TIPLOW **R** W R A Santa Cruz County Farm Bureau Monthly Publication

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Between The Furrows is a monthly publication of the SCCFB. Members receive a subscription as part of their membership investment.

President's Message

BRENDAN MIELE, PRESIDENT

"If You Have Failed To Prepare, You Have Prepared To Fail" Benjamin Franklin



September 11, 2001 inspired the U.S. Government to establish September as National Preparedness Month. While so many of us sat powerless as the events of that day

unfolded, we can all take action today to be better prepared for the disasters of tomorrow. Our county is no stranger to disaster and we all have a responsibility to be prepared. We have experienced earthquakes, fires, floods,

tsunami, severe weather, and now a pandemic. The latter was one component missing from my family's emergency response plan. Swine flu, avian flu, and ebola worlds were away, something that could not possibly have impacts locally. Covid-19 has now changed that perception. As I am writing, wildfires are raging in the county and hundreds of residents being evacuated are from their homes and

"Successful farmers plan for the worst and hope for the best. Do you have a disaster plan for your business? For your home? Ensuring continuity of operations during the most challenging times requires creating a comprehensive plan before the cow pie hits the fan. Anticipate what potential disasters we might face and develop a plan for each one."

he tragedy of for the unknown, ready to react to the next pest outbreak or natural disaster that might swerve into their lane. Successful farmers plan for the worst and hope for the best. Do you have a disaster plan for your business? For your home? Ensuring continuity of operations during the most challenging times requires creating a comprehensive plan before the cow pie hits the fan. Anticipate what potential disasters we might face and develop a plan for each one.

> This year potential public safety power shut offs were anticipated during periods of extreme fire weather after this happened

> > in 2019. What was not foreseen were the rolling black recent outs in response to the August heat wave. That crisis was immediately followed by an early season dry lightening storm sparking multiple Preparing wildfires. alternative power sources to ensure irrigation wells stay online and coolers continue to run are critical to maintain the local food system. How will you irrigate your crops

properties; we can't afford another Paradise. Regardless of the potential disaster, the costs of preparation pay forward in beneficial dividends when they must be cashed in.

Driving defensively involves looking down the road anticipating that the oncoming car might suddenly swerve into your lane. Similarly, farmers are constantly preparing

if your electric well has no power from the grid? The irony of losing power needed to pump water that might be needed to fight active fire during high risk fire weather is not lost on many. Our annual wildfire season was just beginning and now is underway in earnest following the outbreak of the August

President's Message - Continued on Page 6

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COVID-19 Crisis

Can you tell us a bit how UC Cooperative Extension has been adapting to doing work during the current Covid crisis? For example, what are have you been doing about it extension meetings, farm calls and in field research?

Thank you for asking, this is a very important point and should be shared with all of our clientele.

To begin with, UC Cooperative is open for business, but in a different way. Our office is for the time being closed for general walkins, but with an appointment people can consult with an Advisor, or drop off a sample. As with other departments within the County of Santa Cruz, when possible remote means of communication, be it telephone, Internet or email are preferred and encouraged.

In person extension meetings, are, for the time being lamentably no longer being done. Colleagues in other counties have held extension meetings via Zoom and these were well attended. Nevertheless, as good as these meetings are, everyone agrees that in person meetings are more effective and interesting than online. With time, as conditions and regulations permit, we will go back to doing in person extension meetings but bear with us as we do our outreach differently and as best we can for now.

Farm calls, when necessary, are still being done by this office and other Cooperative Extension offices across the state. Again, when possible, remote means of solving the issue are preferred, but still the option of in person field visits exists. Please respect all protocols when working with a Farm Advisor at your operation, that is to say using a mask covering both nose and mouth, maintaining six feet of distance between people and holding groups to less than ten.

In field research is still going strong, since as an agricultural endeavor, it is essential work for the well-being of our community. Scientists, provided that they are able to follow all regulations and protocols to mitigate the spread of the coronavirus, are permitted to do their field and lab work. In the case of Santa Cruz county, we are doing all of our work, and even beginning other trials as needed. It has been just a matter of adapting our style of work and habit to be able to continue in this vital area of agriculture.

The above has been a summary of how UC Cooperative Extension continues to function during the Covid19 crisis. Please contact Mark Bolda at UCCE Santa Cruz if you have more questions on this topic or any other topics concerning blackberry, raspberry or strawberry production.

In life, it is very important to know when to stop arguing with people and just let them be mace

Happy Days

appy Days Are Here Again was a hit song in the built land-grant colleges and agricultural Depression, becoming FDR's theme song. The Crash occurred on October 24, 1929, and the song was released on a 78 LP record in November, truly optimistic as the Depression had yet to start. Clearly the current stock market is singing Happy Days, glad I bought all that Tesla stock, hopefully it doesn't turn out like my tulip bulb investments.

