

MINUTE ITEM

1/7/70
WDC

62. AUTHORIZATION FOR THE ATTORNEY GENERAL TO REPRESENT THE STATE OF CALIFORNIA, STATE LANDS COMMISSION, IN THE FOLLOWING ACTIONS: SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, ACTING BY AND THROUGH THE RECLAMATION BOARD OF THE STATE OF CALIFORNIA v. CASSELMAN, ET AL., YOLO COUNTY SUPERIOR COURT CASE NO. 20,459 - W-503.619; AND SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, ACTING BY AND THROUGH THE RECLAMATION BOARD OF THE STATE OF CALIFORNIA v. FREDERICK L. WHITE, MARIE A. WHITE, ET AL., YOLO COUNTY SUPERIOR COURT CASE NO. 20,163 - W-503.620.

After consideration of Calendar Item 64 attached, and upon motion duly made and carried, the following resolution was adopted:

THE STATE LANDS COMMISSION AUTHORIZES THE ATTORNEY GENERAL TO REPRESENT THE DEFENDANT, STATE OF CALIFORNIA, STATE LANDS COMMISSION, AS ITS ATTORNEY IN THE ABOVE ACTIONS.

Attachment

Supplemental Calendar Item 64 (1 page)

64.

SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, ACTING BY AND THROUGH THE RECLAMATION BOARD OF THE STATE OF CALIFORNIA v. CASSELMAN, ET AL, YOLO COUNTY SUPERIOR COURT CASE NO. 20,459 - W. 503.619 - AND SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, ACTING BY AND THROUGH THE RECLAMATION BOARD OF THE STATE OF CALIFORNIA v. FREDERICK L. WHITE, MARIE A. WHITE, ET AL, YOLO COUNTY SUPERIOR COURT CASE NO. 20,463 - W. 503.620.

These cases consist of actions in Eminent Domain brought by the State Reclamation Board to condemn land along the right bank of the Sacramento River in Yolo County northerly of the City of Sacramento.

The Attorney General, N. Eugene Hill in the Casselman Case, and Seward L. Andrews in the White Case, are representing the interests of the Reclamation Board (plaintiff) and the Commission (defendant) in these cases.

Portions of the land being condemned consist of land claimed by the State as being part of the bed of the river owned by the State and under the jurisdiction of the Commission under Section 6301 of the Public Resources Code. Section 6308 of the said code requires the Attorney General to represent the State in such cases.

The private defendants have raised the issue of possible conflict of interest arising out of the Attorney General representing both the Reclamation Board, as plaintiff, and the State Lands Commission as a party defendant.

The court has ruled on defendants' objection that the plaintiff and defendant, State, are one entity for purposes of this case. The court has requested the State to file written authorization for the Attorney General to represent the State of California, State Lands Commission in these cases.

The Attorney General denies such a conflict exists.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO REPRESENT THE DEFENDANT, STATE OF CALIFORNIA, STATE LANDS COMMISSION, AS ITS ATTORNEY IN THE ABOVE ACTIONS.