

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION APPROVING ESTABLISHMENT BY THE AGRICULTURAL
COMMISSIONER OF AN AGRICULTURAL IDENTIFICATION (AG ID) PROGRAM
PURSUANT TO SECTION 2350 OF THE CALIFORNIA FOOD AND AGRICULTURAL
CODE, TO FACILITATE ACCESS BY COMMERCIAL PRODUCERS TO RANCHES
AND OTHER COMMERCIAL AGRICULTURAL PROPERTIES DURING WILDFIRES
OR OTHER DISASTER-RELATED EVACUATIONS**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, climate change is anticipated to bring regular droughts and higher temperatures, increasing the frequency of wildfires and other natural disasters statewide; and

WHEREAS, San Mateo County believes the agricultural industry is vital to the health, food security and economic well-being of the county's residents; and

WHEREAS, San Mateo County is committed to mitigating losses from natural disasters, and has integrated the establishment of an agricultural identification program into action SMC-12 of its 2021 Local Hazard Mitigation Plan (LHMP); and

WHEREAS, during San Mateo County's response to the 2020 CZU complex wildfire, it became clear that prompt agricultural producer access to their evacuated properties was necessary to prevent heavy crop and livestock losses during the protracted disaster response; and

WHEREAS; Assembly Bill 1103, signed by Governor Gavin Newsom on October 7, 2021, added section 2350 to the California Food and Agricultural Code (“Section 2350”), which authorizes, upon the approval of a county board of supervisors, a county agricultural commissioner, or other designated agency, to establish within the county a livestock pass program for the purpose of issuing identification documents so that qualifying livestock producers, or managerial employees of qualifying livestock producers, may be granted access to the qualifying livestock producer’s ranch property, or to the ranch property owned by another holder of a livestock pass with permission, during or following a flood, storm, fire, earthquake, or other disaster; and

WHEREAS, Penal Code section 409.5 grants law enforcement discretion to close an area whenever a menace to the public health or safety is created by a calamity—including a flood, storm, fire, earthquake, explosion, accident, or other disaster—for the duration the menace exists (“evacuation zone”); and

WHEREAS, AB 1103 did not usurp law enforcement’s discretion and authority pursuant to Penal Code section 409.5 to grant (or deny) access to an evacuation zone, but allows issuance of identification documents to assist law enforcement in determining whether to grant access to an evacuation zone to a qualified livestock producer or a managerial employee of said producer; and

WHEREAS, San Mateo County’s agricultural industry produces a diverse assortment of floral and nursery stock, field crops, fruit, nut, vegetable, forest products and livestock and this diverse agricultural industry also needs access to their properties during disasters, but are not specifically addressed by Assembly Bill 1103; and

WHEREAS, Assembly Bill 1141 was introduced to the 2023-2024 session of the California State Legislature in February of 2023, and is likely to be passed this year; and

WHEREAS, if chaptered, the current version of Assembly Bill 1141 expands the provisions of Food and Agricultural Code section 2350 to apply to other qualified agricultural producers (including row crops and other, “planted” agriculture) in addition to livestock producers; and

WHEREAS, an agricultural identification program may help support quick and effective decisions of law enforcement in the field by delivering pre-vetted information to those officers, thereby conserving limited staff resources during an emergency and eliminating the need to divert limited resources to verify agricultural access information during an event; and

WHEREAS, in order to provide a uniform and efficient method to identify to law enforcement and other emergency personnel those persons who are agricultural producers and their managerial employees, the Board desires to invoke the authority bestowed upon the County by Section 2350 to establish and administer an Agricultural Identification (AG ID) Program for livestock producers, expanding the program’s scope as needed in accordance with the passage of Assembly Bill 1141 and future statutes.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors authorizes and approves the establishment of an Ag ID program in San Mateo County, to be administered by the County Agricultural Commissioner/Sealer; and

BE IT FURTHER RESOLVED that the initial phase of the Ag ID program will cover only commercial livestock producers, per the current provisions of Food and Agricultural Code Section 2350 and if, as is anticipated, Section 2350 is expanded by the passage of Assembly Bill 1141, the program will be expanded to permit issuance of Ag IDs to producers of “planted” commercial agriculture consistent with the statute; and

BE IT FURTHER RESOLVED that nothing in this Resolution shall be construed to abridge the authority of peace officers under Penal Code 409.5 to allow or prohibit access to an evacuation zone; and

BE IT FURTHER RESOLVED that the Agricultural Commissioner is delegated the authority to modify the operational parameters of the program to better further the goals of the program, including preservation of life and livelihoods, safe access and equity.

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