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RES. # & COMMITTEE	DATE REC.	VOTE	SCOPE
11- 042 - AG	09/01/2011	MAJORITY	STATE

2

3 **TITLE: FOOD SOVEREIGNTY RESOLUTION**

4 **PROPOSED BY: MARSHALL GRANGE #451**

5 **WHEREAS:** We the People of California have the right to produce, process, sell, purchase and  
6 consume local foods, thus promoting self-reliance, the preservation of family  
7 farms, and local food traditions. And

8 **WHEREAS:** We recognize that family farms, sustainable agricultural practices and food  
9 processing by individuals, families, and non-corporate entities offers stability to  
10 our rural way of life by enhancing the economic, environmental, and social  
11 wealth of our community. And

12 **WHEREAS:** We the members of the California State Grange have an obligation to protect  
13 these rights as is the Common and Natural Law; and in recognition of the  
14 Grange’s proud agricultural heritage; and the necessity of agricultural, ecological  
15 and economic diversity and sustainability to a free and healthy society. And

16 **WHEREAS:** Federal, state, and county regulations impede local food production and  
17 constitute a usurpation of our citizens’ right to foods of their choice. And

18 **WHEREAS:** Our right to a local food system requires us to assert our inherent right to self-  
19 government. Therefore be it

20 **RESOLVED:** That the California State Grange actively promote legislation in California to enact a  
21 Food Sovereignty Bill that would allow producers or processors of local foods in  
22 California exemption from licensure and inspection provided that the transaction is only  
23 between the producer or processor and a patron when the food is sold for home  
24 consumption. This includes any producer or processor who sells his or her products at  
25 roadside farm stand; sells his or her products through farm-based sales directly to a

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patron, or delivers his or her products directly to patrons. And be it further

**RESOLVED:** That a producer is any farmer or gardener who grows any plant or animal for food or drink; a processor is any individual who processes or prepares products of the soil or animals for food or drink; and a patron is an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation. And be it further

**RESOLVED:** That the ‘Ordinance to Protect the Health and Integrity of the Local Food System in the County of El Dorado, California’ (attached) be used as the model for the Food Sovereignty Bill.

**Sample Ordinance In Support of Resolution**

**AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE COUNTY OF EL DORADO, CALIFORNIA**

**Section 1. Name.** This Ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance #\_\_\_\_\_, 2011.”

**Section 2. Definitions.**

As used in this ordinance:

- (a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
- (b) “Home consumption” means consumed within a private home or personally by patron.
- (c) “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales, roadside stands or buying clubs.
- (d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.
- (e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.
- (f) “Roadside Farm Stand” means a place of sale at the property of the farmer.

**Section 3. Preamble and Purpose.** We the People of the County of El Dorado, California, have the right to produce, process, sell, purchase and consume local foods, thus promoting self-reliance, the preservation of family farms and local food traditions. We recognize that family farms, sustainable agricultural practices and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a

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1 local food system requires us to assert our inherent right to self-government. We recognize the authority to  
2 protect that right as belonging to the County of El Dorado.

3  
4 We recognize our individual rights and individual responsibilities. We have faith in our citizens' ability to  
5 educate themselves and make informed decisions. We hold that federal and state regulations impede local  
6 food production and constitute a usurpation of our citizens' right to foods of their choice. We support food  
7 that fundamentally respects human dignity and health, nourishes individuals and the community and  
8 sustains producers, processors and the environment. We are therefore duty bound under the Constitution of  
9 the State of California to protect and promote unimpeded access to local foods.

10  
11  
12 The purpose of the Local Food and Community Self-Governing Ordinance is to:

- 13 1. Provide citizens with unimpeded access to local food;
- 14 2. Enhance the local economy by promoting the production and purchase of local agricultural products;
- 15 3. Protect access to roadside stands, farm based sales and direct producer to patron sales;
- 16 4. Support the economic viability of local food producers and processors;
- 17 5. Preserve local knowledge and traditional food ways.

18  
19  
20 **Section 4. Authority.** This Ordinance is adopted and enacted pursuant to the inherent, inalienable and  
21 fundamental right of the citizens of the County to self government, and under the authority recognized as  
22 belonging to the people of El Dorado County by all relevant state and federal laws including, but not limited  
23 to the following:

24  
25 The Declaration of Independence of the United States of America, which declares that governments are  
26 instituted to secure peoples' rights, and that government derives its just powers from the consent of the  
27 governed.

