Revisions to Resolutions of Necessity Procedures



Current process

- Department of Water Resources (DWR) notifies the Commission of its intent to request a resolution of necessity from the Commission. DWR and Commission staff coordinate to send notices to impacted property interest holders regarding the potential resolution of necessity.
- The Commission holds an informational meeting where DWR presents an overview of the project and introduces the property(ies) that are subject to potential eminent domain action, including the statutorily required evidence supporting the resolution of necessity. All interested parties may comment at the meeting. The Commission may not take action at this meeting. DWR and Commission staff continue to coordinate to send notices to impacted property interest holders for the second, statutorily required, hearing.
- The Commission holds the legally required hearing at a second meeting that reviews the same information as the first meeting with four additional required documents: a copy of the proposed resolution, the deed to take the interest in the property, the proposed Commission Notice of Determination, and any relevant CEQA documents. The Commission may take action at this meeting.



Commission Current Resolution of Necessity Process

DWR Notifies CWC

Meeting 1 – Preparation

Meeting 1 – Evidence

Meeting 2 – Preparation

Meeting 2 – RON decision

- DWR
 informs
 CWC of an
 eminent
 domain
 action
- DWR prepares report for Meeting 1
- CWC notifies landowner 21 days prior to Meeting 1

- Commission reviews report
- Hears from owner
- Commission can identify additional information needed
- Site visit?
- Public Comment

- Additional information gathered.
- Site visit may be performed.
- CWC notifies owner 21 days prior to Meeting 2

- Any new materials reviewed.
- Owner comments, if desired
- Public Comment
- Commission discussion
- Commission RON decision



Revised process

- Department of Water Resources (DWR) notifies the Commission of its intent to request a resolution of necessity from the Commission. DWR and Commission staff coordinate to send notices to impacted property interest holders regarding the potential resolution of necessity.
- The Commission holds an informational meeting where DWR presents an overview of the project and introduces the property(ies) that are subject to potential eminent domain action, including the statutorily required evidence supporting the resolution of necessity. All interested parties may comment at the meeting. The Commission may not take action at this meeting. DWR and Commission staff continue to coordinate to send notices to impacted property interest holders for the second, statutorily required, hearing.
- The Commission holds the legally required hearing that includes the four documents previously
 omitted from the informational meeting: a copy of the proposed resolution, the deed to take the
 interest in the property, the proposed Commission Notice of Determination, and any relevant CEQA
 documents. The Commission may take action at this meeting.

Commission Current Resolution of Necessity Process

DWR Notifies CWC

Meeting 1 – Preparation

Meeting 1 – RON decision

DWR informs
 CWC of an
 eminent
 domain
 action at
 least 60
 days
 before
 requested

meeting.

- DWR provides notices to CWC at least 14 days before mailing deadline
- DWR prepares report for Meeting 1
- CWC notifies landowner 21 days prior to Meeting 1

- Commission reviews report with all statutorily required information.
- Hears from owner
- Commission can identify additional information needed
- Site visit?
- Public Comment
- Commission discussion
- Commission RON decision



Additional minor changes

- More specific language is added to streamline the coordination between Commission staff and DWR.
 - Requires the request for the resolution of necessity be in writing at least sixty days before the meeting when DWR would like the request to be heard.
 - Requires property owner notices be provided by DWR at least 14 days before the mailing deadline.

Commission Decision Options

- Retain the current process
- Adopt the revised process
- Suggest additional changes and adopt the revised process with the changes
- Suggest additional changes and reconsider the matter at a later Commission meeting.