

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO )  
COUNTY BOARD OF SUPERVISORS )  
STAYING PROCESSING AND APPROVAL OF )  
APPLICATIONS FOR FORMATION OF NEW )  
AGRICULTURAL PRESERVES, PENDING )  
REINSTATEMENT OF PAYMENT OF )  
SUBVENTIONS BY THE STATE OF )  
CALIFORNIA )  
\_\_\_\_\_ )

Resolution No. 2009-77

**WHEREAS**, Counties are authorized to establish agricultural preserves and to establish local procedures for initiating, filing and processing requests for the establishment of agricultural preserves, under the California Land Conservation Act (Cal. Government Code section 51200 et seq.), in order to maintain the agricultural economy of the State of California, and to prevent the premature and unnecessary conversion of land from agricultural uses; and

**WHEREAS**, the Board of Supervisors of the County of San Benito adopted an ordinance implementing the California Land Conservation Act in the County of San Benito and establishing such local procedures, now codified in the San Benito County Code, title 19, chapter 19.01, article II, commencing with section 19.01.020, finding it to be in the public interest to assist in the maintenance of the state's agricultural economy, and to avoid the conversion of land from agricultural uses by establishing agricultural preserves by entering into contracts with landowners as authorized by State law; and

**WHEREAS**, the County's ordinance authorizes the Board of Supervisors to enact uniform rules by resolution for the administration of agricultural preserves, pursuant to County Code section 19.01.026(B); and

**WHEREAS**, the owners of property under an agricultural preserve contract receive a reduction in the assessed value of the subject property; and

**WHEREAS**, the State of California has historically supported the California Land Conservation Act program by providing subventions to counties adopting a local program and creating agricultural preserves, in order to offset the reduction in property tax revenue needed to support critical county services provided to the public, including those necessary to protect the public health, safety and public welfare; and

**WHEREAS**, in the current extreme economic crisis, the State of California has suspended the provision of subventions to counties under the California Land Conservation Act; and

**WHEREAS**, the County's ordinance specifies procedures for filing and processing applications for the establishment of new agricultural preserves; and


**WHEREAS**, applications for the establishment of new agricultural preserves are filed during March 1 through and including March 31, and September 1, through and including September 30, pursuant to County Code section 19.01.025(B)(1).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of San Benito that it hereby finds that the elimination of state subventions under the California Land Conservation Act presents a threat to the public health, safety and public welfare by eliminating funds used to support critical county services provided to the public, including those necessary to protect the public health, safety and public welfare; and

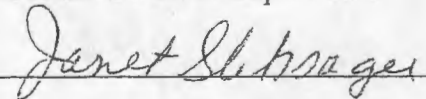
**BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it hereby stays the filing and/or processing of applications for the establishment of new agricultural preserves, pending reinstatement of state subventions needed to offset the reduction in property tax revenue to the County of San Benito, which supports critical county services provided to the public, including those necessary to protect the public health, safety and public welfare.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 25<sup>TH</sup> DAY OF AUGUST, 2009 BY THE FOLLOWING VOTE:

Ayes:	Supervisor(s):	Monaco, Lee, Barrios, De-La-Cruz, Botelho
Noes:	Supervisor(s):	None
Absent:	Supervisor(s):	None
Abstain:	Supervisor(s):	None

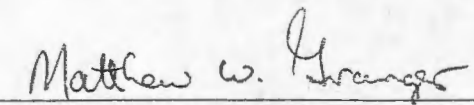
By:   
Anthony Botelho, Chair

**ATTEST:**  
Linda Churchill  
Clerk of the Board of Supervisors

By:   
Janet Schrage

Date: 8/25/09

**APPROVED AS TO LEGAL FORM:**  
San Benito County Counsel's Office

By:   
Matthew W. Granger, County Counsel

Date: August 21, 2009