

FINAL MINUTES
BOARD OF AGRICULTURE AND CONSUMER SERVICES
Oliver W. Hill Building,
102 Governor Street, Room 220
Richmond, Virginia
May 18, 2006

The meeting convened at 9:00 a.m. on Thursday, May 18, 2006, in the Second Floor Board Room of the Oliver W. Hill Building in Richmond, Virginia. President Holland requested a moment of silence and then called the meeting to order. The Board Secretary called the roll:

PRESENT

Stephen Wolfe
L. Bruce Holland
Paul W. Rogers, Jr.
Wanda G. McDowell
Andrea Lohr
Edward S. Fleming
Gregory J. Galligan
C. C. Clark, Jr.
John D. Hardesty, Jr.
Melvin E. Murphy
Dr. Winfrey S. Clarke

Dr. Mark A. McCann

DISTRICT

1st
2nd
3rd
5th
6th
7th
8th
9th
10th
11th
Representing Eddie N. Moore, Jr., President,
Virginia State University
Representing Dr. Charles W. Steger, President,
Virginia Tech

ABSENT

T. M. Hardison 4th

STAFF PRESENT

J. Carlton Courter, III, Commissioner
Donald G. Blankenship, Deputy Commissioner
Roy E. Seward, Board Secretary

APPROVAL OF MINUTES

The minutes of the March 22, 2006 meeting were approved as presented.

ELECTION OF BOARD PRESIDENT, VICE PRESIDENT & SECRETARY

President Holland turned over the gavel to Commissioner Courter who called for nominations for Board President. Mr. Hardesty nominated Mr. Holland and Mr. Clark seconded the motion. Mr. Rogers made the motion that nominations be closed and

that Mr. Holland be elected by acclamation. Ms. Lohr seconded the motion and Mr. Holland was elected by a unanimous vote.

The Commissioner turned over the gavel to President Holland who called for nominations for Vice President. Mr. Galligan nominated Mr. Murphy for Vice President and Mr. Fleming seconded the motion. Ms. Lohr nominated Mr. Rogers for Vice President and Mr. Clark seconded the motion. Mr. Wolfe moved that the nominations be closed and Mr. Hardesty seconded the motion. The Board voted unanimously to close nominations.

President Holland gave each candidate an opportunity to speak before a roll call vote was conducted. After brief remarks from Messrs. Murphy and Rogers, the Board members voted as follows:

<u>Members</u>		<u>Vote</u>
Mr. Holland	-	Paul Rogers
Mr. Wolfe	-	Melvin Murphy
Mr. Rogers	-	Abstained
Ms. McDowell	-	Paul Rogers
Ms. Lohr	-	Paul Rogers
Mr. Fleming	-	Melvin Murphy
Mr. Galligan	-	Melvin Murphy
Mr. Clark	-	Paul Rogers
Mr. Hardesty	-	Paul Rogers
Mr. Murphy	-	Melvin Murphy
Dr. Clarke	-	Melvin Murphy
Dr. McCann	-	Paul Rogers

The Secretary reported that Mr. Rogers was elected Vice President with six votes while Mr. Murphy received five votes and one member abstained.

Mr. Wolfe nominated Mr. Seward for Secretary and Mr. Clark seconded the motion. Mr. Hardesty moved that nominations for Secretary be closed and that Mr. Seward be elected by acclamation. Mr. Clark seconded the motion and Mr. Seward was elected by a unanimous vote.

REPORT FROM BOARD MEMBERS

Mr. Fleming reported that farmers in his district expect a good year and that recent rains have provided adequate moisture for the crops. He also talked about the fluctuating fuel prices and how they are affecting everyone.

Mr. Rogers reported that the wheat crop seems to have good potential. He stated that farmers are replanting cotton acreage because of the stress of wet weather. He noted that peanut acreage is expected to drop slightly in comparison the drastic reduction anticipated three months ago. He noted that commodity prices are on the rise.

