



# County of Sonoma

## State of California

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Date: September 19, 2023

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

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4/5 Vote Required

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**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Repealing and Replacing the County of Sonoma’s Agricultural Access Verification Card  
Program And Delegating Authority To The Sheriff Or His/Her Designee To Lead Development,  
Implementation, and Administration of a Revised Program**

**Whereas,** in October 2021, the California Legislature adopted Assembly Bill 1103 (“AB 1103”) creating authority for each county in the state to adopt a livestock pass program for the purpose of granting identification documents to a qualifying livestock producer or a managerial employee of said producer to permit such persons to access the qualifying livestock producer’s property during or following a flood, storm, fire, earthquake, or other disaster; and

**Whereas,** AB 1103 added section 2350 to the California Food and Agricultural Code (“Section 2350”) establishing parameters for a livestock pass program; and

**Whereas,** Section 2350 authorizes the Board of Supervisors (“Board”) to designate the County department or agency to develop and implement such a program; 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,** the Sheriff’s Office is the law enforcement agency who makes the determinations under Penal Code section 409.5 for the County of Sonoma (“County”); and

**Whereas,** the County additionally possesses inherent police power to protect the public health, safety, and general welfare as well as broad discretionary powers related to emergencies and natural disasters under the California Emergency Services Act (Cal. Gov. Code Section 8550 *et seq.*); and

**Whereas,** since 2017, Sonoma County has experienced a series of devastating wildfires and floods that have required the evacuation of large areas of the County to protect public safety,

including areas that house commercial agricultural operations; and

**Whereas**, as wildfires in Sonoma County continue to increase in frequency and intensity, the threat to life, property and infrastructure has increased the demand on County officials to provide agricultural producers with access to evacuation zones while also ensuring resident and worker safety; and

**Whereas**, in early 2022, the Board established an Ad Hoc Committee to identify local and state efforts that address evacuation zone access with a focus on farmworker protections and other access issues (livestock and animals, commercial activities, etc.); and

**Whereas**, in August 2022, the Board established an Agricultural Access Verification Card Program; and

**Whereas**, the Board desires to repeal the current program and replace it with a revised Agricultural Access Verification Card Program, where authority to develop, implement, and administer the program is delegated to the Sheriff's Office, consistent with the parameters set by this resolution; and

**Whereas**, agricultural access verification card programs, when coupled with safety training and utilized by qualifying agricultural operations that may seek access to an evacuation zone, help advance public safety and support quick and effective decisions of law enforcement in the field by facilitating pre-vetted information delivery 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**, the Program authorized in August 2022, has not resulted in issuance of Verification Cards commensurate with the number of agricultural interests that are expected to seek access during an evacuation event based on the experience of staff and law enforcement during past evacuations, and for that reason there is a need to revise the Program to ensure its effectiveness in providing information that assists law enforcement when exercising discretion in the field during evacuation events; and

**Whereas**, the Board recognizes that the physical characteristics of the County, its size, geography, and climate, and nature of certain types of reoccurring natural disasters historically impacting Sonoma County, which for access during evacuation events, can be best addressed through a tailored a program that addresses the particular needs of Sonoma County, its citizens, agricultural businesses and workers, and emergency responders.

**Whereas**, the Board has determined that the most legally sound, effective, and efficient course of action is to repeal the current program, and replace it with a revised Agriculture Access Verification Card Program and to delegate authority to administer the program to the Sheriff's

Office including development of administrative rules and implementation in accordance with the parameters in this resolution; and

**Whereas**, in order to enhance safety and provide a uniform and efficient method to identify to law enforcement and other emergency personnel those persons who are commercial agriculture farm owner-operators and/or livestock producers, their managers and full-time employees, who may seek access to evacuation zones, the Board desires to invoke the authority bestowed upon the County by AB 1103, coupled with and enhanced by the County's separate police power to protect the public health, safety, and general welfare and its broad discretionary powers related to emergencies and natural disasters under the California Emergency Services Act (Cal. Gov. Code Section 8550 *et seq.*).

**Now, Therefore, Be It Resolved** that pursuant to its inherent general police power to protect the public health, safety, and welfare and its express authority under the California Emergency Services Act, and in recognition of subdivision (b)(1) of Food and Agriculture Code Section 2350, the Board of Supervisors hereby repeals the Agriculture Access Verification Card Program and replaces it with a revised Program consistent with this resolution for the purpose of issuance of verification documents to the owner/operators of qualified commercial agricultural operations, their managerial employees, and/or direct, full-time employees of such qualified commercial agricultural operations for the purpose of allowing the owner/operators of qualified commercial agricultural operations, their managerial employees, or direct, full-time employees of the qualified commercial agricultural operation, to access the property of the qualified commercial agricultural operation during or following a flood, storm, fire, earthquake, or other disaster.

**Be It Further Resolved** that the Board of Supervisors specifically designates and delegates authority to the Sonoma County Sheriff's Office to develop, administer, and amend, as needed, a revised Agriculture Access Verification Card Program that maximizes participation and is consistent with this resolution, the authorities stated herein, and the following parameters:

1. Commercial agricultural operations include livestock and plant agricultural producers.
2. Verification Cards are only available to owners/operators, managerial employees, and full-time direct employees of commercial agricultural operations.
3. Cardholders may only conduct critical agricultural activities. Critical agricultural activities are those that are time-sensitive and necessary to avoid loss or damage, as determined and further defined by the Sheriff's Office.
4. Each applicant must complete a fire and worker safety training course that reflects best practices in terms of scope and delivery methods. Training must be provided in the applicant's requested language and in an accessible format and venue. All courses, including training content and format, must be approved by

the Sheriff's Office. The Sheriff's Office must maintain a list of approved courses. The Sheriff may impose continuing education and training requirements needed to maintain a valid Verification Card.

5. Verification Cards must include information necessary to allow law enforcement to make entry decisions in the field, which information includes, but is not limited to, the name of the applicant and card holder, the location to which the card holder may seek access, and the seal or logo of the authorizing agency and signature of the issuing officer. If the Verification Card does not include the cardholder's photo, it shall not be valid unless accompanied by a valid photo identification document issued by the state or federal government.
6. The Program shall utilize an application process for the issuance of Verification Cards. Applications for a Verification Card must be supported by documentation demonstrating compliance with program requirements. Application information shall include but is not limited to information sufficient to demonstrate that the applicant is a commercial agricultural producer, managerial employee, or full-time employee of a commercial agricultural producer, has completed required safety training, and otherwise meets program requirements as established and determined by the Sheriff and consistent with this resolution.
7. All Program materials including program description and application forms may be made available in English and Spanish and be accessible from the Sheriff's Office website as well as the County's [www.SoCoEmergency.org](http://www.SoCoEmergency.org) website.
8. The effectiveness of the Agricultural Access Verification Card program during an incident may be reviewed as part of the County's After-Action Report process.
9. The Sheriff's Office may seek assistance as needed to support the Program from the County Department of Agriculture Weights & Measures, University Cooperative Extension, or other Departments and Agencies.

**Be It Further Resolved** that nothing in this Resolution shall be construed to abridge the Sheriff Office's authority under PC 409.5 to allow or prohibit access to an evacuation zone.

**Supervisors:**

Gorin:                      Rabbitt:                      Coursey:                      Hopkins:                      Gore:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**