How could anyone be anything less than happy, it's summer, apples are ripening, and it is almost time for the

So long sad times Go long bad times We are rid of you at last Howdy gay times Cloudy gray times You are now a thing of the past

Happy days are here again The skies above are clear again So let's sing a song of cheer again Happy days are here again

County Fair? Well at least the apples are doing well, the Fair, like this summer, has taken a COVID hit.

However, one of the oldest events at our Fair will go on, the Junior Livestock Auction. Whether your fancy for fresh meat is beef, pork,

lamb or rabbits there will be an opportunity to bid and buy from deserving 4H and FFA kids who have spent their own money fattening up livestock in order to sell Bossy at the fair for a financial killing. Like all business ventures, this depends on a good market. Here's the trick this year, it is a Virtual Livestock Auction. So visualize this, your favorite 4Her, dressed up in her cleanest white and green uniform parades the pig around their front lawn while dad takes a video with a cell phone. Submit the video, along with the animals' weight to the auction and wait for the bidding to start on Saturday, September 19th. The animals then will be delivered to the fairgrounds, officially weighed and checked by a vet before becoming processed for your dinner table. Bid early and often, it is fun and the participants need the money for school. How can this be topped? Next year we have arranged for Scotty to beam the prize goat directly to your freezer.

4H has a long history of education and innovation. Back at the start of the last century, around 1902, the first youth Ag program was started. Turns out then, as now, children are early adopters of new ideas. The USDA and states had

experiment stations, only to find out that stodgy farmers did not easily adopt the new discoveries, their kids on the other hand could try out different things and share the results with their parents. And that is why my grandchildren program my cell phone to this day, a 4H legacy.



schools. Then, as now, members were required to keep detailed crop and animal records, with friendly competition to see who had the largest profit at the end of the season. Which brings us back to our 4th dimension Virtual Livestock Auction. The 4Hers have already purchased a calf, fed it, taken a class on ethical treatment of livestock and checked its market weight. Now it's your job to sit up on your couch, log-in and buy the champion rabbit of your choice at: https:// www.santacruzcountyfair.com/fair-time/attend/juniorlivestock-auction.

So now you know, 4H was just a sneaky government trick to educate their parents in sound farming practices. "The trouble with most folks isn't their ignorance. It's knowin' so many things that ain't so." (Josh Billings, a 19th century)

The only vegetable or fruit never sold frozen canned, processed, cooked or in any other form but fresh.

See Answer on page 10



FAVORITE RECIPES

German Apple Cake

This recipe comes from one of my neighbors who was born and raised in Germany in a small town near the border with Poland. She came to America as an exchange student, met her now husband and you know the rest of the story. She does have some great German recipes and I occasionally am the recipient of good baked goods like this German Apple Cake.

- 5 apples peeled and thinly sliced into a bowl along with 5 tablespoons sugar and 2 tablespoons cinnamon. Set aside.
- 3 cups flour
- 2 1/2 cups sugar, (you can reduce the amount of sugar you use. She uses just a bit more than a cup).
- 1 cup oil
- 1/3 cup orange juice
- 1/2 teaspoon salt
- 1 1/2 teaspoons baking powder
- 2 teaspoons vanilla extract

• 4 eggs

Mix ingredients and beat at low speed for one minute, then at medium speed for three minutes. Pour 1/3 of the batter into a greased and floured tube pan. Spread 1/2 of the apples on top of that layer. Repeat layers ending with the batter. Bake at 350°F for 1 hour and 15 minutes to 1 hour and 30 minutes.



If you must choose between two evils, pick the one you've never tried before.



Interesting Trivia

A sincredible as it sounds, men and women took baths only twice a year (May and October). Women kept their hair covered, while men shaved their heads (because of lice and bugs) and wore wigs. Wealthy men could afford good wigs made from wool. They couldn't wash the wigs, so to clean them they would carve out a loaf of bread, put the wig in the shell, and bake it for 30 minutes. The heat would make the wig big and fluffy, hence the term 'big wig'. Today we often use the term 'here comes the Big Wig' because someone appears to be or is powerful and wealthy.

"Agriculture, the Driginal Green"

President's Message - Continued from Page 1

Lightning Complex Fire in Northern Santa Cruz County. Have you cleared defensible space around your house? Have you mapped out escape routes and communicated them to family and staff? Having a "go bag" packed so you can leave at a moment's notice is critical. A change of clothes, toiletries, medication, critical personal documents should all be included. Covid-19 exposure risks have complicated previous mass evacuation site models. Local hotels quickly had no vacancy after the first local evacuation orders were initiated. East Coast states have had to adapt response plans for hurricane evacuees moving away from large evacuation sites. Where will you evacuate to?

