

RESOLUTION NO. ___-___

**Resolution of the Yolo County Board of Supervisors Regarding
Senate Bill 863 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;

WHEREAS, over the past 40 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 has 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, thus shifting the full financial burden of the Williamson Act program to the County at a very difficult fiscal time; and

WHEREAS, Senate Bill 863 (“SB 863”) is an effort to provide a partial and temporary solution to the elimination of subvention funding; and

WHEREAS, the purpose of this Resolution is to make certain findings take other actions necessary to formally implement SB 863;

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

1. The Board of Supervisors finds that during the prior fiscal year, 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 implementation of SB 863. 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 be reduced from ten years to nine for Calendar Year 2011, effective on the anniversary date of all such contracts (March 1, 2011). A landowner may elect to serve a notice of non-renewal instead of accepting a 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 SB 863, 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 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 for Calendar Year 2011, a landowner may file a notice of non-renewal up to February 15, 2011. The failure of a landowner to serve timely notice of non-renewal by February 15, 2011 shall be considered implied consent to the implementation of SB 863 for Calendar Year 2011.

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 SB 863 or other provisions of California law, those provisions shall govern.

PASSED AND ADOPTED by the Board of Supervisors on this ___ day of _____, 2010, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT :

Helen M. Thomson, Chairwoman
Yolo County Board of Supervisors

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

Approved As To Form:
Robyn Truitt Drivon, County Counsel

By: _____
Deputy (Seal)

By: _____
Philip J. Pogledich, Senior Deputy