



## County of Orange MEMO

Date: February 22, 2006  
To: Darlene Bloom, Clerk of the Board  
From: Chris Norby, Vice Chairman of the Board *CN*  
SUBJECT: Supplemental Item for February 28 Board of Supervisors Meeting

06 FEB 23 AM 10:33  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

RECEIVED

S45A

Please place on the agenda for the February 28, 2006 Regular Meeting of the Board of Supervisors an item with the following title: Consider an ordinance prohibiting the exercise of eminent domain for private purposes for placement on the June 6, 2006 Election.

### DISCUSSION

The Supreme Court's 5-4 *Kelo vs. New London* decision has caused great national concern about the improper uses of eminent domain. Many cities, states, and counties are placing ballot initiatives to reaffirm their policy limiting eminent domain only to public uses.

I have developed the attached ordinance for the Board's consideration to place on the ballot for the June 6, 2006 Primary Election. County Counsel has worked with my staff in writing the ordinance in the appropriate form for consideration by the voters. The title is as follows: AN ORDINANCE PROHIBITING THE EXERCISE OF EMINENT DOMAIN FOR PRIVATE PURPOSES.

The placement of this initiative on the June ballot will reassure the public about our practices and be an example to other public entities. Numerous Orange County cities are currently considering similar initiatives.

### RECOMMENDED ACTION

1. Direct the Registrar of Voters to conduct an election on the following measure: "AN ORDINANCE PROHIBITING THE EXERCISE OF EMINENT DOMAIN FOR PRIVATE PURPOSES" and consolidate such election with the June 6, 2006 Primary Election.

No. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA

THE PEOPLE OF THE COUNTY OF ORANGE HEREBY ORDAIN AND ENACT AS  
FOLLOWS:

Title 2, Division 3 of the Codified Ordinances of Orange County is added as follows:

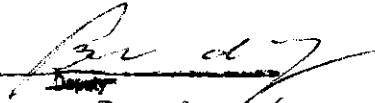
Section 1. This ordinance shall be known and may be cited as AN ORDINANCE  
PROHIBITING THE EXERCISE OF EMINENT DOMAIN FOR PRIVATE PURPOSES.

Section 2. The County may not exercise the power of eminent domain to acquire property from  
any private Owner thereof, without such Owner's consent, when the purpose of the acquisition is to  
convey the property so acquired to any private party.

As used in this section, "Owner" means the owner of the fee title interest in the property to be  
acquired.

APPROVED AS TO FORM  
OFFICE OF THE COUNTY COUNSEL  
ORANGE COUNTY, CALIFORNIA

By



Date:

7-23-66

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

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