

East County Community Action Coalition

June 1-15, 2009, Issue No. 4.

www.EastCountyAction.org

Inside this issue:

Legal Rights Primer	2-4
Independent Media Gives EC a Voice	5-6
Fundraiser Success	8
Forest Service Protest Song	9
Fire Season Begins—Fire Alerts	10

UPCOMING EVENTS

- TBD—Forest Service Rally
- TBD—Rummage Sale
- TBD—Your event

Send your newsletter submissions and event announcements to:

Info@EastCountyAction.org

VISIT OUR WEBSITE

www.EastCountyAction.org

Photo credit for banner photo: Matte Kitt



Legal Workshop for Impacted Property Owners



In the past two months, ECCAC has been receiving reports from our community of SDG&E and its surveyors entering private property unannounced and without consent, and at times causing damage, including cutting of private

fences. Sempra “Special Agents” even threatened one of our citizens with immediate arrest, jail, and a fine, if he did not immediately provide consent to enter his property.

This month’s newsletter includes a legal primer which provides our community an overview of some of our property rights.

By exercising your full legal rights, and ensuring SDG&E follows the law,

you can keep SDG&E from “cutting corners” to fast-track this project, especially in light of the numerous legal challenges and permit requirements that SDG&E has to complete before it would be legally allowed to start any construction. See Page 2 for Legal Primer.

Legal Workshop video is now available on YOUTUBE (www.YouTube.com -Search “ECCAC”)

Will the Forest Service Supervisor Protect the Cleveland National Forest?

The approval for the Sunrise Powerlink through US Forest Land is now on the shoulders of Will Metz, the Forest Supervisor for the Cleveland National Forest. Metz holds the responsibility for determining if the project is compatible with the Forest Service Plan, and is legally required to reject the project if it is not compatible. Your letters make a difference and are urgently needed. Please write, email and call Will Metz to express your objection to this project:

Email: wmetz@fs.fed.us
Phone: 858-673-6180;

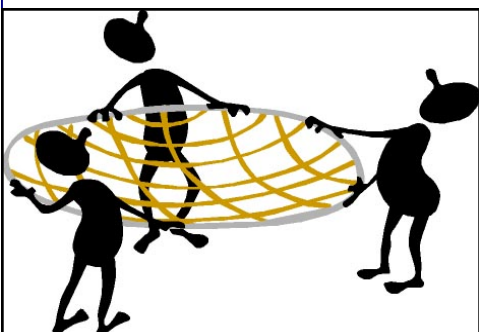
For postal mail: William Metz, Cleveland National Forest, 10845 Rancho Bernardo Rd. Ste 200, San Diego, CA 92127



Legal Rights Primer –for those potentially impacted by the Sunrise Powerlink

Many of you already been contacted by San Diego Gas & Electric (“SDG&E”) and/or its appraisers about taking your land to build the Sunrise Powerlink transmission lines. If you do not accept SDG&E’s proposal for your land, SDG&E will start a legal proceeding (known as eminent domain, or condemnation) to require you to sell your land at a cost to be determined by a jury.

Most of you have probably not been involved in eminent domain proceedings before, and it is important that you approach these proceedings carefully. We have prepared this short informational material to help you understand the process. **THIS MATERIAL IS NOT A SUBSTITUTE FOR LEGAL GUIDANCE AND IN NO WAY SHOULD BE SEEN**



Continue to Fight to Stop the Sunrise Powerlink, but protect your rights and have a safety net

AS LEGAL ADVICE. BEFORE PROVIDING ANY INFORMATION OR ACCESS TO SDG&E, WE RECOMMEND THAT YOU TALK TO AN ATTORNEY

THAT SPECIALIZES IN PROTECTING PROPERTY OWNERS’ RIGHTS IN EMINENT DOMAIN CASES.

Does SDG&E Have the Right to Take My Land?

Probably, if it follows the rules. State or federal government may take private property for public use under eminent domain. The State has delegated eminent domain power to SDG&E so that it can bring an eminent domain action to run power lines for the Sunrise Powerlink.

What Am I Entitled to if My Land is Taken for Public Use?

