

**FULL TEXT OF MEASURE P
CITY OF ANAHEIM**

ATTACHMENT NO. 1

That new Section 402 be, and the same is hereby, added to the Charter of the City of Anaheim, to read as follows:

Section 402. LIMITATIONS ON USE OF EMINENT DOMAIN.

Neither the City of Anaheim nor any City-affiliated agency may exercise the power of eminent domain to acquire any property from any private owner thereof, without such owner's consent, when the purpose of the acquisition is the intended conveyance of the property so acquired to any other private party, for the conduct of any for-profit commercial activity or for-profit residential development, sales or leasing. Nothing contained in this section shall be deemed to prohibit acquisitions of property interests by eminent domain for the purpose of either (i) conveying such acquired interests to the owner of other property affected by a public acquisition of property in order to mitigate impacts of the acquisition or the project to be constructed on such other property, or (ii) the development of any facilities to be operated by the City or any facilities of which the City is or shall be an owner.

As used in this section, the following terms shall have the following ascribed meanings:

"Owner" means the owner of the fee title interest in the property to be acquired, as shown on the last equalized assessment roll, or other more current proof of vesting the City may have.

"Property" shall mean any interest in real or personal property otherwise subject to acquisition through the use of eminent domain.

"City-affiliated agency" shall mean the Anaheim Redevelopment Agency, Anaheim Housing Authority, and any other entity possessing the power of eminent domain the governing board of which is solely composed of, or is solely appointed by, the members of the City Council of the City of Anaheim.

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE P**

In 2005, the United States Supreme Court ruled that public entities may lawfully exercise the power of eminent domain to acquire private property even if the purpose of such acquisition is to transfer the acquired property to another private party for economic development (private profit-making) purposes.

This proposed measure would add new Section 402 to the Charter of the City of Anaheim to prohibit use of the power of eminent domain by the City Council or any City-related agency to acquire property from a private owner, without the consent of such owner, for purposes of conveying such property to another private party for economic development purposes.

This measure would also apply to other City-related agencies such as the Anaheim Redevelopment Agency and Anaheim Housing Authority.

This measure would not prohibit the City or its related agencies from acquiring property by eminent domain for traditional public projects (such as street improvements, public utilities and public buildings). It would not prohibit acquisitions and conveyances which may be necessary to mitigate the impacts of a public project.

JACK L. WHITE
Anaheim City Attorney

The above statement is an impartial analysis of Measure P. If you desire a copy of the measure, please call the election official's office at (714) 765-5166 and a copy will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE P

Vote Yes on Measure P to protect property rights!

One of the basic rights we Americans have is property rights. This means that government may not seize our property without a public purpose and fair compensation.

However, our property rights have been eroded by a recent Supreme Court decision called Kelo vs. New London, in which the city of New London, Connecticut seized the Kelo family home, and their neighbors, because the city wanted a resort hotel in their place. The residents did not want to sell, so the city used their power of eminent domain to force the residents to move.

We all know that in clear cases of public purpose, like building a road, government may need to use eminent domain. But when the sole "public purpose" is the hope for greater tax revenues then that is an abuse of power.

In Anaheim, the City Council has instituted a policy ban on this abusive form of eminent domain.

By passing Measure P, we enshrine property rights in our city charter where it may not be overturned without a vote of the people.

Vote Yes on Measure P.

s/ Curt Pringle
Mayor
City of Anaheim

s/ Richard Chavez
Mayor Pro Tem
City of Anaheim

s/ Harry Sidhu
Councilmember
City of Anaheim

s/ Tom Tait
Former Anaheim Councilmember,
Business Owner

s/ Virginia Zlaket
Homeowner
Anaheim Chamber of Commerce,
Board of Directors

No rebuttal argument for this measure was submitted.

ARGUMENT AGAINST MEASURE P

"THERE IS SOMETHING ROTTEN IN THE STATE OF ANAHEIM".

Unnecessary ballot measures to modify our city charter are expensive to put on the ballot, a waste of taxpayer money. It is unfortunately that incumbent politicians often are not careful with our tax money. They seem to limit their concerns only to millions of dollars, not thousands of tax dollars, such as the cost of adding an existing law to the city charter.

There is a cheap political trick used by incumbents when running for re-election. The trick is to author a popular ballot measure and have it on the same ballot as their re-election. Better yet, author two popular ballot measures and have both of them on the same ballot as their re-election. Voters usually have a favorable perception of any incumbents who author such ballot measures and will have a tendency to vote for them.

These ballot measures in order to be popular must have a subject matter that should be almost nonsensical in nature, such as being for "Motherhood" and "Apple pie" or against such perceived common evils as "Gambling" and "Eminent Domain".

A ballot measures to amend the city charter as with "Gambling" or "Eminent Domain" is completely unnecessary and is an expensive duplication of effort. A city ordinance is already a law that is completely enforceable. Wasting time and tax money to put a law in the city charter does not in any way increase or decrease the enforceability of that law.

Anaheim H.O.M.E. urges the voters of Anaheim to vote **NO** on this ballot measure to modify our city charter. In voting **NO** and defeating this ballot measure, we will be sending a message to incumbent politicians that cheap political tricks do not work in Anaheim.

s/ Steve White
President
Anaheim H.O.M.E.

REBUTTAL TO ARGUMENT AGAINST MEASURE P

It is unfortunate the author of the argument against Measure P did not debate the merits of the issue.

After all, while we believe a Measure to place protections of our property rights in the City Charter is necessary, some have a different opinion. But if the author of the argument against Measure P believes in using eminent domain solely to transfer property to politically-connected developers, he should say so.

The Anaheim City Charter is like our "constitution" – a place for fundamental principles of how the power of government should be limited.

Taking an individual's property is subject to abuse and should only be allowed for clear public purposes like building roads. It should not be allowed when the city wants to give the land to another developer in the hopes of higher tax revenue. If we allow that type of eminent domain, then we have no property rights.

We do have a council policy opposing abusive forms of eminent domain, but it passed on a 3-2 vote and could be overturned by a future council. By passing Measure P and prohibiting abusive eminent domain in the Charter, we protect property rights.

That sounds as good as Motherhood and Apple Pie to us.

s/ Curt Pringle
Mayor
City of Anaheim

s/ Richard Chavez
Mayor Pro Tem
City of Anaheim

s/ Tom Tait
Former Anaheim Councilmember,
Business Owner

s/ Virginia Zlaket
Homeowner
Anaheim Chamber of Commerce,
Board of Directors