

# SUPREME COURT COPY

Civil No. S214061

SUPREME COURT  
FILED

JUN 15 2016

IN THE SUPREME COURT OF CALIFORNIA

Frank A. McGuire Clerk

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FRIENDS OF THE COLLEGE OF SAN MATEO GARDENS,

Deputy

Plaintiff and Respondent;

v.

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, *et al.*,

Defendants and Appellants.

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After a Decision by the Court of Appeal  
First Appellate District, Division One  
Civil Number A135892

Affirming the Ruling by the Honorable Clifford Cretan  
San Mateo County Superior Court Case No. CIV 508656

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## JOINT REQUEST FOR JUDICIAL NOTICE

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College District, *et al.*

Attorney for Respondent  
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San Mateo Gardens

Relevant to this Court's post-argument order for supplemental briefing, and pursuant to Evidence Code sections 451, 452, and 459, appellants and respondent jointly move for judicial notice of legislative history and rulemaking documents relevant to the promulgation of Public Resources Code (PRC) section 21166 and CEQA Guideline section 15162.

Counsel requested and reviewed all legislative history documents and rulemaking files pertaining to said statute and guideline after production by the Legislative Intent Service, Inc., in Woodland.

True copies of each provided document or excerpt that addresses the codification of PRC section 21166 and issuance of Guideline section 15162 and its predecessor section 15067 are attached. The documents listed below as separate exhibits are numbered chronologically.

- (1) Excerpts of 1972 Legislative History for PRC 21166
- (2) Excerpts of 1977 Legislative History for PRC 21166
- (3) 1973 version of Guidelines section 15162 (then-15067)
- (4) Excerpts of 1978 rulemaking package for Guidelines section 15162 (then-15067)
- (5) Excerpts of 1994 rulemaking package for Guidelines section 15162

Legislative history materials are subject to the notice of this Court. (Evidence Code, § 459.) "In the construction of a statute the intention of the

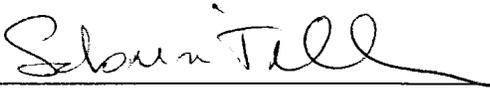
legislature ... is to be pursued, if possible.” (Code of Civil Procedure, §1859.) As this Court held in *Santa Clara County Local Transportation Authority v. Guardino* (1955) 11 Cal.4<sup>th</sup> 220, p. 235, “...we agree with Justice Holmes that ‘a page of history is worth a volume of logic.’ ”

Consistently, in the CEQA case *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 6 Cal.4<sup>th</sup> 1112, p. 1127, the Court noted that its “role in interpreting and construing a statute is to ascertain and effectuate the legislative intent ... When appropriate, we look to legislative history as an extrinsic aid in order to assist us in our task.”

June 14, 2016

Respectfully submitted,

Remy Moose Manley, LLP

by 

Sabrina V. Teller

Attorneys for Appellants

Brandt-Hawley Law Group

by \_\_\_\_\_

Susan Brandt-Hawley

Attorney for Respondent

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Respectfully submitted,

Remy Moose Manley, LLP

by \_\_\_\_\_  
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Attorneys for Appellants

Brandt-Hawley Law Group

by  \_\_\_\_\_  
Susan Brandt-Hawley  
Attorney for Respondent

*Friends of the College of San Mateo Gardens v.  
San Mateo County Community College District*  
**Supreme Court of California Case No.: S214061**  
(First Appellate District, Div. 1, Case No.: A135892;  
San Mateo County Superior Court Case No.: CIV508656)

**PROOF OF SERVICE**

I, Rachel N. Jackson, am a citizen of the United States, employed in the City and County of Sacramento. My business address is 555 Capitol Mall, Suite 800, Sacramento, California 95814 and email address is rjackson@rmmenvirolaw.com. I am over the age of 18 years and not a party to the above-entitled action.

I am familiar with Remy Moose Manley, LLP's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a U.S. mailbox after the close of each day's business.

