

## REPORT TO CITY COUNCIL

**DATE: MAY 28, 2008**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: GREG RAMIREZ, CITY MANAGER**

**BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER**

**SUBJECT: APPROVE RESOLUTION 08-1480; OPPOSING PROPOSITION 98 ON THE JUNE, 2008 BALLOT**

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Proposition 98 appears on the June 2008 ballot and is a measure that could have a detrimental effect on local land use planning, eliminate renter protections, and jeopardize laws that protect the environment including efforts to ensure a reliable supply of clean and safe drinking water. The impact on City laws and regulations would be enormous and put many of the City's operational activities at risk.

Proposition 98 would amend Article I, Section 19 of the State Constitution, which regulates the government's condemnation of private property through the process of eminent domain. Historically, responsible government agencies have only exercised this power in order to secure property for traditional public works, such as schools and roads. In addition, the government agencies have provided the affected property owners with "just compensation." In November 2006, Proposition 90 was rejected by the voters. It would have prohibited the use of eminent domain and severely restricted local power to control land use.

Proposition 98 was developed in response to the failure of Proposition 90. Like its predecessor, Proposition 98 would prohibit the use of eminent domain for vital redevelopment projects. It would also amend the California Constitution to add a provision that allows property owners to sue to obtain compensation for or invalidation of regulations that impose costs on property owners, even if the regulated activity constitutes a nuisance, threatens public health or safety, or harms the environment.

The impacts of this Proposition would be detrimental to the City due to the fact that the City is small, mostly built out, and strives to preserve the quality of life by constantly balancing competing interests. As an example, the City regulates the location, design, density, height, and extent of development. In addition, the City ensures community welfare through the collection and use of development fees to address impacts and engaging in long-range planning activities. These processes protect and enhance the value of all private property within the City. Nonetheless, all of these City activities widely recognized as appropriate and necessary, would be subject to challenge under Proposition 98.

The Legislative Committee has reviewed the request from the League of California Cities to oppose Proposition 98 and is recommending approval of the proposed resolution.

Although the financial costs that could be borne by the City are not fully known at this point in time, the passage of Proposition 98 could lead to large amounts of City funds being used to defend the inevitable protracted flood of litigation.

### **RECOMMENDATION**

The Legislative Committee respectfully recommends the City Council approve Resolution 08-1480, opposing Proposition 98 on the June, 2008 ballot.

Attachment: Resolution 08-1480

**RESOLUTION NO. 08-1480**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF AGOURA HILLS, CALIFORNIA, OPPOSING  
PROPOSITION 98 ON THE JUNE, 2008 BALLOT**

**WHEREAS**, a constitutional amendment ballot measure, Proposition 98, will appear on California's June, 2008 ballot; and

**WHEREAS**, Proposition 98 proponents want voters to believe the initiative is about eminent domain, but, in fact, the measure contains hidden agendas and flawed language which will eliminate rent control and other renter protections, threaten development of public water projects, stymie local land use planning and impair our ability to protect the environment; and

**WHEREAS**, Proposition 98 removes land use control from local governments who are directly accountable to their constituents, and the language in this measure hinders the ability of the city to conduct business and secure sustainable projects, affecting both of local homeowners as well as business; and

**WHEREAS**, provisions in the initiative would also preclude the use of eminent domain to acquire land or water to develop *public* water projects that are needed to provide our residents, businesses, farmers and economy with a reliable and safe supply of water; and

**WHEREAS**, language in the initiative will also prohibit the passage of regulations, ordinances, land use and other zoning laws that enable local governments to plan and protect communities; and

**WHEREAS**, the California Police Chiefs Association opposes the measure because it threatens their ability to keep communities and the public safe; and

**WHEREAS**, leading environmental groups warn that provisions in the measure would impair our ability to enact environmental protections such as laws that control greenhouse gas emissions, preserve open space, protect coastal areas, and regulate development; and

**WHEREAS**, the No on Proposition 98 campaign is represented by the League of California Cities, California State Association of Counties, League of California Homeowners, California League of Conservation Voters, California Alliance for Retired Americans and other leading state and local associations who oppose Proposition 98.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Agoura Hills that we hereby **oppose** Proposition 98 on the June, 2008 ballot.

**PASSED, APPROVED, AND ADOPTED** this 28<sup>th</sup> day of May, 2008, by the following votes, to wit:

AYES: (0)  
NOES: (0)  
ABSTAIN: (0)  
ABSENT: (0)

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John M. Edelston, Mayor

ATTEST:

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Kimberly M. Rodrigues, City Clerk