You, as the property owner, are entitled to “just compensation” for the taking of your land. “Just compensation” means that you should be paid the fair market value of your land. Fair



value should generally be the highest price someone would pay for the property, if it were in the hands of a willing seller. Note that SDG&E’s idea of the fair market value of your property may be much less than that of an independent appraiser.

In addition, if only a portion of your land is taken you may be entitled to severance damages caused to the remainder of your land not taken. Finally, if you operate a business on the property, you may recover loss of goodwill (damages) to the business.

What Can I Expect if My Land is Subject to Eminent Domain for the Sunrise Powerlink?

(Continued on page 3)

This primer was prepared jointly by the Law Office of Robert Miller (rmm@robertmillerlaw.com) and the Law Office of Steven P. McDonald, LC (smcdonald@TheMcDonaldLawFirm.com). This primer is designed for general information only. The information presented should not be construed to be formal, legal advice or the formation of a lawyer/client relationship.

Legal Rights Primer.. continued

(Continued from page 2)

If your property is subject to eminent domain as a result of the proposed Sunrise Powerlink, you can generally expect the following steps to occur:

1. SDG&E may contact you to express an interest in your property and/or to schedule a date for an appraisal or environmental assessment of your property. IF POSSIBLE, YOU SHOULD SEEK LEGAL ADVICE PRIOR TO SDG&E ENTERING YOUR PROPERTY AND YOU SHOULD NOT GIVE SDG&E, ITS APPRAISERS, OR ITS CONSULTANTS ANY DETAILED INFORMATION ABOUT YOUR PROPERTY OR BUSINESS.

SDG&E will want to come onto your land to take pictures and conduct surveys, tests, studies and appraisals. It has the right to do this without your permission, but only if it will not damage your property or substantially interfere with your

possession of the property. If there will be damage or substantial interference, SDG&E must either get your permission to enter or get a court order allowing it. (Code of Civil Procedure section 1245.010 *et seq.*) You have the right to accompany SDG&E's appraiser on the site inspection.

If SDG&E causes damage to your property or substantially interferes with your possession or use of the property, then you may have a legal cause of action against SDG&E.

2. SDG&E's appraiser will issue an appraisal of your land.

If you own and live on the property, and the property has no more than four residential units on it, then you are entitled to review a copy of the appraisal. Regardless, SDG&E will have to give you a written summary of the

(Continued on page 4)

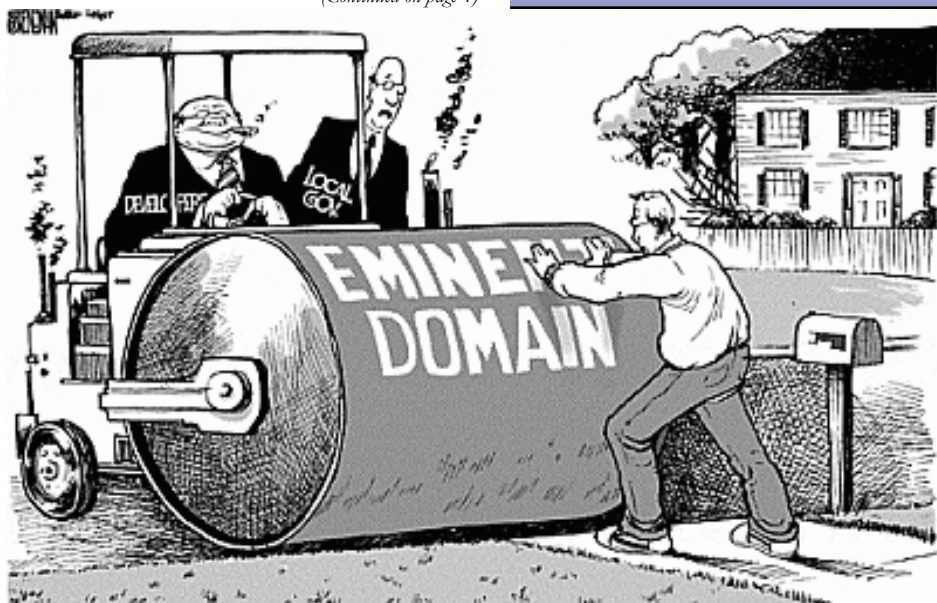
Some Key Points:

- **Consult with an attorney EARLY;** during the initial survey period. Some eminent domain attorney's will provide a free consultation or work on a contingency basis.
- **It is advised to not talk to SDG&E or its surveyors until you have talked to an attorney.** SDG&E and their appraisers are not your friend and you may be waiving rights you don't know you have.

