SPECIAL MEETING
STATE LANDS COMMISSION

STATE CAPITOL.
ROOM 1145
SACRAMENTO, CALIFORNIA

THURSDAY, FEBRUARY 13, 1986
2:00 P.M.

Nadine J. Parks
Shorthand Reporter

PETERS SHORTHAND REPORTING CORPORATION
3433 AMERICAN RIVER DRIVE, SUITE A
SACRAMENTO, CALIFORNIA 95825
TELEPHONE (916) 923-8394
APPEARANCES

Walter Harvey, Acting Chairman, for Kenneth Cory,
State Controller, Chairman

Nancy Ordway, for Jesse R. Huff, Director of Finance,
Commissioner

Laura Schlichtmann, for Leo T. McCarthy, Lieutenant
Governor, Commissioner

Staff Present:
Claire T. Dedrick, Executive Officer
J. F. Trout, Assistant Executive Officer
R. C. Hight, Chief Counsel
Jane Smith, Secretary
Curtis L. Fossum
INDEX

Proceedings
Item 3, Annexation of Submerged Land,
City of Anderson, Shasta County

Curtis Fossum
Walter McNeill, City Attorney,
City of Redding
Thomas Hart, Planning Director,
City of Anderson
Michael Remy, Counsel for SAVE

Motion and adoption as presented by staff
Adjournment
Certificate of Reporter

Page
1
1
2
6
18
25
24
28
29
PROCEEDINGS
--000--

ACTING CHAIRMAN HARVEY: Let's call the meeting to order. For the record, I understand we have three things on the agenda. I will exercise the prerogative of the Chair and take up Item 3 on the agenda first, unless there's objection from someone here.

Item 3 is the matter of the application of the City of Anderson. What to tell us what it is?

EXECUTIVE OFFICER DEDRICK: Bob, do you want to do that?

ACTING CHAIRMAN HARVEY: Bob?

MR. HIGHT: The City of Anderson has an application to annex an area of land adjacent to the City of Anderson and separated by the Sacramento River. And it's my understanding that the City of Eureka is here →

EXECUTIVE OFFICER DEDRICK: Redding.

(Laughter.)

MS. ORDWAY: Unless they have moved. Either that, or it's a very large annexation.

MR. HIGHT: I won't say anymore. Anyway, the City of Redding is here to speak on the subject.

EXECUTIVE OFFICER DEDRICK: But the issue that's before the Commission is the question of the validity of the surveyed boundaries; correct?
ACTING CHAIRMAN HARVEY: I understand there's two issues that are before us.

MR. HIGHT: The Commission has a twofold jurisdiction; one, to approve the legal sufficiency of the boundaries, and two, to approve or consent as landowners to the annexation; since we are an owner of land within the annexation, it requires the Commission's consent.

It's the intent here to only deal with the sufficiency of the legal description.

MS. ORDWAY: Question. What is the role of LAFCO in this?

MR. HIGHT: LAFCO -- I think I will defer to Curtis Fossum.

MR. FOSSUM: LAFCO's responsibility is to set the sphere of influence primarily for the areas that may someday be annexed in the cities.

The history between -- involving this particular parcel of land, is that in 1983 -- correct me if I'm wrong -- in 1983, the land was transferred into the sphere of influence to the City of Redding.

MS. ORDWAY: Why?

MR. FOSSUM: Why? I'm not sure about that. But apparently it was against the staff -- LAFCO's staff's recommendation at that time by a vote of 3 to 2. That particular situation was reversed last year. And the summer
of 1985, the sphere of influence was transferred back to
or at least put in the sphere of influence of the City of
Red-- of Anderson also by a 3 to 2 vote.

And the submittal by Redding discusses that as
to why the City of Redding at least believes that took
place.

However, LAFCO-- the staff recommendation of
LAFCO has been that it was to be in the City of Anderson's
sphere of influence. It's directly adjacent to the City
of Anderson. And it is quite a few miles from the main body
of the City of Redding, but it's within a mile of the
corporate limits of Redding, because the airport is
incorporated within Redding. So, it's less than a mile
from the corporate limits of Redding, but it's directly
adjacent to Anderson.

And LAFCO has determined that it should be within
Anderson's sphere of influence. They will act after we act
as to whether or not this annexation should go forward. It's
their determination to make.

We only can affect those properties that are
under our jurisdiction, which is the river.

