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May 6, 2008

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Board Opposition to Prop 98 and Support of Prop 99

RECOMMENDED ACTION:

Oppose Proposition 98 in the up coming June 3rd Primary Election and support Proposition 99 in the same election.

Discussion: Two ballot initiatives that would amend the eminent domain provisions of the California Constitution will appear on the June 2008 ballot. Proposition 98 and 99 both attempt to address the public's concerns about potential eminent domain abuses following the United States Supreme Court's decision in Kelo v. New London.

PROPOSITION 98

Under current law, public entities can acquire real property by eminent domain for a public use if they have complied with the legal prerequisites, including the payment of just compensation. The provisions of Proposition 98 are broader in scope than those of Proposition 99, and, if passed, are likely to have a profound effect on public entities.

There is a 'hidden agenda' in Proposition 98 to abolish rent control and gut the laws that protect renters in California. It would preclude public entities from enacting new rent control provisions, and would phase out existing rent control in our County Mobile Home Parks. Proposition 98 would invalidate any existing rent control ordinance enacted after January 1, 2007, upon its effective date-the day after the election. Proposition 98 provides that any existing ordinance or

regulation enacted prior to January 1, 2007, would remain in effect as to a specific unit or Mobile Home Park rental space as long as at least one of the existing tenants continues to live in such unit or space as the tenant's principal residence. Upon vacancy, Proposition 98 would apply, making the unit or Mobile Home space unregulated and subject to market rate conditions. This would effectively devalue the worth of the mobile home and have a devastating affect on the equity that seniors and low income residents have amassed in their property.

Proposition 98 will also severely limit public entities in their pursuit of environmental protection, water resources, conservation and open space acquisition.

Summary of the fiscal impact by State Legislative Analyst and Director of Finance on state and local government: **Increased costs to many governments due to the measure's restrictions.**

PROPOSITION 99

The second eminent domain reform initiative is Proposition 99, the Homeowners and Private Property Protection Act. It would prohibit public entities from acquiring by eminent domain an owner-occupied residence to convey it to a private person. Proposition 99 defines owner-occupied residence as real property that is improved with a single-family residence, such as a detached home, condominium or townhouse, that is the owner's principal place of residence for at least one year prior to the date on which the public entity made its initial written offer to purchase the property.

Proposition 99 provides that in the event the measure appears on the same statewide election ballot as another eminent domain reform measure, the provisions of the other measure shall be deemed to be in conflict with this measure. It further states that if Proposition 99 receives a greater number of affirmative votes than the other eminent domain reform measure, the provisions of Proposition 99 shall prevail in their entirety, and each and every provision of the other measure shall be deemed null and void. Proposition 99 would enact needed eminent domain reform by preserving homeowner protection without eliminating rent control in our communities and Mobile Home Parks.

Summary of the fiscal impact by State Legislative Analyst and Director of Finance on state and local government: **The measure would likely not have a significant fiscal impact on state or local governments**.

This Board has recently enacted provisions to update the County's Mobile Home Park Subdivision Ordinance that effectively protects the rights of seniors and low income residents of Ventura County mobile home parks. Our CSAC organization has taken a position in opposition to Prop 98 and in favor of Prop 99 thereby insuring that protection.

Our Board should oppose Proposition 98 and support Proposition 99.

Sincerely,

Steve Bennett
Supervisor, First District

Kathy L. Long
Supervisor, Third District