28  
29 The California Constitution, which recognizes that **“all political power is inherent in the people”**  
30 (California Constitution Article II, Section 1) and that **grants counties and cities all powers necessary to**  
31 **protect the public health, safety, and welfare** (California Constitution, Article XI, Section 7) and Article  
32 1 Section 9 which states in the Declaration of Rights: A bill of attainder, ex post facto law, or **law**  
33 **impairing the obligation of contracts** may not be passed.

34  
35 **Section 5. Statements of Law.**

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37 **Section 5.1. Right to Access and Produce Food.** El Dorado County citizens possess the right to  
38 produce, process, sell, purchase and consume local foods of their choosing.

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40 **Section 5.1a Right to Ownership:** El Dorado County citizens have the right to own livestock animals in  
41 whole or in part.

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1 **Section 5.1b. Right to Contract for Care and Production:** all residents have the right to contract with  
2 any person to provide housing and care for animals that they own in whole or in part, including activities  
3 such as milking or shearing to provide products from such animals.  
4

5 **Section 5.1c. Right to the Products:** All residents have the right to contract with any person to package and  
6 deliver the products, including dairy products, derived from animals that such residents own in whole or in  
7 part for the owner’s personal consumption or other personal use.  
8

9 **Section 5.2. Licensure/inspection Exemption.** Producers or processors of local foods in the County of El  
10 Dorado are exempt from licensure and inspection provided that the transaction is **only** between the producer  
11 or processor **and** a patron when the food is sold for home consumption. This includes any producer or  
12 processor who sells his or her products at roadside farm stands; sells his or her products through farm-based  
13 sales directly to a patron; or delivers his or her products directly to patrons.  
14

15 **Section 5.3. Right to Self-Governance.** All citizens of El Dorado County possess the right to a  
16 form of governance which recognizes that all power is inherent in the people, that all free governments are  
17 founded on the people’s authority and consent.  
18

19 **Section 5.4. Right to Enforce.** El Dorado County citizens possess the right to adopt measures  
20 which prevent the violation of the rights enumerated in this Ordinance. The Sheriff, being the supreme law  
21 enforcement official in the county, is obligated to protect the rights of the citizens recognized in this  
22 Ordinance against any outside agency or corporation  
23

24 **Section 6. Statement of Law, Implementation.** The following restrictions and provisions serve to  
25 implement the preceding statements of law.  
26

27 **Section 6.1 State and Federal Law.** It shall be unlawful for any law or regulation adopted by the  
28 state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful  
29 for any corporation to interfere with the rights recognized by this Ordinance. The term “corporation” shall  
30 mean any business entity organized under the laws of any state or country.  
31

32 **Section 6.2. Patron Liability Protection.** Patrons purchasing food for home consumption may  
33 enter into private agreements with those producers or processors of local foods to waive any liability for the  
34 consumption of that food. Producers or processors of local foods shall be exempt from licensure and  
35 inspection requirements for that food as long as those agreements are in effect.  
36

37 **Section 7. Civil Enforcement.** The County of El Dorado may enforce the provisions of this  
38 Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of  
39 the County of El Dorado shall have standing to vindicate any rights secured by this ordinance which have  
40 been violated or which are threatened with violation, and may seek relief both in the form of injunctive and  
41 compensatory relief from a court of competent jurisdiction.  
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1 **Section 8. County Action against Preemption.** The foundation for making and adoption of this law is the  
2 peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life,  
3 liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt,  
4 amend, alter or overturn this Ordinance or parts of this Ordinance shall require the County to hold public  
5 meetings that explore the adoption of other measures that expand local control and the ability of citizens to  
6 protect their fundamental and inalienable right to self-government. It is declared that those other measures  
7 may legitimately include the partial or complete separation of the County from the other units and levels of  
8 government that attempt to preempt, amend, alter, or overturn this Ordinance.  
9

10 **Section 9. Effect.** This Ordinance shall be effective immediately upon its enactment.  
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12 **Section 10. Severability Clause.** To the extent any provision of this Ordinance is deemed invalid by a  
13 court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the  
14 Ordinance shall remain valid.  
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16 **Section 11. Repealer.** All inconsistent provisions of prior Ordinance adopted by the County of El Dorado  
17 are hereby repealed, but only to the extent necessary to remedy the inconsistency.  
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