Disaster planning must include considerations for evacuating pets and livestock. We are fortunate that the Santa Cruz County Fairgrounds has been available to temporarily house animals. Have a plan for transporting, feeding, and boarding your animals. Luck favors the prepared. Make time to get training and make a plan. Consider joining your local Community Emergency Response Team (CERT) and take training in first aid and CPR from the American Red Cross, help save a life anyday, not just during disasters. Heed the words of Benjamin Franklin," If you fail to prepare you have prepared to faiL.

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Small office for rent in Watsonville. Ideal for sole proprietor. The office is part of a larger shared office building, complete with two bathrooms and a shared conference room and copy room. The private office is approximately 80 sq. ft, with a window and private locking door. The building has its own parking lot with ample parking. An independent insurance agent and his assistant have used the office for over 25 years, but have retired.

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"all of agriculture needs a voice. There are so many political issues that come up in the state and nationally we need someone to keep track of those that negatively impact agriculture. That is something Farm Bureau is really good at."

Jim Warrem

Jim Warren 101 Livestock Auction



2020 Events Santa Cruz County Farm Bureau

National Agriculture Day Luncheon Grass Area behind Harvest Building Santa Cruz County Fairgrounds Wednesday, September 16, 2020 11:30 a.m. to 1:30 p.m.

103rd Annual Meeting via Zoom October 29, 2020

Annual Directors' Dinner - Canceled November 5, 2020

> CFBF 102nd Annual Meeting Location to be determined December 6 - 9, 2020

Agri-Culture

24th Annual Progressive Dinner Take-Out Dinner Event Saturday, October 24, 2020 3:00 p.m. to 5:00 p.m.

AG COMMISSIONER

Written by David Sanford, Deputy Agricultural Commissioner, Santa Cruz County

Safety During Field Fumigation Season



s summer ends and fall begins, some Santa Cruz County berry growers will be proceeding with soil fumigations as part of their field preparation for next year's planting season. Growers planning to fumigate must obtain (or update) their Restricted Materials Permit from the Agricultural Commissioner's Office

and are required to submit a site-specific Fumigation Work Plan. Accurate maps indicating the proposed application site and the surrounding area are also required and must be included with both the submitted plan and with the final Notice of Intent (NOI) for the fumigation. The information required on the work plan and NOI is detailed and specific, and is described in our County's field soil fumigation conditions. Putting together a fumigation work plan and NOI requires taking the time to ensure the documents meet the permit conditions for the site and the fumigant. In our County, these tasks are primarily undertaken by the fumigating company's Pest Control Adviser (PCA) on behalf of the grower. By using this approach, growers can continue to focus on their many other production responsibilities while the PCA drafts and submits the necessary documents for the fumigation. However, it is important that growers still work closely with their PCAs and communicate regularly as the fumigation work plan is drafted and prior to submitting the NOI. Good communication between the grower and their PCA ensures clarity and accuracy with respect to factors such as site characteristics, application rate, buffer zones, acreage, and date/time of the area to be fumigated. The following are some key elements you need to know and follow to safeguard your workers and neighboring growers:

Provide a minimum of 48 hours notification to adjacent growers, businesses or residents that have given you buffer encroachment or property vacating agreements.

Ensure that buffer zone postings in neighboring fields and properties are in place before the fumigation starts and that they remain in place for 48 hours following completion of the fumigation.

Ensure your employees are aware of <u>areas under your</u> <u>control</u> that will be fumigated and areas that are off limits due to the fumigation. <u>Work with your PCA to post buffer zone</u>

signs in areas under your control to ensure your employees do no enter or park in buffer zone areas.

- Monitor the weather conditions at least 48 hours before the fumigation and on the day of the fumigation. Pay close attention to any forecasted weather inversions or wind advisories and plan accordingly. If you suspect the weather may impact the safety and effectiveness of the fumigation, work with your PCA to reschedule the job for another day.
- Be proactive. If you suspect a problem at your fumigated field may lead to the exposure of nearby fieldworkers, contact the grower(s) to get those workers away from the area and contact your PCA and the Agricultural Commissioner's Office.
- If a fumigation tarp is compromised (e.g., hole in the tarp, tarp pulling out of the soil, large bubbles, torn tarp) contact your PCA and the Agricultural Commissioner's Office immediately.
- Remember that when an employee complains of a pesticide illness or exposure that might reasonably be expected to lead to an employee's illness, the grower is responsible to ensure that employee is taken to a physician immediately.
- Work with your PCA to comply with all Mandatory Good Agricultural Practices (GAPs) required on the product label, including proper soil preparation and soil moisture to ensure a safe and effective fumigation.
- If a field fumigation falls within 1/4 mile of a schoolsite, 36 hours must elapse between the completion of the fumigation and the next scheduled school day. <u>This</u> <u>requirement is in effect regardless of whether the</u> <u>school is holding in-person or remote learning classes.</u>