Mr. Murphy during his report restated his request that Dr. Irene Leech, who chairs the Department's Consumer Affairs Advisory Committee, be invited to speak to Board on the work of the advisory committee at a future Board meeting, preferably the December meeting. (Note: Dr. Leech was unable to attend the May meeting but has expressed an interest in attending the December Board meeting.)

Ms. Lohr reported that she attended the groundbreaking ceremony that was held by VDACS at the site of the new Harrisonburg laboratory. She stated that most farmers already have their corn and soybeans planted, that the Valley is pretty dry and that what rain has fallen has been spotty. She also talked about growing concern for biosecurity in view of the news about bird flu.

In his update to the Board Mr. Wolfe reported a major development--that the soft drink industry has agreed that it will stop selling sugar-based sodas in schools. Concerning agriculture in his district, he noted that the wheat crop was in trouble in March because of dry weather but that recent rains have improved expected yields. He added that the corn crop is coming up and that vegetable crops are doing fine.

Mr. Clark reported that the price of gas continues to be a topic of conversation among consumers in his district. He noted that April was extremely dry but that his area has received enough rainfall since then to improve crop and pasture conditions. He added that May with its cool weather has been good for cattle. He noted that the last large family orchard in his county--the largest apple orchard in the area--is closing its doors.

Mr. Galligan asked that each Board meeting agenda include an item for "New Business" when Board members can present issues not related to Board reports. President Holland directed the Secretary to place the "New Business" item on future meeting agendas just before "Future Meetings."

Ms. McDowell reported the Heritage Festival in her county. She also talked about the effects of the cool, dry weather on farming operations in her district. She noted that pastures are not in good condition and tobacco planting is about two weeks behind. She also reported consumer concerns about gas prices. She asked about regulations concerning changes in gas prices within a twenty-four-hour period. She also expressed concern for protection for senior citizens as consumers in coping with the Medicare drug plan. She asked if the state is providing information to seniors regarding the drug plan.

Mr. Hardesty reported that he also attended the groundbreaking ceremony at the Harrisonburg laboratory site. He noted that the apple industry in Virginia is in decline. He talked about the Got Milk promotion sponsored by the dairy industry and efforts to distribute bottled milk to schools in the U.S. Regarding crops, he noted that 85 percent of corn has been planted and that soybean planting is just starting. He told the Board that the potential for the apple and peach crops looks good right now. He also commented on consumer concerns for gasoline prices.

Dr. McCann reported on Virginia Tech's commencement weekend and the planting of a special garden that includes plants chosen to commemorate Jamestown. He told the Board that Virginia Tech will be moving into the Agriculture and Forestry Building this fall and will hold a dedication in September. He also reported on plans for organic production training for Extension agents and the filling of a new program leader position in family consumer science that will focus on health, nutrition, family health, parenting issues, etc.

Dr. Clarke reported that Virginia State University graduated 600 undergraduate students, including approximately 70 in agriculture, at the recent commencement exercises. He told the Board about the tour of the University's new Extension building which has been renamed the L. Douglas Wilder Building in honor of former Governor Wilder. He told the Board that Virginia State would be holding a new Horticulture Field Day on June 29, 2006 and its annual Ag Field Day this coming October. He concluded his remarks with a report that he will be retiring from the University effective June 30, 2006.

Mr. Holland thanked Dr. Clarke for his continued support over the years and expressed his enjoyment in working with Dr. Clarke.

In his report to the Board Mr. Holland reported that the tomato crop in the lower part of the Eastern Shore was damaged by frost this spring and that one farmer with 65 percent damage to tomato crop had to replant. He noted that cool weather has affected snap beans and that this weather has slowed the planting of soybeans. On the consumer side, he reported that an electric power company serving the Shore is proposing an 42 percent increase in rates that will take effect in June.

