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# California

## Supporters will appeal nullification of decertification vote

Board says Gerawan gave worker unfair help in campaign

By **TIM HEARDEN**  
Capital Press

SACRAMENTO — A farmworker's allies expressed outrage — but not surprise — after a state labor board on April 15 nullified a 2013 union-decertification vote at Fresno-based Gerawan Farming Inc.

Attorneys and supporters of farmworker Silvia Lopez, who has organized an effort to end the United Farm Workers' state-enforced representation of company workers, say they'll appeal the Agricultural Labor Relations Board's decision.

The board upheld an administrative law judge's opinion in September that Gerawan gave an unfair advantage to employees trying to oust the UFW by granting her special time off to lead the effort and allowing her to block the farm's exit to gather signatures. Company officials have steadfastly denied wrongdoing.

The judge, Mark Soble, also took issue with a \$20,000 grant to Lopez from the California Fresh Fruit Association, whose president, Barry Bedwell, has responded that the grant was made at the request of other growers not directly involved in the election.

Given the circumstances, "it was impossible to know whether the signatures gathered in support of the decertification petition represented the workers' true sentiments," ALRB members wrote in their unanimous 81-page decision, adding that they agreed that Gerawan's conduct "tainted the entire decertification process."

The board also criticized Gerawan for "unlawfully" giving employees a raise in 2014 without negotiating it with the union and said the company "colluded" with the Fresh Fruit Association to plan a bus trip



Silvia Lopez, left, a worker at Gerawan Farms in Fresno, Calif., is interviewed by a reporter during a rally in 2013. The state Agricultural Labor Relations Board on April 15 nullified the farmworkers' 2013 decertification vote.

to Sacramento to hold a rally at the Capitol.

The decision was blasted by Anthony Raimondo, an attorney representing Lopez, who said it silenced workers' free choice. He said the state has remained "the biggest obstacle" to the workers' ability to decide for themselves whether to be represented by UFW.

"This is exactly what we expected to happen," Raimondo told the Capital Press. "This was a process that was rigged from the very beginning to produce this result. You have a very politically connected union ... (and) this Gerawan case means a heck of a lot of money to the union."

Assemblyman Jim Patterson, R-Fresno, whose unsuccessful bill last year to provide workers certain rights under a state-imposed labor contract was inspired by the Gerawan dispute, said the ALRB's latest decision continues its pattern of bias.

"No one should be surprised that the ALRB's board sided with its hand-picked and paid-for 'judge,'" Patterson said in a statement. "That's like the fox who guards the henhouse agreeing with the henhouse executioners who are handpicked by the fox. This is what political, bureaucratic incest looks like."

ALRB executive secretary J. Antonio Barbosa countered in an email the decision was "based solely on a review of the administrative record" including pleadings, evidence and the testimony of about 130 witnesses producing more than 20,000 hearing transcript pages.

Armando Elenes, the UFW's national vice president, has said the problem wasn't with the ballots themselves but with "how the election was obtained." The UFW has accused Gerawan of multiple violations of state labor law in participating in the petition drive, which the company has denied.

Allegations of misconduct have been flying back and forth during the nearly 3-year-old conflict, over which state and federal lawsuits are already ongoing. The workers and Gerawan contend the UFW abandoned the farm after winning representation in 1990, only to reappear in 2012 and seek an agreement with the company.

A state appeals court sided with Gerawan as the fruit producer challenged the constitutionality of the ALRB's move to force a labor contract on the company, and the matter is now before the California Supreme Court. The UFW faces an April 25 deadline to submit

briefs, Raimondo said.

Meanwhile, the 9th U.S. Circuit Court of Appeals is set to consider Lopez's 2014 federal lawsuit alleging the ALRB violated the civil rights of workers by refusing to count the ballots.

As it is, the ballots will be kept sealed until all appeals of the ALRB's decision have been exhausted, Barbosa said. A party can request that the board reconsider its decision, and Gerawan can also seek a review from the state Court of Appeal within 30 days of the board's decision, he said.

As a first step, Raimondo said he will ask the board to reconsider its decision. He said he hopes the board holds onto the ballots until all the legal cases are resolved.

"Even if one were to accept the legitimacy of this process, which we don't, it makes absolutely no sense to punish the workers and reward the union for what the employer supposedly did wrong," Raimondo said.

