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Whose Land Is It?

This land isn't always your land

By JIM NIELSEN
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The willingness of Conaway Ranch owners to enter into negotiations to sell, and Yolo County's agreement to hold in abeyance its eminent domain action, alters the dynamics of one of the most significant public policy issues in County history.

This all began as a quiet adventure by our supervisors, mostly behind closed doors and absent public input to take over 17,000 acres of mostly Bypass land. Many were astounded that the County, with a \$4 million deficit and top staff leaving in droves, could even contemplate such a move.

I remain convinced the resource-based financial assets of the Conaway attract the County far more than preservation. Many citizens have voiced concerns about the process and the policies of County leaders and the agreement between the County and the Rumsey Tribe for financing the eminent domain acquisition.

One must wonder if the County lawsuit was strategic to leverage a bargain basement price and force the owners to deal exclusively with the County. The public statements of County officials, that ranch owners should substantially discount the price for the privilege of selling to the County, and one supervisor's pronouncement that "it's ours" (the Conaway Ranch) cannot be the product of fair-minded suitors for the property.

The County's attorney inferred and even gloated his depositions of ranch owners induced "people who were less involved" to get "more involved." This is typical legal strategy to apply pressure on the owners to secure a disadvantageous settlement.

Conversely public concern and opposition to the County action, as quantified by polling, public participation in forums, letters to the editor and street talk indicate the County and its public relations consultants have failed to be convincing. Public sentiment has shifted from indifference to opposition and the burden of justification to the County.

The Conaway owners action to bargain a sale with the County have now provoked more consternation than praise from people who were in sympathy with their plight. Some see a surrendering of an important principle private property rights in face of a heavy-handed county government.

Nevertheless, this legal hiatus and the negotiations allow the County unfettered opportunity to finally explain their motives for seizing private property. Also the County should disclose their plans for managing this vast acreage, to define the authorities, responsibilities and entitlements of members of the County-created Joint Powers Authority, the conditions and obligations attending the financing offered by the Rumsey Tribe, the flood control, tax, economic, environmental and the liability impacts of public ownership. I suggest the supervisors conduct a series of public forums and open public meetings.

Yolo County may be able to demonstrate sufficient public and financial benefits, that they can manage a 17,000-acre ranch, how the Joint Powers participants can be accommodated, that the pre-eminent flood control purpose of the ranch can be retained, and that public ownership is advantageous to the County and State. It will be a stretch, based on the County's track record, but it's possible. The County must show cause of why it should acquire the ranch and to demonstrate its ability to operate the ranch. This is the supervisors' fiduciary and moral responsibility to the citizens.

The Legislature and the Governor has been drug into this fray due to the need for special and very rare legislation to accord the Rumsey Tribe joint powers status. This may, or may not be resolved before adjournment in three weeks. A recent U.S. Supreme Court decision now has bearing on how the Governor and the Legislature will view eminent domain seizures of private property.

I would rather see a completely open bid process rather than the owners negotiating solely with the County and under the threat of the County re-invoking the eminent domain action. Other interested buyers may offer possibilities that are of greater private economic and public benefit to the citizens.

This all should be taken more seriously in light of the U.S. Supreme Court's recent *Kelo v. New London* decision. A narrow majority of the Court vastly expanded government's private property seizure powers. Eminent domain now is a major national, as well as state and local issue.

Yolo County Republican Assemblyman Doug LaMalfa, Democratic Senator Christine Kehoe and Republican Senator Tom McClintock have introduced constitutional amendments to rein in the significantly expanded eminent domain powers of government.

The convergence of the actions of supervisors in a small California county and the decision of our highest court have underscored the importance of private property. Now losing your home or land have become up front and personal to people in Yolo County and across America.

- Jim Nielsen is a former state senator who writes for *The Daily Democrat*.