



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

May 10, 2024

The Honorable Buffy Wicks
Chair, Assembly Appropriations Committee
1021 O Street, Suite 4110
Sacramento, CA 95814

**RE: Assembly Bill 2528 (Arambula) – OPPOSE
As Amended May 6, 2024**

Dear Chair Wicks:

On behalf of Rural County Representatives of California (RCRC), we remain opposed to Assembly Bill 2528 (Arambula). RCRC is an association of forty rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each member county.

We appreciate Assembly Member Arambula's attentiveness to many of the concerns we and other bill opponents have presented, and his attempt to address those concerns by significantly amending the bill. However, while the bill amendments are significant in scale, they do not address the fundamental issues previously outlined in our opposition.

Specifically, while the bill limits its scope to eight California counties, those counties have significant Williamson Act programs as they play a notable role in California's agricultural sector. Limiting the scope to these eight counties still impedes much of our state's agricultural capacity and productivity. Further, while the bill restricts one pathway of eligibility to a parcel's location in a critically over-drafted basin, from a location in any regulated basin, the change in definition still incorporates the vast majority of these eight counties. Furthermore, it does not tighten any of the other highly concerning eligibility language, including constitutionality.

Moreover, the amendments do little to address concerns about the anticipated county administrative costs if this new cancellation process is enacted. Counties have spent millions of dollars over decades to preserve agricultural lands for production, open space, and conservation, even when the state repealed its program that provided subvention payments. The bill not only continues to disregard the years and financial investment upon which counties rely and care about deeply, the amendments also continue to route cancellation fees to the state, with the promise of a percentage being re-allocated to locals for nebulous-sounding local benefits, to be determined by unknown standards and administered by unspecified entities. This is insufficient assurance and unfair compensation for the investment, time, and role counties have played in continuing implementation of what has been one of the most successful—if not *the* most successful- working lands conservation programs enacted at the state level.

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 cancelation of contracts on findings that are less stringent than the findings currently required by

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

ALPINE · AMADOR · BUTTE · CALAVERAS · COLUSA · DEL NORTE · EL DORADO · GLENN · HUMBOLDT · IMPERIAL · INYO · KINGS · LAKE · LASSEN
MADERA · MARIPOSA · MENDOCINO · MERCED · MODOC · MONO · MONTEREY · NAPA · NEVADA · PLACER · PLUMAS · SAN BENITO · SAN LUIS OBISPO
SANTA BARBARA · SHASTA · SIERRA · SISKIYOU · SOLANO · SONOMA · SUTTER · TEHAMA · TRINITY · TULARE · TUOLUMNE · YOLO · YUBA

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 incongruous patterns of urban development; the 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. For these reasons, we must continue to oppose AB 2528 (Arambula). If you should have any questions, please do not hesitate to contact me at snag@rcrcnet.org.

Sincerely,


Siddharth Nag

¹ Cal. Government Code §§ 51280 to 51282.5

² Cal. Constitution, art XIII, § 8

³ AB 2528 (Arambula, 2024), Sec. 2

The Honorable Buffy Wicks
Assembly Bill 2528 (Arambula)
May 10, 2024
Page 3

Policy Advocate

cc: The Honorable Joaquin Arambula, Member of the California State Assembly
Members of the Assembly Appropriations Committee
Nikita Koraddi , Principal Consultant, Assembly Appropriations Committee
Joe Shinstock, Fiscal Director, Assembly Republican Committee