



NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: June 8, 2021

TO: Board of Supervisors

FROM: **Susan Hoek, District IV Supervisor**

SUBJECT: Resolution urging California Governor Newsom to use administrative authority to adopt the Department of Labor's federal weekly work standard of 48 hours for herders in California.

RECOMMENDATION: Adopt the Resolution

FUNDING: N/A

BACKGROUND:

In 2016, AB 1066 (Gonzalez) was approved by the legislature and signed into law. AB 1066 relates to overtime pay requirements in the agricultural sector starting January 1, 2022. As a result of this bill, sheep and goat herder pay is expected to increase by an economically unsustainable 50 percent. Prior to the adoption of this legislation, California herders were already among the highest paid in the nation, receiving as much as 80 percent more pay than herders in other states. The economic and environmental benefits of the sheep and goat production industry in California is in jeopardy because of the unintended consequences brought on by this newly adopted California law.

In 2015, the federal Department of Labor determined that herder work hours cannot be tracked because of its remoteness, that 48 hours of work per week was a reasonable estimate, and further that federal courts have upheld this determination as both reasonable and well supported by available evidence. As mentioned above, AB 1066 increases sheep and goat herder pay by an economically unsustainable 50 percent, thus this industry may decline in California in the future.

Sheep and goat production is uniquely nomadic, requiring a mobile and skilled workforce of herders to care for and manage movement of flocks, whether located in distant areas grazing agricultural land or serving as four legged firefighters in the forests and wildland-urban interface by reducing fire fuel vegetation.

COUNTY OF NEVADA

STATE OF CALIFORNIA

BOARD OF SUPERVISORS



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Supervisor, 4th District

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In Nevada County, sheep and goat grazing is contracted by many jurisdictions for vegetation management. An increase in labor costs would increase contracting prices and could decrease the amount of acreage being managed. Sheep and goat grazing also aligns with Governor Newsom's Climate Change Executive Order (N-82-20) as a wildfire prevention tool, which produces a net benefit in carbon sequestration and air quality, and is especially suited to enhance carbon neutrality in situations of rural-urban interface.

To date, six (6) California counties (Fresno, Madera, Merced, Kings, Tulare, Kings) have already passed similar resolutions urging Governor Newsom to use his administrative authority. At least three (3) more counties (Mariposa, San Benito, El Dorado) are preparing similar resolutions.

On May 19, 2021, at a regularly scheduled meeting of the Nevada County Agricultural Advisory Commission (AAC) this item was heard and discussed. A motion was made to recommend to the Board of Supervisors, that a resolution be adopted urging Governor Newsom to use his administrative authority to adopt the federal weekly work hours standard for herders in California. This motion passed unanimously. (AAC draft minutes and presentation attached)

Sincerely,

Sue Hoek
District IV Supervisor
County of Nevada