ACTING CHAIRMAN HARVEY: Why do they wait for us?

MR. FOSSUM: They have to under Section 56108 of
the Government Code. They cannot take any further action
until such time as the State Lands Commission has approved it.
MS. ORDWAY: Has approved what?

MR. FOSSUM: That's a matter of some disagreement.

If we -- if we approved it today --

MS. ORDWAY: No. Let's stick to the issue. The two issues that I'm going to be dealing with. One is whether or not the survey boundaries are correct. The second is our ownership of the river. Let's deal with the first one first.

Is LAFCO waiting to hear that we validate the survey boundaries and then are they free to act?

MR. FOSSUM: The answer to that is that the Executive Officer at LAFCO believes that they have to wait for the second consent. I spoke to her this morning and she is of the belief that they need both consents before she will proceed and, therefore, it will take several weeks longer for the procedures to progress in LAFCO. But, at the same time, we explained our situation to her, and she understood that. So --

ACTING CHAIRMAN HARVEY: What do we believe --

excuse me.

MR. FOSSUM: The problem with this is that the Government Code section, as written, requires a 45-day period in which to respond to the application by a city or LAFCO, whoever the applicants are. That period of time, given our general Commission meeting dates, sometimes makes it
so that the Commission is not able to even undertake that
determination and, therefore, that's one reason to put on
a special meeting, for example.

The other thing is that it is a bifold
process -- twofold process. And the Commission historically
has taken it in a twofold step, until the last couple of
years when we've tried to put these together on a unified
basis.

Because of the controversy that's been raised --
EXECUTIVE OFFICER DEDRICK: But the fact --

MR. HIGHT: We read the statute to believe that
LAFCO, once the Commission has approved the sufficiency
of the legal description, may proceed.

MR. FOSSUM: But the Executive Officer told us
that she would tend to wait to proceed with theirs until
our next meeting, which is two weeks from today.

MR. HIGHT: Other LAFCO agencies have
interpreted it our way and have likewise proceeded.

ACTING CHAIRMAN HARVEY: Excuse me if I may.

Where does delaying a decision on Part 2 put us with
respective to the 45-day period?

MR. HIGHT: It is our belief that the 45-day period does not apply to the consent as to owner.

EXECUTIVE OFFICER DEDRICK: It only applies to the description.

ACTING CHAIRMAN HARVEY: It only applies to the description. Okay. We have two people that wanted to speak on this issue. One is Walter McNeill, Deputy City Attorney, City of Redding. Mr. McNeill?

MR. MC NEILL: Yes, sir. Thank you.

I understand --

EXECUTIVE OFFICER DEDRICK: Would you identify yourself? Your name and the organization again for the record?

MR. MC NEILL: Okay.

EXECUTIVE OFFICER DEDRICK: Thank you.

MR. MC NEILL: My name is Walt McNeill. I'm Deputy City Attorney for the City of Redding. I'm here on behalf of the City of Redding to speak to this subject matter of the hearing today.

Now, I understand that it's been separated into two different hearings.

ACTING CHAIRMAN HARVEY: Not yet.

MS. ORDWAY: No. Just two separate issues.

ACTING CHAIRMAN HARVEY: Two separate issues.
MS. ORDWAY: Two separate votes are required.

MR. MC NEILL: All right. The City of Redding has objections to the approval of this, the annexation of these submerged lands, that we're referring to here and that have been described in the boundary description that the City of Anderson has submitted.

Now, I don't know to what degree staff has briefed you on this, but I did submit some written material that I hope you'll have a chance to review before making a decision.

I brought one map just to show and tell --

MS. ORDWAY: May I ask a question?

MR. MC NEILL: Yeah.

MS. ORDWAY: Do you disagree with the boundary?

Which -- now that we've separated the two issues, do you disagree with the first issue, the boundary?

MR. MC NEILL: Yes.

MS. ORDWAY: Do you disagree with the lines, the boundary lines that we would be approving?

MR. MC NEILL: Yes.

EXECUTIVE OFFICER DEDRICK: You think these boundary lines are incorrectly drawn?

MR. MC NEILL: No, I don't think they're incorrectly drawn.

MS. ORDWAY: What is it that you disagree with
in the boundary line issue?

MR. MC NEILL: My point is that we should --
I believe we should deal with a separate -- a different boundary.

MR. HIGHT: Okay.

MS. ORDWAY: That's not before us.

