

Agricultural Farmland Preservation Foundation: Proposed Recommendations

<u>POC/Suggestions from entity, JLOSC members, and public</u>	<u>Proposed Recommendations</u>
<p>The Committee may select one of these two options for the Foundation.</p>	<p style="text-align: center;">Recommendation 1:</p> <p>Option 1: The Foundation shall continue, subject to any further recommendations adopted by JLOSC.</p> <p style="text-align: center;">OR</p> <p>Option 2: The Foundation shall be terminated and applicable sections of the code amended to remove the Agricultural Farmland Preservation Foundation.</p>

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<p>The Foundation requested the removal of the 25 year provision, found in 3 <i>Del. C.</i> § 917, from the Foundation’s governing statute. If Recommendation 2 moves forward, it would not apply to easements acquired previously, only newly acquired easements. Elimination of this clause would require legislative approval for any preservation easement termination.</p>	<p style="text-align: center;">Recommendation 2:</p> <p>The Foundation shall provide to JLOSC proposed amendments to its governing statute to remove the 25 year provision.</p>

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<p>The Foundation requested reducing the initial period for agricultural preservation districts from 10 years to 5 years. The hope is that this will increase landowner participation.</p>	<p style="text-align: center;">Recommendation 3:</p> <p>The Foundation shall provide to JLOSC proposed amendments to its governing statute to reduce the initial period for agricultural preservation districts from 10 years to 5 years.</p>

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<p>Expand statute language to include a process to remove a board member.</p>	<p style="text-align: center;">Recommendation 4:</p> <p>The Foundation shall provide to JLOSC proposed amendments to its governing statute to include standard language regarding removal of a foundation member. Sample language is as follows:</p> <p>A member may be removed by the member’s appointing authority at any time and for any reason, without notice and hearing, including for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.</p> <p>A member is deemed in neglect of duty if the member is absent from 3 consecutive Foundation meetings without good cause or if the member attends less than 50% of Foundation meetings in a calendar year.</p>

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<p>The Committee suggests a technical correction to 3 Del. C. § 945.</p>	<p style="text-align: center;">Recommendation 5:</p> <p>The Foundation shall provide to JLOSC an amendment to 3 Del.C. § 945 to correct a mistake in the code reference. The reference should be for 909(a)(4) a. and b. rather than 904(a)(4) a and b.</p>

<u>POC/Suggestions from entity, JLOSC members, and public</u>	<u>Proposed Recommendations</u>
<p>The Committee may select one of these two options for the Commission.</p>	<p style="text-align: center;">Recommendation 5:</p> <p>Option 1: The Foundation shall be held over and report before the JLOSC in January 2018.</p> <p style="text-align: center;">OR</p> <p>Option 2: The Foundation shall be released from review [upon the enactment of recommended any/all legislation].</p>

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