
From: Sanchez, Diana
Sent: Monday, June 26, 2023 9:30 AM
To: Munoz, Cristal
Subject: FW: Public Comment -- 6/26/23 CC Mtg., Item No. 5A

Importance: High

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Monday, June 26, 2023 9:26 AM
To: City Clerk <cityclerk@fortbragg.com>
Subject: Public Comment -- 6/26/23 CC Mtg., Item No. 5A

City Council,

I am writing in support of this resolution of necessity as presented today, which remains well-drafted in my opinion. However, I also want to ask a question since this is being presented on the consent calendar and doesn't have a staff report explaining the action. The resolution references Government Code § 1245.235, which mentions the need for a hearing concerning the resolution if the affected property owners file a written request for such a hearing. The property owners received notice and attended that hearing at your last meeting but this amended resolution is proposed for adoption without a new hearing. Did they receive the appropriate notices for this action as well as the prior meeting? Did you check with legal counsel to make sure that another hearing isn't required to amend the resolution of necessity? You might want to pull this item to make sure that all procedural steps have been followed, which I assume is the case because the City is using special legal counsel for this matter but I still would normally have expected this to be held at least as a conduct of business item since the property owner appears to object to the City's proposed use of eminent domain and it is therefore not a routine and non-controversial item even if the full council has already discussed the underlying issues in closed session at your last meeting.

I didn't find anything in the relevant Government Code sections that exempts an amendment to a resolution of necessity from the requirements that applied to adopting the original resolution of necessity but I also don't have any expertise in this specialized area and didn't do any research other than reading the plain language of the Government Code. It is possible that amending a previously-adopted resolution of necessity may require another hearing since the property owner received notice of the prior hearing on this matter and filed a written request to be heard. That said, the minor amendments being proposed tonight are not substantive (removing the incorrect assertion that the property is already within the city limits and adding a reference to an omitted but relevant Government Code section when references to the authorizing law are not explicitly required to be included in a resolution of necessity) so I doubt the property owner would be harmed in any way by not having an opportunity to be heard concerning these amendments. Regardless, I still think it is important to be sure our procedures are technically rigorous so we don't inadvertently give the opposing property owners a procedural objection to a potentially contested eminent domain proceeding. It never hurts to take a minute and ask...

Of course, I think the property owners would be foolish to not just negotiate a sale of the easement rather than wasting time trying to oppose an eminent domain action that is very clearly necessary for the greatest public good, which is a safe and secure water supply not just for the City of Fort Bragg but for the surrounding

unincorporated County who receive hauled water from the City's system in times of drought when their wells are not productive enough to meet their basic water needs.

Regards,

--Jacob

From: [Sanchez, Diana](#)
Cc: [Munoz, Cristal](#); [Ducey, Peggy](#)
Subject: FW: City Council items for comment below
Date: Monday, June 26, 2023 9:41:55 AM

From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Monday, June 26, 2023 9:37 AM
To: Lemos, June <jlemos@fortbragg.com>
Cc: Paul Clark <pclark@fortbraggrealty.co>; CMAR (CMAR@MCN.ORG) <CMAR@MCN.ORG>
Subject: City Council items for comment below

Item 5A there is no staff report on this. Is the owner not willing to sell an easement to the city?

Thank you

Paul Clark