MR. HIGHT: The Commission -- before the Commission is the description as presented by LAFCO. And the Commission only has the discretion to determine whether or not the description as written is legally sufficient.

EXECUTIVE OFFICER DEDRICK: Doesn't have anything to do with --

MS. ORDWAY: We could always --

EXECUTIVE OFFICER DEDRICK: -- the merit of where the lines should be and politically speaking, it is whether they are legally sufficient descriptions of land so that the title transfer could take place. That's strictly a technical matter.

MR. MC NEILL: And you don't have discretion to adjust the boundary lines?

MS. ORDWAY: No, we don't.

EXECUTIVE OFFICER DEDRICK: Not as Item 1.

MR. FOSSUM: Only to the extent that somehow it doesn't make sense with the physical features on the land or with --
(Thereupon Mr. Fossum and Ms. Ordway spoke at the same time.)

MS. ORDWAY: -- with another set of boundary lines submitted to us. My understanding with what we would do in that event is, say, disapprove them and ask for another set of lines to be submitted to us.

MR. HIGHT: Correct.

MS. ORDWAY: We cannot change them is my understanding. Am I correct?

MR. HIGHT: That's correct.

MR. MC NEILL: I'd still like to point out something that I think bears on whether or not these boundary lines make sense.

And I can tell it to you briefly and you can tell me if I'm out of order.

MS. ORDWAY: I just want to know which part you're speaking to. That's been my confusion. You're probably speaking to a generic issue.

MR. MC NEILL: I'm speaking to the proposed boundary line.

(Thereupon McNeill produced a map and displayed it to the Commission.)

MR. MC NEILL: This is a map submitted for the annexation area. The area in yellow shows property that the City of Redding holds an option on that we are in the
process of purchasing, and intend to annex to the City of Redding. After purchase --

ACTING CHAIRMAN HARVEY: For the record, the map he is showing us is page 6, I guess, or No. 6, the colored portion of that map that is I guess entered into the record.

MS. ORDWAY: Exhibit 1?

ACTING CHAIRMAN HARVEY: Okay. Figure 1 of something.

MR. MC NEILL My point with respect to boundaries is simply this. When this property becomes -- falls within the jurisdiction of the City of Redding, it's our contention that it's inappropriate to put the river lands directly adjacent to this property in the jurisdiction of the City of Anderson.

I feel it's a certainty that this is going to occur. We'll purchase the property, that this will become the location of a waste water treatment facility for the City of Redding. That's the source of the whole controversy between the two cities. And it would be inappropriate to make the river lands adjacent to the City of Redding territory within the jurisdiction of the City of Anderson.

And it's my contention that a boundary line which extends through this stretch of river all along this waste water treatment site is inappropriate for annexation to the City of Anderson.
Now, I understand that it's staff's position that the 45-day time limit of Government Code 56108 only applies to the determining the boundary configuration. But I have some serious doubts about that simply from taking a plain reading of the statute.

It's not something that's been tested in court before. It's my concern that -- that upon approving the boundary lines of the area that's been submitted to you by the City of Anderson, after 45 days elapses -- which I believe will come before your next regular meeting on this on the 27th, this Commission will lose jurisdiction to determine the issue and then the annexation will be deemed approved by operation of law.

The attorney here, Mr. Remy, that has represented a citizens group in the Anderson area and works with the City of Anderson, may have an opinion on that as well. I'm not sure that's a certainty, but I have a serious concern that basically after today's meeting the horse is out of the barn.

MR. TROUT: Mr. Chairman, can I -- may I address a question to Bob?

ACTING CHAIRMAN HARVEY: Uh-huh.

MR. TROUT: The City Attorney from Redding said that this would become operative if the Commission didn't act within the 45 days. It seems to me from the law -- maybe
Curtis or Bob can answer it -- that the description may be approved, but the annexation does not become effective until approved by LAFCO. I think that's an issue. We better straighten out.

**MS. ORDWAY:** If you read from Section (d) of that Code section, it's very clear. It says within 45 days after filing of the boundary description and map, SLC shall make a determination that the proper offshore submerged land boundaries. Such determination shall be final and conclusive if the State Lands Commission does not make the determination within that time, the proposed offshore submerged land shall be deemed approved. (sic)

(Thereupon several members spoke at once.)

