



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

April 17, 2024

The Honorable Esmerelda Soria
Chair, Assembly Committee on Agriculture
1020 N Street, Room 362
Sacramento, CA 95814

**RE: Assembly Bill 2528 (Arambula) – OPPOSE
As Amended March 18, 2024**

Dear Chair Soria:

On behalf of Rural County Representatives of California (RCRC), we respectfully oppose AB 2528 (Arambula). RCRC is an association of forty rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

While the bill creates new provisions for local governments to approve the cancellation of Williamson Act contracts, we believe that the unclear terms of this measure make administration difficult and potentially legally fraught. Thus, it will invite numerous new petitions for contract cancellations, impacting county board operations, as well as undoing decades of local planning policy, including local goals for agricultural land and open-space conservation.

When the California Land Conservation Act, more commonly known as the Williamson Act, was enacted in 1965, it established one of the simplest yet effective mechanisms for promoting the long-term conservation of agricultural lands. For decades, California counties, and the State of California, have together partnered through the act for the benefit of local and state policies toward open-space conservation, food security and local food production, and community economic development.

Even when the state, facing budget pressures in the late 2000's, repealed its program for providing cities and counties with subvention payments to support ongoing contract obligations, the vast majority of participating counties continued to honor their existing contracts, with many entering new contracts, despite the impact to their local budgets. California counties have elected to maintain their local Williamson Act program because they recognize the ongoing value from their decades of local investment in agricultural land conservation through the act.

This bill contravenes counties' decades-long compliance with the Williamson Act by creating a new pathway for cancellations that will, no doubt, pressure local boards to approve the cancellation of contracts on findings that are less stringent than the findings currently required by law. Currently, county boards or city councils may not tentatively approve a cancellation petition without first finding that the cancellation is not likely to result in the removal of adjacent lands from agricultural use; the cancellation will not result in incontiguous patterns of urban development; the

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cancellation is for an alternative use which is consistent with applicable provisions of a city or county's general plan; among other requirements.¹

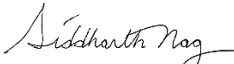
The cancellation provisions of the Williamson Act are not only intended to ensure that cancellation petitions are limited to applications truly in the public interest, but that counties' administration of the Williamson Act itself is compliant with the state constitutional requirement that Williamson Act contracts restrict contract properties to uses consistent with constitutional criteria ("...recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber.")². Were contracts able to be as easily cancelled as this bill would allow, militating the force with which counties can enforce constitutionally required restrictions over the duration of a contract, RCRC is concerned that county actions when making or breaking Williamson Act contracts that themselves might be susceptible to constitutional challenge.

To that end, the bill establishes low-barrier criteria by which an existing contract may be considered for cancellation. The bill makes a contract property eligible for its streamlined cancellation provisions simply for being with the jurisdiction of a regulated or adjudicated groundwater basin, regardless of that basin's groundwater status. Of further concern, a contract property may also be eligible upon a finding that there is "no water...rights...sufficient to support commercially viable irrigated agricultural use" or if the property "does not have permanent access to sufficient water...".³ In the context of agricultural production, these are insufficiently clear terms, as many agricultural operations employ variable water supply portfolios, switching from temporary to semi-permanent supplies. The bill language does not acknowledge the temporal and logistical realities of securing water supplies for many of the state's agricultural operations. And, in this day of climate extremes, few sources can rightly be considered permanent under an ordinary reading of this bill's criteria.

The low bar for seeking cancellations that this bill would enact is certain to result in county boards and staffs receiving several more petitions for cancelled contracts than currently occur, requiring those officials and staff to deal with an administrative load that takes resources away from other priorities. Further, because the bill relies on unclear standards with ambiguous thresholds, counties risk litigation for both approved and denied cancellations.

This bill, while well-intentioned, represents too great a challenge to California's agricultural conservation goals to be advanced in this form. For these reasons, we must oppose AB 2528 (Arambula). If you should have any questions, please do not hesitate to contact me at snag@rcrcnet.org.

Sincerely,


Siddharth Nag
Policy Advocate

cc: The Honorable Joaquin Arambula, Member of the California State Assembly

¹ Cal. Government Code §§ 51280 to 51282.5

² Cal. Constitution, art XIII, § 8

³ AB 2528 (Arambula, 2024), Sec. 2

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Members of the Assembly Committee on Agriculture
Victor Francovich, Chief Consultant, Assembly Committee on Agriculture
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