TURKO FILES

If you missed the TURKO Files report about SDG&E on June 9, 2009 you can find the archived reports online titled "Directly to Jail"

<http://www.kusi.com/features/turko/47276342.html>



"REST ASSURED YOUR PROPERTY WILL BE USED FOR PROJECTS VITAL TO THE PUBLIC INTEREST, ESPECIALLY THE PUBLIC INTERESTED IN A NEW MINI-MALL."

Legal Rights Primer—continued

(Continued from page 3)

basis upon which they make their offer to acquire your land. Note that the appraiser works for SDG&E, not for you.

3. SDG&E will give you a written offer to purchase your property, with a summary of the basis, or support for its conclusion of value.

4. You will receive a notice of public hearing to adopt a “resolution of necessity” to acquire your property by eminent domain.

Before SDG&E can commence an eminent domain proceeding in court, it has to adopt a formal resolution to acquire your property. This formal resolution is known as a “resolution of necessity,” and it must be adopted at a public hearing. You will receive notice of this hearing and will have an opportunity to participate.

To schedule a free initial legal consultation with Robert Miller, call 619-550-8839 or email : rmm@robertmillerlaw.com

Mr. Miller is an attorney who has specialized in protecting property owners against governments in eminent domain cases for the last fifteen years.

Again, we recommend you seeking the advice of legal counsel before participating in the hearing. **FAILING TO RAISE CERTAIN ARGUMENTS DURING THE HEARING COULD RESULT IN A WAIVER OF**

YOUR ABILITY TO RAISE THESE ARGUMENTS LATER ON IN THE PROCEEDINGS.

5. A public hearing will be held to adopt the “resolution of necessity,” as discussed above.

Normally, this resolution will be adopted without regard to your objections or the value of your property.

6. SDG&E will file the eminent domain case in court, and you will receive a notice of the court filing (a Complaint in Eminent Domain).

7. SDG&E may file a motion for early possession of your property. To do so, it must deposit the probable amount of just compensation (according to its appraisal) with the Court. You are entitled to withdraw that deposit and use it for whatever you like, without agreeing that it is the right amount, that is, you can take the money but reserve the right to argue for greater compensation later.

Utility companies often request



Photo Credit— Paula Wansley

early possession of your property to allow them to start construction, even though you have not agreed to an amount of just compensation and the trial to determine that amount may be months in the future. Courts often grant early possession requests. If the court grants the request, you as the property owner will likely have had 90 to 120 days notice before you have to vacate all or the portion of your property that is being taken.

8. You and SDG&E will conduct discovery in the eminent domain lawsuit.

About six months after the case is filed, the Court will hold a hearing to schedule a trial date. Trials are usually held about a year after the case is filed. Ninety days before the scheduled trial date, the parties exchange appraisals. **WE RECOMMEND THAT YOU DO NOT AGREE TO GIVE SDG&E YOUR AP-**

(Continued on page 5)

Legal Rights Primer.. continued



(Continued from page 4)

PRAISAL UNTIL THAT TIME.

Parties often settle after they have reviewed each others' appraisals.

9. If there is no settlement agreement, then you will participate in a trial before a jury who will determine the fair market value of your property. When the jury makes its decision, the Court will enter judgment.

10. SDG&E will have to pay the judgment within 30 days following entry of judgment, and title to your property will be transferred to the government by the Court.

In addition to these steps, you should be contacted by a relocation agent, who will provide assistance in relocating your residence or business.

Will SDG&E Pay for My Legal Costs?

There are some circumstances where you will be able to recover certain legal costs from SDG&E if you bring a court challenge against SDG&E. You should discuss all of the advantages and disadvantages of challenging SDG&E's right to take your property and/or proposed amount of just compensation with legal counsel before you take any action.

