

## ALAB MEETING MINUTES

Monday, August 1, 2011

**Members and Alternates Present:** Dee Lacey, Dick Nock, Jean-Pierre Wolff, Richard Hawley, Eric Michielssen, R. Don Warden, Lisen Bonnier, Charles Pritchard, Tom Ikeda, Olivia Gonzales, David Pruitt, and Joy Fitzhugh

**Absent Members:** Mark Pearce, Richard Quandt, Noah Small, Mary Bianchi, Neil Roberts, and Bill Struble

**Guests Present:** Supervisor Jim Patterson

**Staff:** Brenda Ouwerkerk and Lynda Auchinachie, Agriculture Department; Warren Hoag, Planning Department

**Call to Order:** 6:15 PM. Quorum Present.

- **Open Comment:** ALAB members provided a brief update on the current state of their industry.

### 1. Agency Reports & Member Announcements/Reports:

- Brenda Ouwerkerk shared that Marc Lea was promoted to the vacant Deputy Commissioner position and he would be responsible for the land use program as well as several other programs.

### 2. Previous Minutes:

**MOTION:** Approve minutes: **Motion – Jean-Pierre Wolff. 2nd – Lisen Bonnier. Approved: Unanimous. Abstentions: none.**

### 3. Review Williamson Act Update and Discussion of Implementation of AB 1265 (Warren Hoag, Planning Department)

- Warren Hoag updated ALAB members on the adoption of AB 1265 (see attachment). AB 1265 was passed and signed into law on July 13, 2011, to restore the alternative funding provisions of SB 863 for Williamson Act subvention funds. Because AB 1265 was adopted as an urgency statute, it became effectively immediately. Warren requested feedback from ALAB members regarding the implementation of AB 1265.
- Richard Hawley was interested in learning how long the county will be able to continue to backfill the subvention funding without another form of funding. Richard expressed concern that the county has a lot to lose if there is not continued support for the program because benefits of funding the program outweigh the loss to the county if all benefits are considered. Richard indicated that when assessing costs associated with not backfilling the program the potential loss of agriculture production, habitat protection, agricultural tourism opportunities etc. need to be taken into consideration.
- Jean-Pierre Wolff asked several questions regarding assessment calculations and other financial issues associated with AB 1265. Warren Hoag indicated that he could not answer the questions with certainty but stated he could arrange for a staff member from the assessor's office and/or other informed county offices to attend a future ALAB meeting to answer such questions.
- Dick Nock shared that he believes the Williamson Act should continue to be funded by the county and that AB 1265 should not be implemented locally. Dick indicated that AB 1265 was adopted for counties with small budgets not counties, such as San Luis Obispo, that could absorb the subvention losses.

- Joy Fitzhugh inquired about the cost to the county of implementation. Warren Hoag indicated the analysis is underway in preparation of the future presentation in September to the County Board of Supervisors.
- Tom Ikeda indicated that he did not support the implementation of AB 1265 because the associated tax increase could put small margin growers and ranchers out of business.
- Joy Fitzhugh indicated the San Luis Obispo County Farm Bureau is not in support of AB 1265, however the State Farm Bureau is supportive, as a compromise to the potential loss of the program in its entirety.
- Chair Lacey reminded ALAB members that the discussion should be a philosophical discussion about the value of the program, rather than the mechanics of how the implementation should take place.
- Jean-Pierre Wolff expressed his concern, and mentioned it may be inappropriate for him to raise the concern, that there are too many unanswered questions to make an informed decision and that perhaps the opinions expressed at this time are emotional and/or philosophical. Jean-Pierre also questioned whether ALAB members that have Williamson Act contracts should declare they hold contracts, and there may be a potential conflict of interest on this subject as this bill affects contract holders financially. Jean-Pierre indicated he had a Williamson Act contract.
- Chair Lacey indicated she agreed that she didn't think it was appropriate to raise the issue about conflict of interest because ALAB members are asked to comment on many issues that affect agriculture and all the members on the ALAB.

**Motion** – Recommend to the Board of Supervisors that they maintain the status quo of backfilling subvention funding, consider changes to program eligibility standards, and that AB 1265 not be implemented. **Motion:** Dick Nock. **Second:** Charles Pritchard. **Motion tabled until next item is discussed.**

#### **4. Review Amendments to the County Rules of Procedure to Implement the Land Conservation (Williamson) Act of 1965 to Increase the Eligibility Requirements for Non-Prime Land.**

- Warren Hoag provided the background on the Board of Supervisor's request to increase eligibility requirements to qualify for a non-prime Williamson Act contract and the proposed changes recommended by the Agriculture Preserve Review Committee (see attachment). Warren indicated the proposed changes would not be retroactive and therefore additional revenues would not be realized by the county, however, the changes would reduce future liabilities.
- Supervisor Jim Patterson asked if there are requirements for a property that is under Williamson Act contract to be actively farmed. Warren Hoag shared that the local rules do not have such a requirement; however, the Act itself states there must be some level of active agriculture. Warren indicated the county does not enforce the requirement for ongoing agriculture production.
- Lisen Bonnier questioned whether properties currently enrolled in a resource conservation program, which generates subsidies for not farming, could also be under a Williamson Act contract if there is no agricultural production allowed due to the conservation program requirements. She further inquired about the possibility of double dipping for subsidies. Warren Hoag indicated there are such properties in the Williamson Act program and that conservation program subsidies are taken into consideration for assessment purposes.

- Dick Nock shared that he believes anyone who needed to be in the Williamson Act program because they wanted to remain in the business of agriculture has already entered the program and he would like to return to his previous motion for support of the proposed changes to eligibility criteria.

**Motion** – Recommend that the Board of Supervisors support the proposed amendments to the Rules of Procedure that would increase the acreage required for non-prime land to be eligible for new preserves and contracts. **Motion:** Dick Nock. **Second:** Charles Pritchard. **Approved: 10**  
**Opposed: 1-** Don Warden. Don Warden indicated his opposition was due to his belief that the proposed changes to the Rules of Procedure will make it much more difficult to protect agricultural land in the county.

- Joy Fitzhugh discussed the importance of maintaining agriculture production on contracted property.
- ALAB members discussed methods, such as requiring annual reporting of agriculture production income, to ensure Williamson Act properties are compliant with agriculture production requirement.

**Motion** – Recommend to the Board Of Supervisors to direct the Agricultural Preserve Review Committee to develop a methodology to determine if land under contract remains in production to retain eligibility for Williamson Act Contract. **Motion:** Don Warden. **Second:** Dick Nock. **Approved: unanimous. Opposed: none**

- ALAB members returned to the discussion of AB 1265. Dick Nock once again indicated he was opposed to the implementation of AB 1265. Jean-Pierre Wolff suggested there was not enough information to make an informed decision.

**Motion** – Recommend to the Board of Supervisors to not implement AB 1265. **Motion:** Dick Nock. **Second:** Charles Pritchard. **Approved: 9. Opposed: 1- Jean-Pierre Wolff. Abstentions: 1 – Richard Hawley.** The reason provided for opposing the motion or abstaining was due to the lack of specific information regarding the consequences of implementing AB 1265.

- Dick Nock complimented Supervisor Patterson for attendance.

**5. Upcoming Meeting:** September 12, 2011, if determined to be necessary. 6 PM

**Future Agenda Items:** Continuation of Williamson Act discussions, if determined to be necessary.

Meeting adjourned: 8:30 PM.

Respectfully submitted by Lynda Auchinachie, County Agriculture Department.