

MINUTE ITEM

2/24/72
RM

18. AUTHORIZATION AND DELEGATION TO CONDUCT PUBLIC HEARING IN CITY OF ALBANY TO GATHER TESTIMONY REGARDING SUBSTANTIAL IMPROVEMENT OF THE LANDS GRANTED TO THE CITY OF ALBANY BY CHAPTER 1763, STATUTES OF 1961 - GRANT 1-2d.

After consideration of Calendar Item 12 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE HOLDING OF A PUBLIC HEARING TO GATHER INFORMATION AND CONSIDER COMMENTS RELATIVE TO THE SUBSTANTIAL IMPROVEMENT OF LANDS GRANTED IN TRUST TO THE CITY OF ALBANY BY CH. 1763/61.
2. AUTHORIZES AND DELEGATES TO THE EXECUTIVE OFFICER, OR THE ASSISTANT EXECUTIVE OFFICER--MANAGEMENT, OR THE MANAGER OF THE STATE LANDS PROGRAM, THE CONDUCT OF SAID PUBLIC HEARING.

Attachment:

Calendar Item 12 (1 page)

CALENDAR ITEM

2/72
GRANT 1-2d
RM

12.

AUTHORIZATION AND DELEGATION TO CONDUCT PUBLIC HEARING IN CITY OF ALBANY TO GATHER TESTIMONY REGARDING SUBSTANTIAL IMPROVEMENT OF THE LANDS GRANTED TO THE CITY OF ALBANY BY CHAPTER 1763, STATUTES OF 1961.

NEED FOR PUBLIC
HEARING:

The Division, as required by Section 1(g) of Chapter 1763, Statutes of 1961, has undertaken a study to verify that improvements made to the lands granted to the City of Albany comply with the terms of the grant statute. This study will include a collection and comparison of data from the City, an on-site inspection, and a decision regarding compliance with the substantial improvement provisions of the statute.

The tide and submerged lands within the aforementioned lands granted to the City of Albany are a highly unique resource of both local and statewide value, and decisions regarding these lands should not be made without affording interested persons the opportunity to present statements, arguments, or contentions at a public hearing. Such interest does in fact exist. One organization has expressed the desire to submit a statement for the record, and legal counsel has been retained to represent not only this organization but also certain residents and taxpayers. Land fill on these granted trust lands also has been the subject of litigation. Holding a public hearing to gather information and consider comments is a logical step, in this case, for the substantial improvement investigation.

Public Resources Code Section 6103 and Government Code Sections 11180 et seq. authorize the State Lands Commission to issue subpoenas, inspect books and records, administer oaths, and conduct hearings. This authority may be delegated to a member of the Commission's staff.

EXHIBIT: Exhibit "A" - Location map showing approximate granted area.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE HOLDING OF A PUBLIC HEARING TO GATHER INFORMATION AND CONSIDER COMMENTS RELATIVE TO THE SUBSTANTIAL IMPROVEMENT OF LANDS GRANTED IN TRUST TO THE CITY OF ALBANY BY CH. 1763/61.
2. AUTHORIZE AND DELEGATE TO THE EXECUTIVE OFFICER, OR THE ASSISTANT EXECUTIVE OFFICER--MANAGEMENT, OR THE MANAGER OF THE STATE LANDS PROGRAM, THE CONDUCT OF SAID PUBLIC HEARING.