

# Wildfire and Inverse Condemnation Risk for Community Water Systems

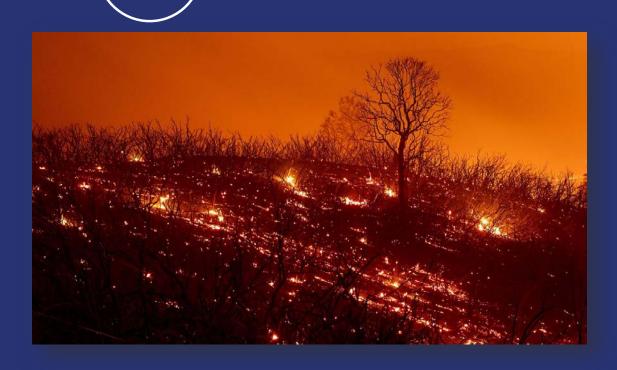
July 23, 2019





No other state applies
inverse condemnation
in quite the same manner
that California does.





- Inverse condemnation: The government takes private property but fails to pay compensation as required by the 5<sup>th</sup> Amendment.
- The property owner sues to obtain the required just compensation.





- In CA, inverse condemnation also covers damaging of property.
- If a public agency damages property "for a public use," then it owes the owner compensation (damages).
- Also applies to private and municipal utilities (possibly PUDs and CSDs, zones of benefit).





Strict Liability: A public entity is liable for property damage substantially caused by a public improvement, regardless of foreseeability or fault.

## Invers

#### **Inverse Condemnation**

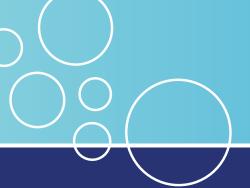


#### 2008 Freeway Complex Fire

- Orange County
- Started by car
- Yorba Linda Water District
- \$69 million

#### 2017 Thomas Fire

- Ventura and Santa Barbara Counties
- Causes still being investigated
- City of Ventura and CasitasMunicipal Water District





### Questions