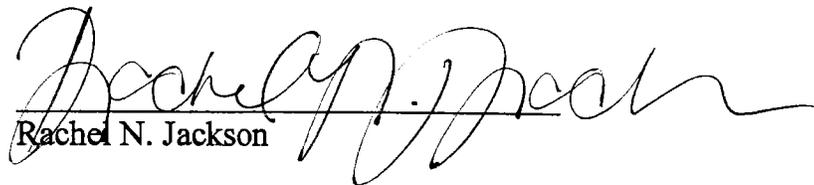
On June 14, 2016, I served the following:

**JOINT REQUEST FOR JUDICIAL NOTICE**

- On the parties in this action by causing a true copy thereof to be placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail addressed as follows; or
- On the parties in this action by causing a true copy thereof to be delivered via Federal Express to the following person(s) or their representative at the address(es) listed below; or

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury that the foregoing is true and correct and that this Proof of Service was executed this 14<sup>th</sup> day of June, 2016, at Sacramento, California.

  
Rachel N. Jackson

*Friends of the College of San Mateo Gardens v.  
San Mateo County Community College District*  
**Supreme Court of California Case No.: S214061**  
(First Appellate District, Div. 1, Case No.: A135892;  
San Mateo County Superior Court Case No.: CIV508656)

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400 County Center  
Redwood City, CA 94063  
Tel.: (650) 261-5201

**VIA U.S. MAIL**

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**IN THE SUPREME COURT OF CALIFORNIA**

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After a Decision by the Court of Appeal

First Appellate District, Division One

Civil Number A135892

Affirming the Ruling by the Honorable Clifford Cretan  
San Mateo County Superior Court Case No. CIV 508656

---

**DECLARATION IN SUPPORT  
OF JOINT REQUEST FOR JUDICIAL NOTICE**

---

Sabrina V. Teller / SBN 215759  
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Attorneys for Appellants  
San Mateo County Community  
College District, *et al.*

I, Sabrina V. Teller, declare:

1. I am a member of the State Bar of California and a partner in the Sacramento law firm of Remy Moose Manley LLP (RMM), attorneys of record for Appellants San Mateo County Community College District in the above-captioned action.

2. The matters set forth in this declaration are within my personal knowledge, and if called upon to testify as to these matters, I could and would so testify.

3. Pursuant to Evidence Code sections 451, 452, and 459, appellants and respondent have jointly moved this Court for judicial notice of relevant excerpts of the official legislative history and rulemaking documents relating to the promulgation of Public Resources Code (PRC) section 21166 and CEQA Guidelines section 15162.

4. My opposing counsel, Susan Brandt-Hawley, requested and obtained all legislative history for Public Resources Code section 21166 from the Legislative Intent Service, Inc., in Woodland, California, and shared those documents with me. We discussed obtaining the rulemaking files as well and submitting this joint request

5. I then requested and obtained the available relevant documents and rulemaking files pertaining to CEQA Guidelines section 15162 (previously section 15067) from the Legislative Intent Service, Inc. In particular, I requested and obtained the available documents pertaining to the Guidelines amendments adopted in 1978 and 1994 because those were the years in which the Natural Resources Agency added “negative declarations” to section 15162’s predecessor section 15067 and the

“substantial evidence standard” to section 15162, respectively.

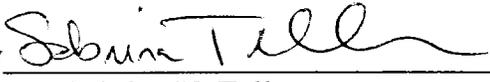
6. Ms. Brandt-Hawley and I jointly reviewed both the legislative and regulatory histories and conferred and agreed on the set of relevant excerpts described below that we now offer to this Court. We shared the goal of providing the Court with a full useful history and context for the statute and Guidelines without voluminous extraneous material, as the legislative materials we received encompassed other statutes and guidelines concurrently adopted but irrelevant to the issues before the Court.

7. True copies of each document or excerpt that addresses the codification of Public Resources Code section 21166 and the Natural Resources Agency’s issuance of CEQA Guidelines section 15162 and its predecessor section 15067 are provided with the Joint Request for Judicial Notice. The documents listed below as separate exhibits are numbered chronologically.

- (1) Excerpts of 1972 Legislative History for Pub. Resources Code section 21166;
- (2) Excerpts of 1977 Legislative History for Pub. Resources Code section 21166;
- (3) 1973 version of CEQA Guidelines section 15162 (then-section 15067);
- (4) Excerpts of 1978 rulemaking package for CEQA Guidelines section 15162 (then-section 15067); and
- (5) Excerpts of 1994 rulemaking package for CEQA Guidelines section 15162.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14<sup>th</sup> day of June, 2016, at Sacramento, California.

by   
Sabrina V. Teller  
Attorneys for Appellants

*Friends of the College of San Mateo Gardens v.  
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