



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 • FAX: (831) 454-3262 TDD: (831) 454-2123

JOHN LEOPOLD
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

NEAL COONERTY
THIRD DISTRICT

GREG CAPUT
FOURTH DISTRICT

MARK W. STONE
FIFTH DISTRICT

AGENDA: 9/13/11

September 6, 2011

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: RESOLUTION RECOGNIZING THE RIGHTS OF INDIVIDUALS
TO GROW AND CONSUME THEIR OWN FOOD PRODUCTS
AND TO ENTER INTO PRIVATE CONTRACTS WITH OTHER
INDIVIDUALS TO BOARD ANIMALS FOR FOOD

Dear Members of the Board:

For many years, Santa Cruz County has been at the forefront of the local food movement. It has long been recognized that eating locally and growing your own food supports sustainability, local farmers, and healthy eating. Santa Cruz County residents have supported this movement through community gardens, local farmers' markets, and a plethora of locally produced foods. The farmers' markets in Santa Cruz County sell not only local and organic fruits and vegetables, but local eggs and sustainably raised meat products as well. Many innovative county residents have also started shared garden plots where individuals who have large gardens share their produce with those who don't have space for gardens in exchange for labor or other goods and services. In the past few years, county residents who desire fresh dairy products, but don't live in a rural area where they can raise their own animals, have chosen to participate in what is called a herd share.

Herd shares operate like a private club, where a limited group of individuals purchase a share in an animal, most commonly chickens, goats, or cows. The members of the share then own a part of that animal and enter into a contract whereby the farmer (or owner of the property where the animal will live) feeds and boards the animal. The milk, eggs or meat are then distributed to the members of the share to consume as they wish.

The share member does not buy the milk, eggs or meat from the farmer because as part owner of the animal, the share owner already owns a portion of the product produced by the animal. Rather, the share owner pays a fee to the farmer to cover the cost of feed, vet bills, and boarding the animal.

Recently the California Department of Food and Agriculture (CDFA) has begun sending cease and desist orders across California to small farmers and owners of herd shares that distribute dairy or meat products among their members. While it is legitimate for government to see that producers are following the law in order to ensure the highest level of food safety for the public, there must be a distinction made between those farmers engaging in direct commerce with the public, as in the case of a farmers' market or grocery store, and those individuals choosing to take part in a private herd share or community garden share.

The County of Santa Cruz has a large rural area where residents have the ability to "host" share animals. In addition, many county residents desire and seek a direct relationship with their food and have chosen to participate in herd shares for this reason. Further, some residents have health issues that prevent them from consuming commercially produced dairy products and have turned to herd shares to provide milk and other dairy products that they can safely consume.

It is important to protect the rights of individuals to grow and consume their own food and to enter into private contracts with other individuals to board animals for food. It is also important to recognize that this movement encourages a healthy and environmentally friendly form of small-scale agriculture in our community. Accordingly, we recommend that the Board adopt the attached resolution recognizing these basic rights and direct the Clerk of the Board to distribute the resolution as indicated.

Sincerely,



NEAL COONERTY, Supervisor
Third District



ELLEN PIRIE, Supervisor
Second District

NC/EP:ted
Attachment

cc: Health Services Agency

1446A3

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

RESOLUTION RECOGNIZING THE RIGHTS OF INDIVIDUALS TO GROW AND
CONSUME THEIR OWN FOOD AND TO ENTER INTO PRIVATE CONTRACTS
WITH OTHER INDIVIDUALS TO BOARD ANIMALS FOR FOOD

WHEREAS, as has been the case throughout our local history, the people of the County of Santa Cruz, for a multitude of reasons, have maintained and enjoyed the right to raise food for themselves and their families; and

WHEREAS, in this day and age, there are many barriers to people raising their own food and livestock, including the land required for such activities, accessibility, time, knowledge, and skills; and

WHEREAS, as part of the right to raise food for themselves and their families, subject to zoning and land use laws, the people have and maintain the right to raise such food on their own land, and where desired, to contract with others to rent sufficient land for the growing of that food, for boarding their poultry and livestock, and for hiring services related to its care, maintenance, raising, and harvesting; and

WHEREAS, as part of that right, the people have the right to own, and where they deem it convenient to share ownership of, such agricultural activities, livestock, and other food producing animals for their own use, enjoyment, and consumption; and

WHEREAS, no local, state or federal law bars any person from raising their own food for use by themselves and their families; and

WHEREAS, it is important that the rights outlined above be maintained and that efforts are made to encourage a healthy and environmentally friendly form of small-scale agriculture.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors supports, endorses, and encourages the recognition of the right and freedom of people to raise their own food, including food derived from agricultural animals, for the enjoyment of themselves and their families, either by their own investment and labor or through the assistance of others through contractual arrangements.

RESOLUTION RECOGNIZING THE RIGHTS OF INDIVIDUALS TO GROW AND CONSUME THEIR OWN FOOD AND TO ENTER INTO PRIVATE CONTRACTS WITH OTHER INDIVIDUALS TO BOARD ANIMALS FOR FOOD

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BE IT FURTHER RESOLVED that the Santa Cruz County Board of Supervisors supports the adoption of local, state, and federal laws that support and encourage the American people continuing the activities of raising food for themselves and their families.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2011, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

MARK W. STONE, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:



County Counsel

DISTRIBUTION: California Department of Food and Agriculture
Senator Sam Blakeslee
Senator Joe Simitian
Assemblymember Bill Monning
Assemblymember Luis Alejo
Health Services Agency
County Counsel