



Action Items: Consideration of Resolutions of Necessity for properties in Contra Costa and Sacramento Counties (Action may be taken on these Resolutions of Necessity at this meeting)

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 (RON). 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 that includes advance notification to property owners and opportunities for public comment. On January 18, 2012, the Commission considered evidence in support of RONs for three properties that are on the March 21 meeting agenda. On February 28, the Commission mailed a "Notice of Intent to Adopt a Resolution of Necessity" to the property owners, consistent with the Commission's notification policies. At the March meeting, the Commission may take action on the RONs if the required findings are made and there is evidence to satisfy Water Code section 1245.230. DWR staff will provide the following additional materials in the agenda packet:

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

The Commission will accept public testimony at the hearing. Adoption of a RON requires a two-thirds vote of all members, which is a minimum of six votes in favor of the resolution, regardless of the number of Commission members present at the meeting.

Contact

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