Get Your Own Legal Advice.

In order to get the most for your property you should fully understand your rights as early in the process as possible and definitely before providing SDG&E any information about your property or making a counter offer to SDG&E as to the value of your property.

-----end of attorney prepared primer-----

Protect Yourself; but Never Lose Sight of the Real Goal—To Stop this Project from ever being Built. We have a very strong legal case, and believe we can prevail. Please consider a donation to Protect Our Communities Foundation for the legal fees to STOP this line from every being built.

Donate Today to the ECCAC

Make a Difference

Your dollar is one more vote to STOP the Sunrise Powerlink
www.EastCountyAction.org

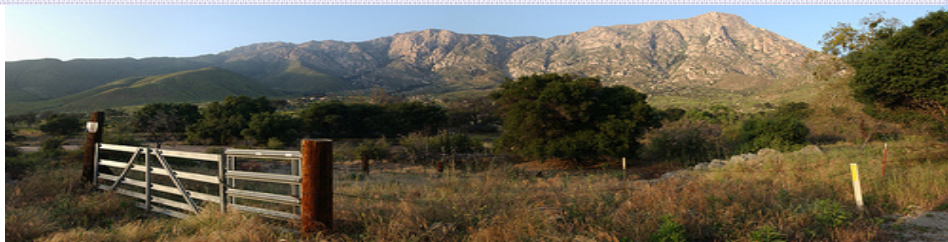
Independent Media gives East County A Voice that Others Seek to Silence

By Laura Cyphert, ECCAC

It was an evening after our first Lakeside community meeting about the Powerlink, and I excitedly returned home to see how the various network news stations were going to cover our big event. Our event had been a huge success, and we had given the media some very good interviews that really told our story and stated our position.

But as I began to watch the newscasts, my excitement turned to disbelief and I suddenly I felt like I was trapped in some twisted Orwellian plot.

One by one, I watched what appeared to be SDG&E written scripts for each newscast. It seemed clear that many of the so-called “news reporters” had a story written long before our event, and had simply gone out to find the narrow example and



El Monte Valley, Lakeside. Photo credit: Matte Kitt

sound bite that fit into the propaganda piece, with no regard for accuracy or reporting of the facts.

None of the reports made mention of our key issues, or our keynote speaker, County Supervisor Dianne Jacob, or the warnings of fire concerns by the Lakeside Fire Chief. Instead they showed only a single community member sharing his personal testimony, followed by SDG&E spokesperson stating that, “we understand that no one wants a powerline in their backyard.” It completely trivialized and misrepresented the facts.

While presenting our issues very inaccurately and narrowly, the reporters then proceeded to allow SDG&E spokespeople to give one misleading fact after the next. This same scenario repeated its self a half dozen times in the past few months, with some stations and reporters being more obviously on an agenda than others. Was it wrong for me to expect the news to report the facts from both sides of the issue?

Thankfully for East County, we no longer have to depend on the networks to provide our only news and views. At last, our region has a voice—East County Magazine. As a nonprofit, non-partisan media outlet, East County Magazine is not beholden to corporate or special interests.

“Like PBS or NPR, we depend on members of the public and community

organizations to support our independent investigative journalism,” said Miriam Raftery, editor and founder.

“East County Magazine has taken a leading role in covering many of the most important issues facing our region including Sunrise Powerlink, wildfire safety, water issues, education, and serving as a watchdog for the public interest. We are deeply appreciative of all donations to help us continue to report on these important issues in today’s challenging economic times.”

The magazine reports that In just eight months, the website has attracted over 2 million hits, making it the most widely read publication in our region.

Subscriptions to the magazine’s weekly newsletters are free—and so are subscriptions to East County Magazine’s wildfire alert service. The e-alerts include links with info on evacuation centers, large animal rescue, local, state and federal fire service sites, and other timely material.