With the continued heightened health concerns and vulnerabilities caused by the presence and spread of COVID-19, it is important to keep in mind the increased number of people that are working or studying from home. Agricultural pesticide applications – fumigants or otherwise – must be made with safety as the top priority. Applicators are required to always evaluate surrounding properties prior to applying pesticides and must perform pest control in a careful and effective manner.



Written by Alan Smith The Grunsky Law Firm PC

What Makes A Contract "Illegal"?

And What Are Remedies?

o State and County Shelter in Place (SIP) orders from the State or County Health Officers make a contract illegal? What if the building you lease to a tenant or rent from a landlord cannot be occupied or perhaps not used because of such orders?

California Civil Code§ 1608, which

was passed by the Legislature in 1872 and unchanged since, says "[i]f any part of a single consideration for one or more objects, or of several considerations for a single object, is unlawful, the entire contract is void."

In *Wise v Radis* decided October 28, 1925, 74 Cal.App 765, 775-776, one partner sued another for a share of a real estate commission for the sale of property in Los Angeles County. In those days, Los Angeles County required an annual real estate license to be allowed to receive real estate commissions. The partner suing had allowed his real estate license to expire. The Court of Appeal said "No principle of law is better settled than that a party to an illegal contract or an illegal transaction cannot come into a court of law and ask it to carry out the illegal contract or to enforce rights arising out of the illegal transaction. He cannot set up a case in which he necessarily must disclose the illegal contract or the illegal transaction as the basis of his claim. The result: no real estate license therefore no share of real estate commission.

The case of *Losson v Blodgett* decided September 21, 1934 said if consideration for a contract is unlawful, the contract is void. 1 Cal.App.2d 13, 18. In *Losson*, a seller filed a lawsuit in Los Angeles County Superior Court claiming rent for land in Mexico. The defendants claimed the agreement was a contract for sale, not a lease and was therefore invalid because the Mexican Constitution at the time said "within a zone of 100 kilometers from the frontiers, and of 50 kilometers to the seacoast, no foreigner shall under any conditions acquire direct ownership of lands and waters. " The Court of Appeal decided the contract was a contract for sale and not a lease and since the plaintiff was prohibited by law from conveying the

o State and County Shelter property, the contract was illegal and unenforceable.

And in *Holt v Morgan* decided October 18, 1954, 128 Cal.App.2d 113, 116, the California Court of Appeal held that "no illegal contract or right arising out of an illegal transaction can be enforced by court action." In *Holt*, a liquor license was transferred. The court of appeal held that the trial court erred in enforcing a creditor's agreement with the licensee because the agreement was in substance a pledge to transfer the license as security for the loan in violation of § 7.3 of the California Alcoholic Beverage Control Act. Since the transaction was illegal, it was unenforceable.

These cases suggest that if occupation of a building becomes illegal for a substantial period of time, the tenant who cannot pay rent may be able to defend a breach of lease lawsuit by claiming illegality. A Court would probably consider how long the leased premises could not be occupied. The Court would also probably look at whether some reasonable change of operations might make the "illegality" not material. In other words, maybe the tenant could change their operations to continue their use. And under any circumstances, illegality does not mean the tenant can continue to occupy the leased space for free (without paying rent). The more likely court ruling, in my opinion, would be for the court to declare the lease terminated and the tenant would have to move out immediately.

The legal landscape is changing day by due in part to the severe economic consequences of the COVID-19 Pandemic and cases and legislative responses. This article does not give, and is not intended to give legal advice. All information is for general informational purposes only. You should contact your attorney for advice about any particular legal matter. You should not act or refrain from acting based on this article without first seeking legal advice. Only your individual attorney can assure that this information applies to or is appropriate to your particular situation.



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CALENDAR

MONDAY - SEPTEMBER 7 Labor Day Observed - Closed

WEDNESDAY - SEPTEMBER 16 National Agriculture Day **Spring Luncheon**

THURSDAY - SEPTEMBER 24 Board of Directors' meeting

SATURDAY- OCTOBER 24 24TH Annual Progressive Dinner

THURSDAY - OCTOBER 29 Board of Directors' meeting

THURSDAY - OCTOBER 29 Annual Meeting via Zoom



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