



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: November 10, 2009

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)						
	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7000

SUBJECT: Stay Implementation of Adopted Policy Regarding Williamson Act Contract Amendments

REQUEST(S):

That the Board of Supervisors:

1. Stay Implementation of Adopted Policy (Resolution No. 2009-0091) applicable to actions involving Williamson Act Contracts occurring after July 22, 2008, including but not limited to new Williamson Act Contracts, amendment to an existing Williamson Act Contract, Partial Non-Renewals, adding of additional lands to an existing contract, or other modifications to an existing contract requiring Tulare County administrative or discretionary action for an entitlement for any portion of lands within contracted lands. This policy requires that when taking the above actions, the Williamson Act Contract will include, or be amended to include:

- a. Language giving the Tulare County Board of Supervisors authority to unilaterally declare the contract terminated as null and void should State of California fail to pay subvention funds off-setting property tax loss as required by the Open Space Subvention Act; and
- b. Language suggested from the *County of Humboldt vs. McKee* case (165 Cal. App. 4th 1476 (CA 1st Dist. 2008)) requiring compliance with new land use regulations and policies upon the annual renewal of existing contracts, such as: "All uses of and actions regarding the subject property shall comply will all applicable local ordinances, regulations,

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resolutions and state laws, as adopted or amended from time to time."

2. Authorize the Resource Management Agency Director to remove the February 10, 2009 policy requirement from a Williamson Act Contract until further direction from the Board of Supervisors.

SUMMARY:

On February 10 2009, the Board adopted Resolution No 2009-0091 requiring certain specified language to be included in Williamson Act Contracts affected by projects requiring the filing of Partial Notice of Non-Renewals. A number of projects have been approved requiring amendments to existing Williamson Act Contracts to be modified reflecting the policy language.

A number of factors, including the non-payment of State subventions, new implementing program by RMA to review Williamson Act Contracts, filing of Non-Renewal on existing Williamson Act Contracts found not to be consistent with the requirements of the Williamson Act program, has initiated the consideration to stay the implementation of the February 10 2009 policy directive of the Board and to authorize the RMA Director to retroactively waive the imposition of the policy established by Resolution No. 2009-0091.

The February 10, 2009 Board Agenda is attached for your information.

The attached resolution will, if adopted, stay the implementation of the February 10, 2009 policy directive of the Board and will authorize the RMA Director to retroactively waive the imposition of the policy established by Resolution No. 2009-0091.

FISCAL IMPACT/FINANCING:

The delay in the implementation of the February 10, 2009 policy will not result in a net loss to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The adoption of the attached resolution will allow the recording of a number of partial Notices of Non-Renewals allowing property transactions to be completed. The action will further the Organizational Performance by facilitating and coordinating implementation of private and county actions.

ALTERNATIVES:

Not to adopt the attached resolution and continue to implement the February 10 2009 policy as adopted by Resolution No. 2009-0091.

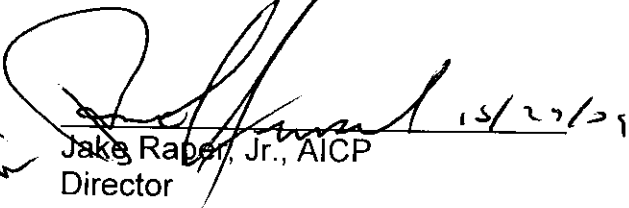
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

None.

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Contract Amendments

DATE: November 10, 2009

ADMINISTRATIVE SIGN-OFF:

for  11/27/09
Jake Raper, Jr., AICP
Director

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s)

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF STAY IMPLEMENTATION)
OF ADOPTED POLICY REGARDING)
WILLIAMSON ACT CONTRACT AMENDMENTS)

RESOLUTION NO. _____
AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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 - a. Language giving the Tulare County Board of Supervisors authority to unilaterally declare the contract terminated as null and void should State of California fail to pay subvention funds off-setting property tax loss as required by the Open Space Subvention Act; and

- b. Language suggested from the *County of Humboldt vs. McKee* case (165 Cal. App. 4th 1476 (CA 1st Dist. 2008)) requiring compliance with new land use regulations and policies upon the annual renewal of existing contracts, such as: "All uses of and actions regarding the subject property shall comply will all applicable local ordinances, regulations, resolutions and state laws, as adopted or amended from time to time."
- 2. Authorized the Resource Management Agency Director to remove the February 10, 2009 policy requirement from a Williamson Act Contract until further direction from the Board of Supervisors.