A national award-winning journalist who has covered East County issues for over 25 years, Miriam says she realized that East County residents need e-mail alerts when fire strikes, as well as a news web-

(Continued on page 7)

TO SUPPORT OUR EAST COUNTY MAGAZINE

Tax-deductible donations

can be made online by clicking the donate button at www.eastcountymagazine.org (be sure to check off the East County Magazine box from the publisher, Heartland Coalition’s list of options). Or mail a check payable to Heartland Coalition-ECM and mail to: East County Magazine, attention Miriam Raftery, 4438 Hideaway Place, La Mesa, CA 91941. Questions? Contact Miriam at [edi-tor@eastcountymagazine.org](mailto:editor@eastcountymagazine.org), or call (619)698-7617.

In addition to donations, you can help ECM grow by advertising your business or services. ECM also seeks donations of auction and raffle prizes for an upcoming fundraiser.

A special salute to Channel 10 news which covered our Legal Rights Workshop on June 11, 2009



THANKS CORPORATE NEWS! !MEDIA!
We Couldn't Control the People Without You

WE SAID:	THEY REPORTED:
This was a free community service to learn our legal rights	"They've hired lawyers to learn how to keep SDG&E off their land."
We told them we are concerned property owners who want to know our legal rights	"Reporter Mitch Blacher reporting live with why some homeowners say their property should come before the public good"
The proposed line runs through some of the most beautiful landscapes from Imperial Valley to San Diego	"The line would run along interstate 8 from Imperial to San Diego County"
We are concerned that SDG&E's survey crews are violating our rights	"Homeowners say the Plan violates their rights"
We have heard there are an estimated 3,000 San Diegans who are directly impacted by this project and many more indirectly impacted.	SDG&E needs to access 100 homeowner's properties in order to conduct surveys

You can see Mitch Blacher's report online at <http://www.10news.com/video/19730419/index.html>

(Continued from page 6) - Independent Media

site capable of posting live, breaking news updates online. So she wrote a grant to fund start-up of East County Magazine. The grant lasted longer than projected thanks to ECM's frugal budgeting---and the site has grown far beyond initial expectations. ECM now provides not only investigative news stories, but also coverage of festivals and events, restaurant reviews, arts and music, plus special news sections on education, green living, business and labor, border issues, wildfire news, people power, and more. There is even a permanent community resources section with everything from youth sports to fire-safe resources.

"East County Magazine doesn't just report the news—it empower citizens to take action," reports Raftery. "ECM's Citizens Action Center includes voting records for elected officials and links to contact your legislators on important issues—such as Sunrise Powerlink, upcoming bills, or the Governor's proposal to close state parks in East County".

"East County Community Action Coalition is an excellent example of community organizing that is made possible when media educates the public about key issues," Miriam said. "Our stories are reaching many thousands of people every week. Independent, online community media enables groups such as ECCAC to reach a vast and growing audience countywide, sparking interest that grows like wildfire as more people learn about these important issues. Together with your help, we can continue making a positive difference in East County. "



Community Fundraiser in El Monte Valley Raises Over \$30,000 for Legal Fight

On May 30, 2009, over 300 people from across San Diego county gathered at Hazy Meadow Ranch in El Monte Valley, in Lakeside, and did something remarkable. They believed in community, and rejected the notion that you “can’t fight SDG&E,” and in the process raised over \$30,000 to STOP the Sunrise Powerlink. The \$30,000 includes a \$15,000 “match” by an anonymous donor, who offered to match up to \$20,000 raised by ECCAC. (The remaining \$5,000 match was reached by donations that came in after the event!)

One other remarkable thing about this fundraising event, is that nearly all of the activities at the event were donated by volunteers; including a bounce house, carriage rides, pony rides, tram rides, rodeo roper, and a hang gliding exhibit.

The community was also treated to lively performances by “fiddlegirl” Celia Lawley, followed by the folk band Mountain Echo, who featured their protest song (see article on page 9).

