



FWA

Family Water Alliance

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"Every Day is Earth Day on the Farm"

P.O. Box 365, Maxwell, California 95955

July 11, 2005

Yolo County Board of Supervisors
P.O. Box 1130
Woodland, CA 95776

RE: Open Letter to Yolo County Board of Supervisors:
Use of Eminent Domain to Acquire Conaway Ranch

Dear Members of the Yolo County Board of Supervisors:

On behalf of Family Water Alliance, I write to express our opposition to your efforts to acquire the Conaway Ranch through the use of Eminent Domain and to urge you to reconsider this misguided course of action.

The Family Water Alliance is a longstanding supporter of private property rights, water rights, and the rural agricultural communities of Northern California. As such, we stand opposed to the use of eminent domain for the purchase of the 17,000 acre Conaway Ranch and its water rights. Currently, the Conaway Ranch is primarily in production agriculture and serves as a designated floodway, providing open space, environmental, flood control, economic, and agricultural benefits to the County of Yolo as well as the entire region. While FWA agrees that the efforts to maintain the status quo of Conaway Ranch is a worthy goal, the use of eminent domain to achieve this end is not only unnecessary, but also in our opinion fiscally irresponsible and an abuse of local governmental power.

First and foremost, the use of eminent domain should only be used sparingly, as a measure of last resort, and only in the case of a clear public purpose, where no less intrusive means are available. This misuse of local governmental power is antithetical to the concept of private property rights upon which this nation was founded. Eminent domain should be reserved solely for clearly public uses such as roads, schools, airports, and the like. While recent court decisions have eroded this fundamental Constitutional concept, these decisions do not require that Yolo County subscribe to these misguided principles.

Further, the protection of the existing land use and water use (the stated purpose of the Yolo County Board of Supervisors) can be accomplished through less intrusive means than employing the power to condemn private property. The protections you seek can be accomplished through zoning and water ordinances. Moreover, this alternative is much less costly than the 60 to 150 million dollar price tag that is sure to be placed on this property. This expense is certain to be a substantial burden on the taxpayers of Yolo County, especially for a County that recently furloughed its employees at Christmas in a cost saving measure. Further, the transfer of this property from private ownership to public ownership will result in the loss of hundred of thousands of dollars in property taxes to the County, funds over and above the cost of financing the purchase that the County will need to replace to continue to provide basic public services at the current level. As such, it is clear that the more prudent

alternative to preserving the Conaway Ranch from a financial perspective is to address the stated concerns through legislative and land use actions, instead of resorting to the condemnation of private property.

Moreover, the Conaway Ranch does not appear to be in any immediate peril. It is completely unreasonable to use eminent domain to take 17,000 acres of prime farmland away from its rightful owner because of unrealized fears that may or may not come to fruition, and which can be addressed through other means. The Conaway Preservation Group has opened its books, setting forth its vision for Conaway Ranch for the present and the future, a vision that includes environmental enhancements, agriculture, flood protection, conservation easements, and mitigation lands. This vision in no way conflicts with the purpose to which the County subscribes. It seems to make all too much sense to allow them to prove it. If they deviate from these prescribed plans, contemplate initiation of condemnation proceedings at that time.

Most troubling is the fact that the County of Yolo has removed discussion of this action from public scrutiny, creating an even greater degree of uneasiness in regard to this transaction. Legal issues aside, the question of the public policy being instituted must be subjected to public debate. The Conaway Preservation Group has conducted outreach to the public and shown their cards. What does the County have to hide? Too many questions remain unanswered.

What research has been conducted to examine the alternatives to eminent domain, namely legislative and land use action?

Specifically, how does the County plan to finance this venture?

How does the County envision using the property?

How does the County envision using the water rights?

In closing, I wish to again reiterate our opposition to Yolo County's efforts to transfer the ownership of a productive, environmentally sound farming operation from private to public ownership. For the benefit of the taxpayers of Yolo County and in the spirit of preserving private property rights, I urge you to open this discussion to public debate, and to reconsider your decision to use eminent domain to acquire the Conaway Ranch.

Sincerely,

Jeffrey P. Sutton
FWA Executive Director

Vicki Murphy
FWA Board Member
Yolo County

Mary Gordon
FWA Board Member
Yolo County