



PRICE, POSTEL & PARMA LLP

Counsellors at Law

200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101-2190

Mailing Address: P.O. Box 99
Santa Barbara, CA 93102-0099

www.ppplaw.com

Ph (805) 962-0011 Fax (805) 965-3978

E-mail: taa@ppplaw.com

Timothy E. Metzinger
Shereef Moharram
Craig A. Parton
Kenneth J. Pontifex
Douglas D. Rossi
Peter D. Slaughter
David W. Van Horne
C.E. Chip Wullbrandt
Ryan D. Zick

CAMERON PARK OFFICE

3330 Cameron Park Drive, Suite 100
Cameron Park, CA 95682-7652
Ph (805) 962-0011
Fax (805) 965-3978

Todd A. Amspoker
Kristen M. R. Blabey
Shannon D. Boyd
Timothy M. Cary
Tara L. Christian
Melissa J. Fassett
Ian M. Fisher
Arthur R. Gaudi
Cameron Goodman
Emily B. Harrington
Christopher E. Haskell
James H. Hurley, Jr.
Eric P. Hvolbøll
Mark S. Manion
Steven K. McGuire

Our File Number:
24336-1

July 26, 2021

VIA E-MAIL AND U.S. MAIL

Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Re: Randall Road Debris Basin Project
August 3, 2021 Board Meeting
Catherine Montgomery Property, 630 Randall Road, APN 007-120-101

Dear Members of the Board of Supervisors:

This firm represents Catherine Montgomery, owner of the above-referenced property. This matter is being considered by your Board on August 3, 2021 for adoption of a Resolution of Necessity that would allow the County to condemn Mrs. Montgomery's property for the Randall Road Debris Basin Project. This proposed action is wrong, and would represent a brazen violation of an explicit, written promise made by the County to Ms. Montgomery that the County would not take her property without her consent.

In the early morning hours of January 9, 2018, the catastrophic Montecito Debris Flow ripped down San Ysidro Creek, near Mrs. Montgomery's family home at 630 Randall Road. Mrs. Montgomery's husband, Dr. Mark Montgomery, and their daughter Caroline were swept away by the flow and perished. Their son Duffy miraculously survived. Their family home of more than 20 years was completely destroyed. The shock and trauma of this terrible event

**Board of Supervisors
County of Santa Barbara**

Re: Hearing on Resolution of Necessity

July 26, 2021

Page 2

cannot be described in words. Mrs. Montgomery and her remaining children, Duffy and Kate, are still trying to pick up the pieces of their shattered lives. Their living nightmare still continues unabated to the present day. While we will not describe in detail their continuing struggles, you can be assured that the English language does not have terms available to describe their difficulties to cope with this disaster.

The County began reaching out to Mrs. Montgomery regarding the Randall Road Debris Basin Project in the summer of 2018. Our client was informed that the County was working on the project, and wished to acquire a number of properties in order to accomplish its goals. However, the County gave Mrs. Montgomery formal written notice that her participation in the project would be voluntary. Mr. Ben Romo, the County's Community Recovery and Engagement Coordinator with the County's Office of Emergency Management, informed Mrs. Montgomery in writing that the County had secured FEMA money for the Project. In August 2018 Mr. Romo gave our client the County's Notice of Voluntary Interest, and asked Mrs. Montgomery to sign the Notice. In pertinent portion, the Notice stated as follows, in bold letters:

The local government is required by FEMA to inform you that your participation in this project for open-space acquisition is voluntary. Neither the State nor the Local Government will use its eminent domain authority to acquire the property for open-space purposes if you choose not to participate in a Hazard Mitigation Assistance grant program, or if negotiations fail.

(Emphasis in original)

Mrs. Montgomery was not willing to sign the County's notice or sell her property at that time, and she remains unwilling to do so. Mrs. Montgomery and her family lived in their home on Randall Road for more than 20 years. Her three children grew up on Randall Road, learning to drive up and down the street, for many years. Dr. Montgomery's favorite part of traveling was returning home to Randall Road. Since nothing remains from those 20+ years, selling Randall Road would mean that Mrs. Montgomery would give up the land upon which her son Duffy took his first steps in life and upon which Mark and Caroline walked their final steps. Selling Randall Road means exchanging money for the only scrap of tangible evidence of her family's presence for two decades in Santa Barbara.

Our client is completely at a loss to understand how the County could so blatantly break its written promise not to condemn Mrs. Montgomery's homesite. If the County takes this action, its credibility would be completely lost. We therefore ask that your honorable Board not take this draconian action under these unfortunate circumstances.

Although your staff's notice regarding this hearing states that the amount of compensation offered is not to be discussed at this time, we must nevertheless also offer


Board of Supervisors
County of Santa Barbara
Re: Hearing on Resolution of Necessity
July 26, 2021
Page 3

comments on that subject. On this subject the County has once again broken its prior promises and actions. Mrs. Montgomery was previously told by County representatives that her property would be appraised in its pre-debris flow state. In fact, the County entered into an agreement to acquire the real property immediately to the north of Mrs. Montgomery's property for approximately \$4 million. We have reviewed the County's appraisal of that property. The house on that property was heavily damaged by the debris flow, and was not remotely habitable. Yet the County's appraisal essentially appraised the property as if it were habitable, with relatively minor repairs. If that property was appraised at \$4 million, Mrs. Montgomery's property should have been appraised for a similar amount. Once again, the County appears to have gone back on its word and is advocating an aggressive appraisal for Mrs. Montgomery's property which values the property in its current condition.

We wish to reiterate that Mrs. Montgomery has no interest in selling her property. She views this attempt to use eminent domain as a blatant broken promise, and has asked this firm to take all necessary steps to block this attempted hostile takeover of her family property.

Thank you for your attention to this matter.

Very truly yours,



Todd A. Amspoker
for PRICE, POSTEL & PARMA LLP

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