



**AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES**

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Agricultural Advisory Board

MINUTES

November 1, 2010
Stanislaus County Agricultural Center
Conference Room H/I
10:00 a.m.

Board Members Present:

Lisa Funk	Arby Hoobyar	Ed Perry
Richard Gibson	Tom Maring	Wayne Zipser
John Herlihy	Tom Orvis	

Board Members Absent:

Kathy Anderson	Norman Kline
Alan Cover	

Ex-Officio Board Members:

Supervisor Jim DeMartini – Present	Chris Hartley, USDA-NRCS - Absent
Supervisor Vito Chiesa (Alternate) – Absent	Rowe Barney, DER & Parks - Present
Gary Caseri, Ag Commissioner – Present	

Others Present:

Jack Bond, City of Modesto	Joe Marcotte, Eastside Water District
Thomas Boze, County Counsel	Roger Masuda, Attorney At Law
Michael Cooke, City of Turlock	Raul Mendez, Stan Co. Chief Executive Office
Nicole Damin, DER & Parks	Milton O'Haire, Ag Commissioner's Office
Horacio Ferriz, DER & Parks	Walter Ward, Modesto Irrigation District
Vance Kennedy, Hydrologist/Farmer	Debbie Wohld, Ag Commissioner's Office
Dan Madden, City of Turlock	

I. PLEDGE OF ALLEGIANCE TO THE FLAG

II. PUBLIC COMMENT PERIOD

There was no public comment.

III. APPROVAL OF MINUTES FROM THE OCTOBER 4, 2010 MEETING

It was M/S/P (unanimous), to approve the October 4, 2010 minutes.

IV. GROUNDWATER SUBCOMMITTEE UPDATE

Chairman John Herlihy began by asking Board members for any comments, suggestions, or issues with the Draft Groundwater Export Ordinance (Regulation). There were none, so Chairman Herlihy then opened up the meeting for public comments. Some questions, comments, and concerns were raised on a few of the items in the draft. Roger Masuda, representing TID, spoke first regarding the definition of District. Mr. Masuda stated that he would like Improvement District put

back into the stricken section of District definitions. Mr. Masuda also recommended that there be a tighter definition of Interference within the definition of Well Interference. Concerns were raised regarding the exemption for a drainage operation consistent with the District's existing rules, regulations, and policies with regard to a District accepting responsibility for this exemption. There was discussion about the approval process for conditional authorization as to whether or not the applicant will know what the criteria is, and for clarification of the 60 day time frame. It was explained that it is a one 60-day cycle, not a rolling 60 days. There was some discussion regarding discharging versus exporting water, and who retains ownership of that water. A representative from the City of Turlock voiced concerns regarding long-term banking. They would like the City included as "exempt." Chairman Herlihy noted the comments and concerns of the issues presented. He reminded those present that the focal point of the draft is to regulate the export of extracted groundwater out-of-county. It is not the intent to regulate in-county water activities. It was reiterated that County Counsel will be forwarded the draft for comment and review and they will make any necessary changes. At that time, County Counsel will make recommendations to the Chief Executive Office before the ordinance goes to the Board of Supervisors. There was discussion referencing provisions of the counties "Ag Element" and it was suggested the future ordinance be subject to periodic review and any necessary recommended changes follow a scheduled time frame. Any such issues should be routed through the Ag Advisory Board prior to Chief Executive Office and Board of Supervisors consideration. Mr. Masuda asked if a change could be made to Item 7 under Definitions by adding: for sale, exchange, or reuse out-of-county. Item 7 would now read: "Export" shall mean extracting and conveying groundwater out of Stanislaus County for sale, exchange, or reuse out-of-county. After clarification was given regarding the definition of reuse, it was M/S/P (unanimous) to include this language in Item 7. Chairman Herlihy moved to accept and forward the Draft Groundwater Export Ordinance (Regulation) with the change to Item 7 included under Definitions, to County Counsel, Chief Executive Office, and the Board of Supervisors. A motion was made and so noted. The motion was seconded and passed unanimously by a show of hands.

V. NEXT MEETING

A. Meeting Date/Time:

The next scheduled meeting/luncheon is Monday, December 13, 2010, at 11:30 a.m. (location to be determined)

B. Agenda Items

- ✓ Alternative Buffers, if applicable

Please contact John Herlihy, Gary Caseri or Debbie Wohld with items you wish placed on the agenda.

VI. ADJOURNMENT

Chairman John Herlihy adjourned the meeting.

Minutes Respectfully
Submitted,

Debbie Wohld
Ag Commissioner's Office
Stanislaus County