"What we would hope is that they wouldn't be rushing to have a bonfire today, but we've seen so many things in this process that have been so disappointing and so unfair to the workers," he said. "I can't say for sure whether they're going to act in good faith or not."



Vendor Ken Waranius, left, talks with a customer about composting as Verena Compton plays a drum in a nearby booth at a farmers' market in Redding, Calif., on April 9. Music and entertainment are becoming fixtures at many farmers' markets.

## Entertainment boosts farmers' market attendance, sales, managers say

By **TIM HEARDEN**  
Capital Press

REDDING, Calif. — On a recent Saturday morning near the steps of City Hall, the sounds of people singing and a guitar strumming lent a festive atmosphere as people snatched up fresh produce at the farmers' market.

Across the parking lot, basket vendor Verena Compton tapped on a tribal hand drum called a Djembé as nearby worm castings vendor Ken Waranius talked with customers about the benefits of composting.

"If nothing else, it's entertaining when they're here," Waranius, owner of Redding Compost Tea, said of the musical acts that perform at each week's market.

Anita Parker, co-owner of the Melon Patch, said the music "absolutely" draws more people to the market, thus giving her and her husband, Kevin, more opportunities to sell their farm-fresh eggs and produce.

"It's just a huge difference when they have music and entertainment," said Parker, who sells at farmers' markets year-round. "People are just more involved. When there's entertainment, there's just more people."

As the number of farmers' markets in California has risen, their offerings have also expanded, the California Farm

Bureau Federation reports. More markets now serve as community events that feature music, crafts, food booths and other activities along with selling fresh produce.


Nearly 750 farmers' markets now operate in the Golden State, double the number 15 years ago, and market managers believe the diverse offerings bring more customers who spend more time — and money — at the markets, the Farm Bureau reports.

Among the unique activities at farmers' markets are face painting for kids at a Santa Monica market, cooking demonstrations and children's games in Dublin, Calif., and artisan gifts in Santa Cruz, Calif., according to the markets' websites.

Farmers' markets can also be a hub for political activities. At the Santa Cruz midweek market this winter, Mike Jolson found a receptive audience for his petition drive to put a recreational marijuana initiative on the state ballot.

"We get a lot of interest," Jolson said, adding that many are supportive of easing restrictions on industrial hemp.

At Redding's main Saturday market, musicians have for several years performed in exchange for produce donated by vendors, said alpaca farmer Rich Hall, president of the Shasta Growers Association.



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## Land purchase in Northern California delta challenged

By **SCOTT SMITH**  
Associated Press

FRESNO, Calif. (AP) — Officials fighting plans by the state to build two giant tunnels under the Sacramento-San Joaquin River Del-

ta to send water south took their case to court Thursday, seeking to block one of the project's main backers from finalizing a key land deal.

San Joaquin and Contra Costa counties say Metropolitan Water District of

Southern California failed to perform environmental reviews before entering into a \$175 million deal to buy sprawling delta islands east of San Francisco.

The struggle for control of the delta stems from its vital role supplying water to vast farmlands and millions of Californians as far south as San Diego.

Metropolitan, Southern California's largest water provider, says it may use the 20,000 acres to pile earth dug from the tunnels project and store large construction equipment. It may also use the land to restore wildlife habitat and bolster delta levees, among other possibilities.

Opponents say Metropolitan has taken brazen steps to avoid meeting environmental requirements in the fragile delta.

"The idea that you can come in and turn these islands into tidal wetlands, that sounds great," said San Joaquin County Counsel Mark Miles. "But the creation of those tidal wetlands

has impacts on the surrounding islands."

Metropolitan is buying the delta islands from Zurich Insurance Group. The deal was signed this month, but it is not final.

It also comes as Gov. Jerry Brown seeks regulatory approval to build two giant tunnels costing an estimated \$15.7 billion to send river water under the delta and relieve harm to endangered fish.

Officials from the two counties filed the challenge in the San Joaquin County Superior Court along with local irrigation districts and environmental groups.

Metropolitan attorney Catherine Stites said that while possible uses for the land are being considered, the district hasn't formally decided how it will be used, making the court challenge premature.

"There's a whole host of possibilities that justify Metropolitan buying this property," she said. "None of them have been selected yet."

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