**EXECUTIVE OFFICER DEDRICK:** That's the boundary.

**MR. FOSSUM:** Section A is to be taken differently in that it does not discuss boundaries there. It talks about that no lands without approval of the State Lands Commission shall be annexed or incorporated. And so, if we don't approve the actual land being transferred into the city, then they are not transferred. That's been our interpretation for a number of years.

**MR. TROUT:** I just wanted to clarify the point that the Commission is not, per se, by action or inaction
approving the annotation.

MR. HIGHT: It still would be required to go to LAFCO. It would mean that the Commission's --

MR. TROUT: Right.

MR. HIGHT: -- jurisdiction or say in the thing would not exist.

MR. TROUT: Exactly. I think that's the point we would want to make sure --

MR. FOSSUM: (Interjecting) Even if we approve everything, LAFCO can still deny the entire --

ACTING CHAIRMAN HARVEY: I understand that.

What Miss Ordway just read, to me, seems to say that that 45-day period commences with the filing of the boundary descriptions. And we haven't filed boundary descriptions yet. Therefore, the 45-day period hasn't commenced.

MR. FOSSUM: The applicant files --

EXECUTIVE OFFICER DEDRICK: The applicant files that. We don't file the boundaries.

ACTING CHAIRMAN HARVEY: What happens if the boundary description gets changed?

MR. HIGHT: Then new time starts.

EXECUTIVE OFFICER DEDRICK: New time starts.

MS. ORDWAY: The clock starts all over. That's pretty standard.

ACTING CHAIRMAN HARVEY: That's pretty devious.
Okay.

EXECUTIVE OFFICER DEDRICK: But the operational point might -- may I? The way I've always understood it in the four years I've been sitting in this chair, was that the 45 days applies to the question of approval or disapproval of the correctness of the boundary description, but not to the discretion of this Commission to approve or disapprove an annexation.

MS. ORDWAY: In Section (a), which is what you were referring to, there is no indication of any day limit. The only day limit is in subsection (d), which indicates the boundary.

EXECUTIVE OFFICER DEDRICK: It was that point that I thought everybody --

MS. SCHLICHTMANN: This has not been tested in court but has come up repeatedly?

MR. HICHT: It's come up at the Commission on several occasions but has never been tested in court.

EXECUTIVE OFFICER DEDRICK: We certainly have taken that action before.

MS. ORDWAY: I think -- may I speak to Mr. McNeill?

ACTING CHAIRMAN HARVEY: Sure.

MS. ORDWAY: Other than the fact you don't like the boundary line, is the boundary description fair and
accurate? Remove yourself from whether it's nice or not

MR. MC NEILL: Judging it as an engineer or a
surveyor --

MS. ORDWAY: Yes.

MR. MC NEILL: -- I really don't have any
complaint or criticism --

MS. ORDWAY: It's a valid description.

MR. MC NEILL: -- of it. I don't know what
sort of description they submitted, whether it's simply a
map, or metes and bounds, or whatever. That's really not --
that's really not my complaint.

MS. ORDWAY: That is the first issue before us
as to whether or not that is a fair representation.

MR. MC NEILL: My concern in that regard is
that apparently that decision is final and conclusive.
If that is the section of the river that we're going to be
looking at in the next hearing, then we kind of get put
on the horns of a dilemma here. Because I think there are
good reasons for disapproving the annexation of the
submerged lands. And I'm not going to talk about that today.

MS. ORDWAY: That's the second issue. The
first issue that I'm being asked to deal with is whether or
not that boundary description is an accurate representation;
is it fair and accurate. And that's all I have to deal with
right now.

We'll go on to the larger issue of whether it's a good thing to do, whether it should be done, after. The first issue is is it -- is it what it says it is?

MR. MC NEILL: I will assume that it is what it says it is.

MS. ORDWAY: You don't have a complaint with that.

MR. MC NEILL: I don't have any complaint with that. They're trying to take this entire section of river (demonstrating on map) and if they submitted a description of that section, I don't have any argument with their description from some kind of surveying standpoint.

I do think you're entitled to take into consideration the effect of the area that's submitted on adjacent lands. I do think you're able to consider the fact that this area here will come under the jurisdiction of the City of Redding in making a boundary determination today.

MS. ORDWAY: I don't think that comes -- I don't think that's the issue for our first point that's before us.