COMMISSIONER'S REPORT

Commissioner Courter presented a report on the following topics:

- *New Personnel: Saba Shami, Renee Mullins & Kelly Machett
- *Budget Status
- *Montague Project Announcement
- *Motor Fuel Issues
- *Ethanol and Bio-fuels
- *Settlement of Telemarketer Case
- *Wireless/Cellular Phone Complaints
- *2006 Apple Industry Referendum Vote
- *Governor's Canada Mission
- *Virginia Grown 2006 Campaign Preview
- *Jamestown 2007
- *Food & Beverage Expo Results
- *Drought Update
- *Virginia Agriculture
- *Avian Influenza and Live Bird Marketing Systems

*Board Tour of Oliver W. Hill Building

STATE STATISTICIAN'S REPORT

Kevin Barnes, State Statistician, briefed the Board on planting intentions as well as special surveys underway and those planned.

COMMODITY BOARD REPORTS

Joe Cardwell, a member of the staff of the Marine Products Board, presented a report on the activities of his board. Andrea Heid, the Department's Equine Specialist, presented a report on the work of the Horse Industry Board.

DIVISION OF CONSUMER PROTECTION REPORT

Andy Alvarez, Director of the Division of Consumer Protection, presented a briefing on consumer complaints and the efforts of the Office of Consumer Affairs in resolving these complaints. During his briefing he responded to earlier questions from Ms. McDowell regarding help for the elderly in dealing with the new Medicare drug program and to other questions from the Board members.

Following this briefing, Mr. Alvarez introduced Frank Fulgham, Manager of the Plant Pest Services Office, who presented the Board with a report on the status of the Department's gypsy moth program and briefed the Board on the Commissioner's recent action to expand the state's gypsy moth quarantine area. Mr. Fulgham explained that state law authorizes the Commissioner to extend or reduce the regulated area of the gypsy moth quarantine and that the law requires that the Board review the Commissioner's action to extend or reduce the regulated area at its next meeting after the action is taken and at least within 90 days of the Commissioner's action.

DIVISION OF ANIMAL & FOOD INDUSTRY SERVICES REPORT

Dr. Richard Wilkes, Director of the Division of Animal and Food Industry Services, during his report on plans to seek public comment on the proposed Food Code regulation, reviewed with the Board options for holding a public hearing on the proposal: (1) the Board could hold a public hearing in conjunction with a Board meeting; (2) the Board could designate VDACS staff to conduct the public hearing with a court reporter present to record and transcribe the hearing for the Board's review at a later meeting; and (3) the Board could designate one of its members to chair the public hearing with staff present and with a court reporter present to record and transcribe the hearing for the Board's review at a later meeting.

After some consideration of these options, Dr. Clarke moved that the Board designate a member of the Board to preside at the public hearing with staff and a court reporter present. Mr. Murphy seconded the motion and it was passed by a unanimous vote. Concerning the selection of the presiding Board member, Mr. Rogers moved that the Board President or the Board President's designee preside over the public hearing. Dr. Clarke seconded the motion and it was carried by a unanimous vote.

DIVISION OF MARKETING REPORT

Tom Sleight, Director of the Division of Marketing, introduced E. L. Knicely of his staff who presented a report on the agency's commodity grading program.

NEW BUSINESS

In response to President Holland's request for new business, Board members discussed their interests/concerns relating to illegal immigrants, fuel issues, and wireless telecommunications. Mr. Holland stated again that at future meetings Board members will have an opportunity to present issues under "New Business" just before "Future Meetings" on the meeting agenda.

PLANS FOR FUTURE BOARD MEETINGS

Mr. Seward asked the Board to reserve the following dates for Board meetings in Richmond:

August 24 (meeting) and August 25 (tour) - Harrisonburg area
December 7, 2006 - Richmond
March 22, 2007 - Richmond

He advised that Ms. Lohr has agreed to host the Board during the August 24-25 visit of the Board to the Harrisonburg area and that staff will work with Ms. Lohr making arrangements for this visit.

PUBLIC COMMENT PERIOD

President Holland asked for public comments but no one came forward to speak to the Board.

ADJOURNMENT

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

L. Bruce Holland, President

Roy E. Seward, Board Secretary

