



Monterey Peninsula Chamber of Commerce
Government Affairs Committee Meeting
Special Meeting April 15, 2008
Community Hospital Properties
787 Munras Avenue, Suite C, Monterey

Item II requires
Board action.

“Support the Issues and People that Support the Monterey Peninsula Economy”

MINUTES

I. Call to Order – 7:05 am.

Present: Limesand, Buhl, Low, Boskoff, Walters, Pittman, Cynthia Watson for Debbie Hale, Sessums, Cohn

Staff: McKenzie (by conference call)

II. Special action items – discussion of Propositions 98 and 99 continued from meeting of April 9, 2008:

After further discussion, the committee recommends the following summary and vote recommendations to the Board of Directors and, if approved by the Board, communicate the summary and recommendations to Chamber members:

The Monterey Peninsula Chamber of Commerce Government Affairs Committee (GAC) recommends opposing Proposition 98 and taking no position on Proposition 99. Our position generally supports efforts to improve the eminent domain process, to provide enhanced protection for businesses and citizens from being adversely impacted by the taking of their private property. Although the existing situation may not be perfect, it is also working reasonably well for the moment and the committee believes the current situation is superior to the changes proposed by Propositions 98 and 99. GAC proposes sending a letter to our state representatives urging them to consider opportunities to further improve eminent domain processes and procedures on a bipartisan basis, taking into consideration concerns of supporters of both Propositions 98 and 99.

Essentially, the GAC opposed Proposition 98 because it is a poorly worded document that creates ambiguities that could lead to lawsuits and increased costs, and potentially result in delaying or derailing various public works projects, such as transportation, dams and other water projects. The proposed text attempts to clarify that private property can be taken for various public uses and further specifies that private property cannot be taken for other private use, but then creates ambiguity around this issue by defining that private use means that transfer of ownership or occupancy of a private property to a “public agency for the consumption of natural resources” is the same as private use (Sec. 19 (b)(3)(ii)). This language could relate to and complicate water projects, soil/ground use and other natural resources. Further, the proposed text precludes the taking of a private property wherein economic benefit might be conferred to one or more private persons at the expense of the property owner (Sec. 19 (b)(3)(iii)); however, considering all associated persons and businesses that might support a public-use taking purpose, such as a dam, another gray area is created potentially opening up lawsuits. Lastly, proposed text adds language regarding “just compensation” to the owner whose property is taken, but unlike today wherein a voluntary settlement is typically reached, the new text allows the owner to take the initial settlement and then sue for more money at a later day, further driving up costs and possibly delays (Sec. 19 (b)(6)).

The GAC remained neutral on Proposition 99 because the only material change to current eminent domain law pertains to prohibiting the taking of an owner-occupied residence for private use. Further, Proposition 99 was filed in response to Proposition 98, with the hope of over-riding Proposition 98 should Proposition 99 receive more votes (in addition to the goal of adding some language protecting owner-occupied residences). The Chamber’s purpose is to promote the local business community and since Proposition 99 has no impact on businesses directly, we chose to take no position. Again, we also feel any efforts to improve eminent domain is most appropriate to be handled at the state legislative level.

III. Adjournment – 7:55 am. (Prepared by Bob McKenzie)