda item at the next meeting, with an invitation to members of CDFA's Shell Egg Advisory Committee. Ben Palazzolo stated that it would be beneficial for staff involved in enforcement of egg standards at CFMs to be present as well.

ITEM 12: NEXT MEETING

The next meeting will be held on the afternoon of Thursday, February 21, 2019, in Sacramento.

ITEM 13: ADJOURNMENT

The meeting was adjourned at 12:14 p.m. by Joyce Chan, Chairperson.

Respectfully submitted by:



Maria Tenorio, Program Supervisor
Certified Farmers' Market Program
Inspection and Compliance Branch
Inspection Services