

8/18/70

First Supplement to Memorandum 70-75

Subject: Research Contracts

The staff believes that a top priority for allocation of research moneys is the study on the procedural aspects of condemnation law. We have not had much success in obtaining a study on this topic; two consultants who undertook to prepare the study asked to be relieved of their obligations under their contract with the Commission. Accordingly, the staff believes that we should select someone who is familiar with condemnation procedure rather than another law professor.

The staff suggests that the Commission retain Mr. Norman E. Matteoni, Deputy County Counsel of Santa Clara County, to prepare the study. He is the author of several law review articles. E.g., The California Roadway--"A More Necessary Public Use," 20 Hastings L.J. 551 (1969), which the staff reproduced for your background reading in connection with the problem of more necessary public use. In an effort to obtain a consultant, I discussed the matter with the legal editor for the new Continuing Education of the Bar book on condemnation (now in preparation). He strongly recommended Mr. Matteoni because (1) his work is of high quality, (2) he meets all deadlines (one of the few CEB authors on the condemnation book who has met deadlines), and (3) he prepares objective material that is not biased toward either the property owner or the public entity.

The staff suggests that the Executive Secretary be authorized to execute a contract on behalf of the Commission with Mr. Matteoni to

cover this study at a compensation of \$5,000. The contract should be in substantially the same form as the contract with Professor Hogan. Travel expenses under the contract should be limited as follows:

1970-71 fiscal year -- \$150

1971-72 fiscal year -- \$200

Respectfully submitted,

John H. DeMouly  
Executive Secretary