

**RESOLUTION NO. 2011-103**

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SHASTA  
AMENDING ITS UNIFORM WILLIAMSON ACT RULES  
TO FACILITATE IMPLEMENTATION OF AB 1265 (STATS. 2011 C. 90)**

**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**, approximately 187,130 acres in Shasta County are presently conserved by voluntary County and landowner participation in Williamson Act contracts; and

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

**WHEREAS**, Shasta County received \$8.00 in State subvention funding in Fiscal Year 2009-10 and \$0.00 in State subvention funding in Fiscal Year 2010-11 for the Williamson Act program, thus shifting the full financial burden of the Williamson Act program to the County at a very difficult financial time; and

**WHEREAS**, Assembly Bill 1265 (Stats. 2011, c. 90) ("AB 1265") is an effort to provide a partial and temporary solution to the elimination of subvention funding; and

**WHEREAS**, AB 1265 authorizes counties to adopt amendments to their uniform Williamson Act rules to facilitate implementation of AB 1265.

**NOW, THEREFORE, BE IT RESOLVED** that the Shasta County Board of Supervisors, State of California, hereby amends the County's uniform Williamson Act rules to facilitate implementation of AB 1265 by adding the following provisions to the County's uniform Williamson Act rules to replace the provisions previously implemented by Resolution No. 2010-122:

**AB 1265 Notices of Non-Renewal**

1. Should the Board of Supervisors, in accordance with Government Code Section 16142(e), implement Government Code Section 51244(b) and Government Code Section 51244.3 for the year 2011 effective January 1, 2011, the following rules shall apply for notices of non-renewal effective for the year 2011:
  - a. A landowner's contract shall not be modified or revalued under Government Code Section 51244(b) and Government Code Section 51244.3 unless the landowner, prior to February 1, 2011, is given at least

60 days' notice of the opportunity to prevent the modification and revaluation by serving notice of non-renewal and the landowner fails to serve notice of non-renewal. This time period shall be referred to as the "Opportunity Time Period." Failure of the landowner to serve notice of nonrenewal within the Opportunity Time Period shall be considered implied consent to the implementation of Government Code Section 51244(b) and Government Code Section 51244.3.

- b. A landowner may withdraw a notice of non-renewal prior to the expiration of the Opportunity Time Period. A landowner who withdraws that notice prior to the expiration of the Opportunity Time Period shall be subject to term modification and additional assessed value pursuant to Government Code Section 51244(b) and Government Code Section 51244.3.
  - c. A landowner's notice of non-renewal served within the Opportunity Time Period (and not withdrawn prior to the expiration of the Opportunity Time Period) shall be considered effective as of January 1, 2011.
  - d. Once served and effective, a landowner's non-renewal notice may not be withdrawn except for cause and with the consent of the County. The County may impose lawful conditions in connection with providing any such consent.
2. Should the Board of Supervisors, in accordance with Government Code Section 16142(e), implement Government Code Section 51244(b) and Government Code Section 51244.3 for the year 2012 or any subsequent year, the following rules shall apply for notices of non-renewal:
- a. A landowner's contract shall not be modified or revalued under Government Code Section 51244(b) and Government Code Section 51244.3 unless the landowner is given at least 90 days' notice of the opportunity to prevent the modification and revaluation by serving notice of non-renewal and the landowner fails to serve notice of non-renewal prior to the annual renewal date of the contract. Failure of the landowner to serve notice of nonrenewal prior to the annual renewal date shall be considered implied consent to the implementation of Government Code Section 51244(b) and Government Code Section 51244.3 for that year.
  - b. A landowner may withdraw a notice of non-renewal prior to the annual renewal date. A landowner who withdraws that notice prior to the annual renewal date shall be subject to term modification and additional assessed value pursuant to Government Code Section 51244(b) and Government Code Section 51244.3.

- c. A landowner's notice of non-renewal served prior to the annual renewal date (and not withdrawn prior to the annual renewal date) shall be considered effective as of the annual renewal date.
  - d. Once served and effective, a landowner's non-renewal notice may not be withdrawn except for cause and with the consent of the County. The County may impose lawful conditions in connection with providing any such consent.
3. Pursuant to Government Code Section 51244(b)(4), the Board of Supervisors may adopt additional amendments to the County's uniform Williamson Act rules to facilitate implementation of Government Code Section 51244(b) as necessary.

**BE IT FURTHER RESOLVED** that if any provisions of this Resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable.

**DULY PASSED AND ADOPTED** this 13th day of September, 2011 by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Hartman, Baugh, Kehoe, Moty, and Hawes  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: None



LES BAUGH, CHAIRMAN  
Board of Supervisors  
County of Shasta  
State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By:   
Deputy