EXECUTIVE OFFICER DEDRICK: Commissioner, if I may, one of -- the reason the staff recommended a division
here was that -- so that knowing that Redding had concerns about the proposed annexation that Anderson wants -- was to allow us time to calendar the discussion on the annexation on the incorporation of State lands in the new annexation for a regular Commission meeting when you would presumably have more time to hear the kind of arguments both cities are going to want to make.

MS. ORDWAY: And we'll be doing that on the 27th?

EXECUTIVE OFFICER DEDRICK: Which you will be doing in two weeks. But we had to act on short order because of the 45-day deadline on the legal sufficiency of the description. And that's why we asked you to hear this in a special meeting today, why we made the division of the two --

ACTING CHAIRMAN HARVEY: Claire, it's my understanding -- if I may, Nancy -- it's my understanding that our counsel is telling us that they think that any action that we take with respect to approving the boundaries only that's before us puts us in a neat and clean position with respect to the statute.

MR. HIGHT: That's correct.

MS. ORDWAY: Obviously from reading subsection (d).

ACTING CHAIRMAN HARVEY: That's what you're
telling us.

And the problem then becomes LAFCO's.

MR. FOSSUM: Let me just clarify that. The Executive Officer of LAFCO says that before they can consider our action complete, they're going to want to have our decision of the 27th.

ACTING CHAIRMAN HARVEY: Okay.

MR. FOSSUM: Even though we take -- we take a different position. Other LAFCO's have taken a different position. They are not going to act until that time.

EXECUTIVE OFFICER DEDRICK: The fact is that it's within the discretion of this Commission to decide whether or not you want to do that.

MR. MC NEILL: That's a common sense position on the part of LAFCO, because the entire City of Anderson is below -- south of this area that's sought to be annexed. If this Commission disapproves this entire stretch of river, then the annexation area across the river to the north will be noncontiguous. In other words, you're looking at a decision on the 27th -- if you act on the entire stretch of river -- which would potentially defeat the entire annexation.

MR. HART: Mr. Chairman?

ACTING CHAIRMAN HARVEY: Yes, sir?

MR. HART: I'm the representative from the City
of Anderson. May I respond?

ACTING CHAIRMAN HARVEY: You are Mr. Hart?

MR. HART: I'm Mr. Hart. If I may speak from here.

ACTING CHAIRMAN HARVEY: For the record --

EXECUTIVE OFFICER DEDRICK: Identify yourself.

MR. HART: Yes. I'm about to. Tom Hart, I'm the Planning Director for the City of Anderson. And we drew these boundaries up with respect to policies of LAFCO, which is that they be put on identifiable landmarks or features. In this case, if you'll notice the map, it's on two major roads, Airport Road and Dersch Road, and the centerline of Stillwater Creek adjacent to the existing incorporation boundaries of the City of Anderson that lie in the channel of the Sacramento River. Portions of the Sacramento River already lie within our city limits.

Based on this, I can't see why Mr. McNeill would object to the logic of these boundaries or the accuracy of them. They're drawn so that the area in question will be contiguous with the city and we will not have streams or zones of different jurisdictions between the City of Anderson and the proposed annexation area.

One thing Mr. McNeill brought up was that the City of Redding -- keep that in mind -- Redding is alleging will annex this property. I think Mr. McNeill's failing to
point out to you there's a number of procedural hurdles which the City of Redding will have to surmount before attempting such a thing. One is to change the sphere of influence to have this area put back into Redding's sphere, which LAFCO's staff is recommending that it be in Anderson's sphere, and which was consummated in a LAFCO decision last summer. Before the City of Redding can even attempt to annex this area, it would have to get the spheres amended.

That seems unlikely at this time, considering the substantial majority support by the property owners, not only in this area but in areas north of it, south of the airport.

The City of Anderson is not submitting a spurious annexation as alleged by Mr. McNeill, nor is it trying to subterfuge (sic) their waste water treatment plant. The point is the City of Redding is in court with the City of Anderson because they have not complied with CEQA, which we all know is an important procedure to follow in accordance with any major project in this State.

We have alleged they have not properly negotiated that procedure. And that issue will be decided in court. This issue concerning the boundaries and the impact that the annexation would have on the State lands, the submerged lands in the Sacramento River, I submit would be neutral at worst and that the annexation and the
consideration of these submerged lands for annexation should move forward.

Thank you.

ACTING CHAIRMAN HARVEY: Mr. Hart, if I may ask just one question. What is your opinion as to the effect of this Commission acting on -- only on the first half of the two issues involved in the total question before us?

