



Action Items: Consideration of Resolutions of Necessity for properties in Sacramento, Yolo, and Solano Counties

Background

The Department of Water Resources (DWR) may acquire property for constructing, maintaining, or operating State Water Project facilities but it may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity. The governing body is the California Water Commission. Code of Civil Procedure section 1245.210. At its August 2011 meeting, the California Water Commission adopted a procedure for the Consideration of Resolutions of Necessity which includes advance notification to property owners and opportunities for public comment.

On September 21, 2011, the Commission considered evidence in support of Resolutions of Necessity for Sacramento, Yolo, and Solano Counties, consistent with step 2 of the Commission procedure. On September 27, 2011, the Commission provided a second notice to 24 Landowners, a "Notice of Intent to Adopt a Resolution of Necessity" at its October 19 meeting; however only 9 properties were considered on that day and no Resolutions of Necessity were adopted.

On October 25, 2011, the Commission provided "Notice of Intent to Adopt a Resolution of Necessity" to 22 previously notified landowners. At this meeting, the Commission may take action on Resolutions of Necessity for these properties, consistent with step 5 of the Commission procedure.

Step 5. Consideration of Action on Resolution of Necessity

The Commission will schedule action on the proposed resolution of necessity for a subsequent Commission meeting and will notify the affected landowner at least 21 calendar days prior to the meeting. Code of Civil Procedure §1245.235. The Commission will consider additional information, if any, and determine if there is enough evidence to satisfy section 1245.230.

At this Commission meeting, DWR staff will provide responses to questions and review the Staff Report. Staff will provide the following additional materials in the agenda packet:

- Copy of Proposed Resolution
- Deed
- Proposed Commission Notice of Determination
- Relevant CEQA Document

The Commission will accept public testimony from the landowner and any other member of the public who appears at the hearing.

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The Commission may choose to take action at this meeting. To adopt a Resolution of Necessity requires a two-thirds vote of all members, which is a minimum of six votes in favor of the resolution of necessity regardless of the number of Commission members present at the meeting.

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