

**BOARD PRESIDENT:**

WE WILL NOW CONDUCT THE HEARING OF THE FRAZIER PARK PUBLIC UTILITY DISTRICT FOR THE PURPOSE OF CONSIDERING WHETHER TO ADOPT A RESOLUTION OF NECESSITY AUTHORIZING THE FILING OF AN ACTION TO ACQUIRE INTERESTS IN REAL PROPERTY RELATED TO THE DISTRICT'S PLANNED WELL NUMBER 8.

THIS HEARING CONCERNS INTERESTS IN A PARCEL OF LAND identified as Kern County Assessor's Parcel Number 255-320-28.

1. THIS HEARING IS BEING RECORDED.

So that the recording is discernible, I ask that you please identify yourself for the record. I also ask that you please speak clearly, and that only one person speak at a time.

2. Under the law of eminent domain in California, a public agency exercising its powers of eminent domain shall hold a hearing relating to the following three (3) matters:

- (1) Whether the public interest and necessity require the Project, the Project being the acquisition of interests in real property and the use of those interests for the construction, operation, repair and maintenance of the District's Well Number 8;
- (2) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
- (3) Whether property sought to be acquired is necessary to the Project.

These are the only matters that will be considered at this hearing. Particularly, the Board will not be considering what is appropriate just compensation to be paid for the property interests.

C&C Elite Properties, LLC, owns title to the property that is the subject of these proceedings. On November 21, 2023, the C&C was provided written notice of today's hearing and the Board's intention to adopt a resolution of necessity in accordance with the requirements of California's Eminent Domain Law.

The District timely received a request to appear at this hearing from Mr. JT Fox, counsel for C&C Elite Properties.

Before proceeding with comments from District's staff and consultants and any public comment that may be made, I am going to have the following exhibits made a part of the record and attached to the transcript.

**A-**April 28, 2023, Notice of Exemption

**B-**September █, 2022, Notice of Intent to Purchase Well Site

**C-**Copies of Email Correspondence Between Representatives of the District and Representatives of C&C Elite Properties

**D-** September 13, 2023 Offer Letter from District to C&C, including attachments

**E-**Letter from Attorney Fox to the District Dated September 29, 2023

**F-**Letter from District's General Counsel to Attorney Fox Dated October 10, 2023

**G-**November 21, 2023, Notice of Hearing from District to C&C Elite Properties

**H-**Draft of the Resolution of Necessity that is before the Board for approval and adoption

I will now turn the hearing over to Dee Jaspas, the District's engineer consultant, who is going to describe the Project and the District's need for the property interests that are the subject of this proceeding.

**DEE JASPAR:**

The District acquires water and distributes it to the District's customers within its service using a series of groundwater wells situated throughout the District.

Among these wells is Well Number 5, which the District constructed in 1965. Well Number 5 was originally encased with thin wall steel to a depth of 600 feet, and operated at a capacity of 450 gallons per minute until 2018, when the well's casing began to fail. Well Number 5 was patched with steel, which preserved the well but reduced its production capacity to approximately 220 gallons per minute and demonstrated the vulnerability of the casing to further problems and the likely failure of Well No. 5 in the foreseeable future. If Well Number 5 were to fail, the District's ability to provide water to its customers would be severely diminished

Well Number 8 would operate at a capacity of approximately 500 gallons per minute. It would replace the production capacity furnished to the District by its existing Well Number 5. Well Number 8 would operate in conjunction with the District's existing Well Number 6 to provide water supplies to the District's residential and commercial customers.

The District has a water storage capacity of 2.1 million gallons. During peak demand the District currently operates at a deficit of 168 gallons per minute, which provides the District approximately eight days of operating at such capacity before its storage is depleted. If Well Number 5 becomes inoperable before Well Number 8 is constructed and commences operation, the number of days at which the District could operate at historical peak demand before its storage is depleted would be reduced by half, to approximately four (4) days. In light of the likelihood that Well Number 5 will fail, and the degree to which the failure would limit the ability of the District to satisfy its water supply obligations to its customers, the Project is necessary to enable the District to continue to satisfy its customers' residential and commercial water demands.

The District has studied the proposed location for Well Number 8 extensively, including drilling and operating a test well near the proposed location. Based on these and other studies and tests conducted in the area, the District has determined that the hydrogeology and the quality of the groundwater make the proposed location the necessary location for Well Number 8.

I have personally engaged in multiple discussions with representatives for the owner of the Property regarding the District's need to acquire the interests in real property that are the subject of this proceeding and was repeatedly informed that they were not interested in negotiating a sale of such interests. The District's Board of Directors therefore authorized the District's general counsel to proceed with efforts to acquire the property interests in lieu of eminent domain. Those efforts were likewise unsuccessful.

It is in light of the foregoing that the District's Board of Directors is undertaking consideration of a Resolution of Necessity to acquire real property interests for the construction, operation, repair and maintenance of the District's Well Number 8. Madam President, that concludes my remarks.

**BOARD PRESIDENT:**

Do any members of the Board of Directors have questions for staff or comments regarding this matter?

*[Upon conclusion of Board Discussion, say . . .]*

Do any representatives of the landowner wish to be heard regarding the three issues that are the subject of this hearing?

*[Upon conclusion of landowner remarks, say . . .]*

Do any members of the public wish to speak on this matter?

*[Upon conclusion of public remarks, say . . .]*

Thank you, everyone, for your participation. I now closed this hearing, and the Board will proceed to Item \_\_\_\_, Consideration of Adoption of the Resolution of Necessity.