MR. HART: Without consulting with my city attorney, I first of all believe that the staff recommendation concerning the boundaries is correct. Concerning the splitting of the action, such that you could, as a property owner, object or disapprove of the annexation, it appears to me that the LAFCO forum would be the place to make such an objection known.

Whether -- I'm not authorized to waive any particular position on behalf of the city at this meeting. But, certainly, if the State Lands Commission believes there are significant problems that would arise to the submerged lands as a result of this annexation, the City of Anderson would welcome any concerns and try to work with the State Lands Commission to allay any problems that you foresee as a result of this annexation.

ACTING CHAIRMAN HARVEY: One more question if I may. You indicated that there was currently litigation
between Anderson and Redding.

Is this property specifically involved in that litigation?

MR. HART: It would --

ACTING CHAIRMAN HARVEY: My question following is that if it is, then I'd like to ask our own counsel whether that has any effect with respect to its staying the time in which we must act, matters already in litigation.

MR. HIGHT: I --

MR. FOSSUM: It's the river portion of it which is in litigation, or simply the contiguous --

MR. HART: Not the river.

MR. FOSSUM: We haven't seen --

EXECUTIVE OFFICER DEDRICK: Identify yourself.

MR. FOSSUM: Curtis Fossum, staff counsel. We haven't seen the documentation, CEQA documentation. I'm not I do not know whether it's simply the parcel that's to be developed that Redding has or whether it would include the outfall lines, or whether the EIR deals with that.

MR. HIGHT: Based upon our knowledge now, we see no reason that the litigation would affect our time frame.

EXECUTIVE OFFICER DEDRICK: May I ask a question of counsel? Bob, if the Commission approves the legal sufficiency of these descriptions, does that in any way commit the Commission's further action on its approval of the
MR. HIGHT: No.

EXECUTIVE OFFICER DEDRICK: -- annexation?

MR. HIGHT: No, it does not.

EXECUTIVE OFFICER DEDRICK: Thank you.

MR. FOSSUM: That's at least our position.

There are -- obviously, there's a difference of opinion on that.

ACTING CHAIRMAN HARVEY: But our own counsel is telling us that it doesn't.

MR. FOSSUM: If the City of -- if the City of Anderson is not willing to concede that fact, then it seems to me there is a difference of opinion on it. They feel that -- that we may have to go before LAFCO to make a determination whether these lands can be annexed or not seems to have an impact on whether they agree with our position that they have to come before us for consent.

MR. MC NEILL: For my part, I hope that they're right. But I'm concerned that the City of Anderson might challenge you on this. I'm just voicing my concern.

As far as the lands in question being affected by the litigation, I don't think the current litigation directly affects these proceedings in any way. But the litigation does concern the area that's under your consideration.

We're talking about a waste water treatment
facility right here (demonstrating on map) that's going
to discharge treated water right into your submerged lands.

MS. ORDWAY: Then, as far as I'm concerned, you
just made the case for me. We're only dealing with the first
issue today.

I am not comfortable dealing with the second
issue that may -- until our counsel can take a look at what
is actually involved in that lawsuit. I'm not comfortable
dealing with the second half of the issue. But I will
move -- I will move the first part of the issue and determine
that the boundaries are fair and accurate descriptions.

ACTING CHAIRMAN HARVEY: I have no problem with
that. Without any objection, that will be decision one
at least. The boundaries as submitted are approved.

MS. ORDWAY: I would also like to ask our
counsel to take a look at what is involved in that lawsuit
and what --

MR. HIGHT: We will.

MS. ORDWAY: -- and what our potential
implications are.

ACTING CHAIRMAN HARVEY: I gather that your
intention is to make no further motion at this time?

MS. ORDWAY: I'm not comfortable making a further
motion until I know what they are in court over and how it
affects us.
ACTING CHAIRMAN HARVEY: I would also like to ask, for the record, if this is a fait accompli, that essentially there is going to be a waste disposal plant constructed on this site, whether we have any jurisdiction whatsoever with what will or will not go into the river?

MR. HIGHT: Yes, we have jurisdiction as to what will go into the river, because permission would be required.

EXECUTIVE OFFICER DEDRICK: Excuse me. We have a witness here --

MS. ORDWAY: Oh, I'm sorry.

EXECUTIVE OFFICER DEDRICK: -- I don't believe you can see.

