

RESOLUTION NO. __ - __

**Resolution of the Yolo County Board of Supervisors Regarding
Assembly Bill 1265 and its Implementation in Yolo County**

WHEREAS, the California Land Conservation Act (the “Williamson Act”) was enacted on July 14, 1965 to implement a variety of state farmland preservation policies directed at discouraging the unnecessary and premature conversion of farmland to other uses; and

WHEREAS, over the past 50+ years, the County of Yolo (“County”) has embraced and vigorously implemented the state farmland preservation policies set forth in the Act; and

WHEREAS, over 400,000 acres in the County are presently conserved by voluntary County and landowner participation in Williamson Act contracts, and the County has been recognized by the Legislature for its commitment and dedication to the principles of the Williamson Act; and

WHEREAS, for decades, the state provided subvention funding to replace the property tax revenues that participating jurisdictions like Yolo County lose as a consequence of extending reduced assessments to the owners of contracted lands; and

WHEREAS, on July 28, 2009, Governor Schwarzenegger eliminated all but \$1,000 in state funding for the Williamson Act program; and

WHEREAS, adopted in 2011, Assembly Bill 1265 (“AB 1265”) sought to provide a partial solution to the elimination of subvention funding and continues the program established by Senate Bill 863 (2010); and

WHEREAS, the purpose of this Resolution is to make certain findings take other actions necessary to formally continue the local implementation of AB 1265;

NOW, THEREFORE, the Board of Supervisors hereby finds and resolves as follows:

1. The Board of Supervisors finds that during the prior fiscal year (i.e., 2020-2021), the payments received by the County pursuant to Government Code Sections 16142 and 16142.1 amounted to less than one-half of its actual foregone general fund property tax revenue.

2. Based on the foregoing determination and other relevant considerations, the Board of Supervisors hereby approves the continued implementation of AB 1265. In accordance with Government Code Section 51244(b)(1), the term for all California Land Conservation Contracts that are not exempt from the application thereof shall continue to be nine years (based on prior Board action to implement SB 863 and AB 1265 and reduce contract terms from ten years to nine), effective on the anniversary date of all such contracts (March 1, 2022). A landowner may elect to serve a notice of non-renewal to opt out of the nine-year contract term. The Office of the County Counsel, working with other County departments as appropriate, is directed to ensure that timely notice of this decision is provided to landowners entitled to such notice under California law.

3. Pursuant to AB 1265, a modified assessed value shall be conveyed to the Auditor, consistent with the ten-percent reduction in the length of the contractual restriction, equal to ten percent of the difference between the valuation pursuant to Section 423, 423.3, or 423.5 of the Revenue and Taxation Code, as applicable, and the valuation under subdivision (b) of Section 51 or Section 110.1 of the Revenue and Taxation Code, whichever is lower. If the valuation under subdivision (b) of Section 51 or Section 110.1 is lower, the addition to the assessed value shall be zero. The increased amount of the tax revenue that results from the decrease in restriction shall be separately displayed on the taxpayer's annual bill.

4. If a landowner chooses to file a notice of non-renewal instead of accepting the continuation of a nine-year contract, the additional assessed value shall not be added to the property as provided in the Government Code. To opt out of the change in contract term and other matters described in this Resolution, a landowner may file a notice of non-renewal up to and including February 1, 2022 or within 90 days of notice of such opportunity by the County, whichever is later. The failure of a landowner to serve timely notice of non-renewal shall be considered implied consent to the continued implementation of AB 1265 effective on March 1, 2022.

5. The Office of the County Counsel and other County staff are authorized to take such necessary and further actions as are appropriate to implement this Resolution and carry out the intent of the Board of Supervisors. To the extent that anything in this Resolution is in conflict with the provisions of AB 1265 or other provisions of California law, those provisions shall govern.

PASSED AND ADOPTED by the Board of Supervisors on this 12th day of October, 2021, by the following vote:


AYES:
NOES:
ABSTENTIONS:
ABSENT :

Jim Provenza, Chair
Yolo County Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved As To Form:

By: _____
Deputy (Seal)


Philip J. Pogledich, County Counsel