

RESOLUTION NO. 2006-_____
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
OPPOSING
ON THE NOVEMBER 7, 2006 BALLOT:

PROPOSITION 90
"THE PROTECT OUR HOMES ACT"

WHEREAS, largely in response to the U.S. Supreme Court decision in *Kelo v. City of New London (Connecticut)* in 2005, which held that a public agency may use eminent domain to take privately-owned, non-blighted property for the purpose of economic development, a number of bills in California and throughout the country have been introduced to further protect the rights of private homeowners and businesses; and

WHEREAS, in California, Proposition 90, the "Protect Our Homes Act," also known as the "Anderson Initiative," has qualified for the November 7, 2006 statewide ballot and would, if approved by voters, amend the California Constitution to, among other things, bar state and local governments from condemning or damaging private property to promote other private projects or uses; and

WHEREAS, Proposition 90 would apply to all public agencies and utilities, and all state and local government property acquisitions, restricting the purposes for which government may take property, increasing the amount that government must pay property owners, and requiring government to sell property back to its original owners under certain circumstances; and

WHEREAS, Proposition 90 would impact a wide variety of public projects including schools, roads and highways, dams, levees, and affordable housing – and would limit government's ability to adopt certain land use, housing, consumer, environmental and workplace laws and regulations, except when necessary to preserve public health or safety; and

WHEREAS, further, Proposition 90 would change the requirements for property valuation, such that, if a property is taken by the government and is to be put to use at a higher value after acquisition, then the property owner must be paid at the fair market value in accordance with the government's use; and

WHEREAS, Proposition 90 would likely cost taxpayers billions of dollars in new payouts any time a law or regulation is passed to protect neighborhoods, control development, protect air and water quality, restrict undesirable businesses or enact new consumer protection laws, as Proposition 90 contains a provision that allows virtually anyone to sue claiming a new law or regulation has impacted the value of their property or business - no matter how far-fetched the claim - and would drive up the cost of infrastructure projects like schools, traffic relief and flood control; and

WHEREAS, while most agree that some reform to the eminent domain process is required to protect private interests, the Marin County Board of Supervisors believes that such protections must not compromise the use of eminent domain for legitimate public purposes, and must not compromise open space and the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of the County of Marin that we hereby express opposition to Proposition 90, the "Protect Our Homes Act" on the statewide ballot; and urge the voters of the County of Marin to oppose Proposition 90 on the November 7, 2006 statewide ballot.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____, 2006, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

ATTEST:

PRESIDENT, BOARD OF SUPERVISORS

CLERK