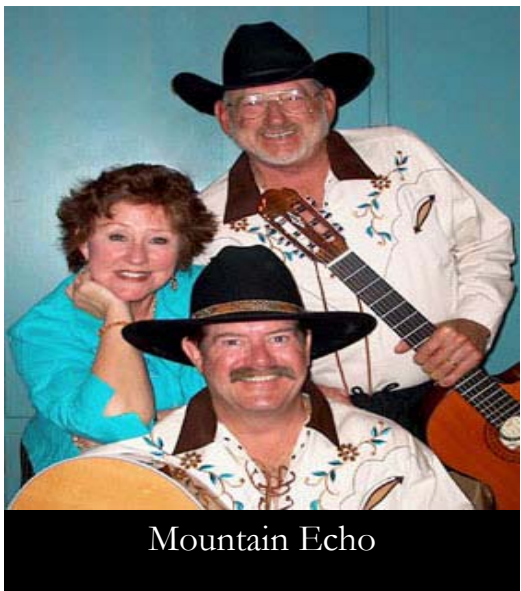
When the kids, both young and old, weren’t eating, riding horses, or taking tours of El Monte Valley, they were often taking a turn to try to dunk “SDG&E” in the dunk tank. There was also an information booth where guests could learn about the fight to stop the Sunrise Powerlink, and find out how they could join the fight.

The ECCAC’s legal fees to defeat the Powerlink are estimated to be approximately \$250,000. Every dollar gets us closer to our goal. Thank you to everyone who made this event a success.



“Protest Song” Released by Local Musicians Mountain Echo Asks Will Metz to “Defeat this Shameful Plan”

Attendees at the Fundraiser were treated to the debut of the Powerlink Protest Song, written by local musicians, Mountain Echo. The melody urged Will Metz to take our hand, and defeat this shameful plan. East County Magazine taped the song and have uploaded the file to you-tube. You can now hear the song <http://www.youtube.com/watch?v=2mwSZZ9zzxg>



Mountain Echo



“The Protest Song” Lyrics (Excerpt)

CHORUS

Well you can take my hand
And together we will stand
Arm in arm against the towers that threaten our forest land; And when united voices shout; “We won’t let you burn us out!” Then together we’ll defeat this shameful plan.

VERSE 1

SDG&E wants you to pay
For a line to pave the way
To bring fossil fuel up from Baja to LA

Renewables they cry
But we found out it’s a lie
And you can’t believe a single thing they say.

CHORUS

VERSE 2

Their future isn’t certain yet
So they’re hedging every bet
They can snow the politicians
And get what they want to get.
So please do what you need

to do,
We know you love the forest, too;
You can stop them if you want to, William Metz.

CHORUS

When you realize at last
We don’t want your foreign gas; You can take your stupid towers
You can shove ‘em up your...
Ask for support from every friend
So the fight will never end
Never falter never waiver
never bend.

Fire Season Begins—Free WildFire Alerts

June 1st marks the start of fire season—and ECM's editor urges all San Diego County residents to sign up for East County Magazine's free wildfire alert service via e-mail—even if you already have reverse 911.

"During the Harris Fire, I received e-mails after midnight from backcountry residents whose phone lines and cell phone towers had burned down," Miriam, editor of East County Magazine explained. "They were surrounded by smoke, yet they couldn't call out or get information anywhere about the fire, evacuations or road closures. Lives were at stake, but East County had no news site to post this critical information. Now, East County Magazine posts emergency news and other breaking news as it happens—and we notify you via e-mail when a fire or other regional emergency strikes."



You can sign up for alerts at www.EastCountyMagazine.Org

SPONSORSHIPS AND DONATIONS

Thank you for this issue's sponsor Hazy Meadow Ranch & Carriage

Co—Hazy Meadow is a very special place... a forgotten country valley, surrounded by majestic mountains, removed from the noise and chaos of civilization, yet just a few short minutes from downtown San Diego. Hazy Meadow Ranch offers full on-site event coordination and catering services. Outside (Licensed & Approved) Event Planners and Coordinators are welcome!



www.HazyMeadow.com

Please make checks payable to:

**Protect Our Communities Fund
c/o ECCAC
13465 Camino Canada
Ste 106-PMB 256
El Cajon, CA 92021**

Protect Our Communities Foundation is a qualified 501(c)3 not-for-profit corporation

Newsletter submissions needed—please send to info@eastcountyaction.org.

Sponsor a Newsletter

You or your community or organization can sponsor a newsletter. For sponsorship information, please contact Laura at Info@EastCountyAction.org



Volunteers are needed for upcoming events. Please email for more info.