ACTING CHAIRMAN HARVEY: You, I presume, are Mr. Remy?

MR. REMY: I'm on the same sign-in sheet. My name is Michael Remy from the law firm of Remy and Thomas here in Sacramento.

We represent citizens under the name of SAVE, Save Anderson's Valuable Environment, who reside in the area in question.

I would like to rise to correct what I consider to be misstatements. They really do not go to the issue before you, because I think the issue before you is merely the correctness of the boundaries. But I'd like to at least on the record correct some misconceptions.
Counsel for Redding has stated that the yellow area, which is the area that they have under an option to purchase, will either be annexed or come under the jurisdiction of the City of Redding. Well, ownership of land doesn't do that. Okay?

The City of Redding merely is exerting at this point an option to purchase the property. And the jurisdiction of land use stays -- unfortunately for the City of Redding, it's not the State of California -- it's another city. It does not thereby gain jurisdiction over the land use of the area.

The point is simply this: That the mere acquisition by another city of territory in another area does not give it jurisdiction or the ability to convert it to that governmental jurisdiction.

MS. ORDWAY: I think that's the same law that's used for embassies located on property in foreign countries.

MR. REMY: Well, Redding is a big city in Northern California.

MS. ORDWAY: A political subdivision.

MR. REMY: It's still a political subdivision, correct.

ACTING CHAIRMAN HARVEY: Thank you, Mr. Remy.

EXECUTIVE OFFICER DEDRICK: I think you have a motion pending. You voted? I didn't hear you.
MS. ORDWAY: The motion took care of it.

ACTING CHAIRMAN HARVEY: The motion was taken care of.

MR. HIGHT: The calendar item, for the record, was approved as presented insofar as the approval of the boundaries.

ACTING CHAIRMAN HARVEY: Thank you. Okay. With respect to --

MS. ORDWAY: Pardon. We will get back from staff what is going on soon?

MR. HIGHT: Soon.

MS. ORDWAY: Very soon?

MR. HIGHT: Very soon.

EXECUTIVE OFFICER DEDRICK: How soon is very soon?

MS. ORDWAY: Early next week.

EXECUTIVE OFFICER DEDRICK: All right. That's soon.

Mr. Chairman, I would like to ask that Items 1 and 2 be put over till tomorrow for -- at eleven o'clock.

ACTING CHAIRMAN HARVEY: That would be fine with me. I would like time to --

MS. ORDWAY: Eleven is fine. I'm not available in the afternoon.

EXECUTIVE OFFICER DEDRICK: I think we checked
with everybody's schedule. Okay. Thank you.

    ACTING CHAIRMAN HARVEY: Does anybody oppose
    that? Okay.

    MS. ORDWAY: Then we will recess this meeting?
    ACTING CHAIRMAN HARVEY: We will --
    EXECUTIVE OFFICER DEDRICK: We can't do that.

The law is different than it used to be.

    ACTING CHAIRMAN HARVEY: Okay.

    MR. HIGHT: We have a Commission meeting
    scheduled for tomorrow.

    EXECUTIVE OFFICER DEDRICK: We already filed
    notice.

    MR. HIGHT: So this meeting will be adjourned
    and the new meeting will be reconvened -- convened
    tomorrow.

    ACTING CHAIRMAN HARVEY: We will convene in
    this same room tomorrow morning at eleven o'clock for the
    purpose of discussing Items 1 and 2 on the agenda before us.

    Okay. This meeting, then, is adjourned.

    (Thereupon the meeting was adjourned.)

    --000--
CERTIFICATE OF SHORTHAND REPORTER

I, Nadine J. Parks, a shorthand reporter of the State of California, hereby certify that as such reporter I was present at the time and place of the foregoing meeting of the State Lands Commission, and as such reporter, I reported the proceedings in stenographic shorthand writing, and that thereafter I transcribed my shorthand writing into typewriting.

I further certify that I am a disinterested person herein and am not counsel or attorney for any of the parties to said meeting and have no interest in the outcome of said meeting.

IN WITNESS WHEREOF, I have set my hand this 10th day of March, 1986.

Nadine J. Parks
Shorthand Reporter

PETERS SHORTHAND REPORTING CORPORATION
3433 AMERICAN RIVER DRIVE, SUITE A
SACRAMENTO, CALIFORNIA 95825
TELEPHONE (916) 972-8854