

No. S194861

SUPREME COURT COPY

**IN THE SUPREME COURT OF
THE STATE OF CALIFORNIA**

SUPREME COURT
FILED

OCT 17 2011

Frederick K. Ohlrich Clerk

CALIFORNIA REDEVELOPMENT ASSOCIATION, ET AL.,

Petitioners,

v.

ANA MATOSANTOS, ET AL.,

Respondents.

PETITIONERS' SUPPLEMENTAL BRIEF

STEVEN L. MAYER (No. 62030)
smayer@howardrice.com
EMILY H. WOOD (No. 260382)
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation
Three Embarcadero Center, 7th Floor
San Francisco, California 94111-4024
Telephone: 415/434-1600
Facsimile: 415/677-6262

Attorneys for Petitioners

TABLE OF CONTENTS

	Page.
INTRODUCTION	1
STATEMENT OF FACTS	1
ARGUMENT	3
I. THE GOVERNOR'S VETO OF SBX1 8 ENSURES THAT MOST "INDEBTEDNESS" OWED BY THE RDAs TO THEIR HOST CITIES AND COUNTIES WILL CONTINUE TO BE EXCLUDED FROM "ENFORCEABLE OBLIGATIONS" UNDER ABX1 26.	3
II. THE LEGISLATURE'S PASSAGE OF SBX1 8 CONFIRMS THAT THE LEGISLATURE DID NOT INTEND TO ELIMINATE REDEVELOP- MENT AGENCIES WHEN IT ADOPTED ABX1 26 AND 27.	5
CONCLUSION	8

TABLE OF AUTHORITIES

Page(s)

Cases

<i>An Independent Home Support Serv. Inc. v. Superior Court</i> , 145 Cal. App. 4th 1418 (2006)	7
<i>Flood v. Riggs</i> , 80 Cal. App. 3d 138 (1978)	7
<i>League of Women Voters v. McPherson</i> , 145 Cal. App. 4th 1469 (2006)	7
<i>People v. Puritan Ice Co.</i> , 24 Cal. 2d 645 (1944)	7

Constitutional Provisions

CAL. CONST. art. XVI §16	1, 3, 4, 5
-----------------------------	------------

Statutes

HEALTH & SAFETY CODE	
§33690(a)(1)	1
§33690(c)(2)	1
§33690.5(a)(1)	1
§33690.5(c)(2)	1
§34171(d)(2)	3, 4
§34187	3, 4, 5
§34194.2	2
Proposed §33690(c)(3)	2
Proposed §33690.5(c)(3)	2
Proposed §34171(d)(2)	3
Proposed §34194.25	3
CAL. R. CT. 8.520(d)(1)	1

Other Authorities

ASSEMBLY BUDGET COMM., Assembly Floor Analysis, Sen. 3d Reading Analysis of SBX1 8 (2011-12 1st Ex. Sess.), as amended Sept. 2, 2011	7
--	---

TABLE OF AUTHORITIES

	Page(s)
Governor's veto message to Sen. on SBX1 8 (1st Ex. Sess.) (Oct. 4, 2011), <i>available at</i> http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001_0050/sbx1_8_vt_20111004.html	1
Proposition 22	
§2(d)(2)	2
§2(f)	2
§2.5	2
§9	2
SENATE RULES COMM., Off. of Sen. Floor Analysis, Unfinished Business Analysis of SBX1 8 (2011-12 1st Ex. Sess.), as amended Sept. 2, 2011 (Sept. 9, 2011)	2, 3

INTRODUCTION

This brief is being filed pursuant to Rule 8.520(d)(1) to call the Court's attention to the Legislature's passage of SBX1 8 on September 8, 2011, after Petitioners had filed their brief on the merits. Although the Governor subsequently vetoed the bill because of the pendency of this litigation,¹ the Legislature's passage of SBX1 8 confirms Petitioners' argument that the money the dissolved RDAs' successor agencies would receive under ABX1 26 is less than what the RDAs would have received to pay their "indebtedness" under Article XVI, Section 16, with the difference being transferred to the taxing entities and used for purposes other than redevelopment. *See* Part I, *infra*. In addition, the Legislature's passage of SBX1 8 provides additional evidence that the Legislature does not intend, and has never intended, to eliminate the redevelopment agencies, which is exactly what would occur if ABX1 26 is upheld and severed from ABX1 27. *See* Part II, *infra*.

STATEMENT OF FACTS

During FY 2009-10 and 2010-11, the Legislature required the RDAs to pay \$1.7 billion and \$350 million, respectively, to "SERAFs" or "Supplemental Educational Revenue Augmentation Funds" to benefit the schools. §§33690(a)(1), 33690.5(a)(1).² In order to make these payments, many RDAs borrowed money from their Low and Moderate Income Housing Funds. *See, e.g.*, Candelario Decl. ¶3; Ridenhour Decl. ¶4. The Legislature authorized these loans, but provided that loans made in FY 2009-10 had to be repaid by June 30, 2015 and loans made in FY 2010-11 had to be repaid by June 30 of the following year. §§33690(c)(2), 33690.5(c)(2).

¹*See* Governor's veto message to Sen. on SBX1 8 (1st Ex. Sess.) (Oct. 4, 2011), *available at* http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001_0050/sbx1_8_vt_20111004.html.

²All statutory references are to the Health and Safety Code.

Although the voters enacted Proposition 22 in November 2010 to prevent the Legislature from requiring future payments from the RDAs to the schools (*see, e.g.*, Prop. 22, §§2(d)(2), (f), 2.5, 9), ABX1 26 and 27 together require the RDAs to pay another \$1.7 billion in FY 2011-12, almost all to the schools, as a prerequisite for their continued existence. (The required payments drop to \$400 million in subsequent years. *See* Pet. Mem. 16-18.) Some RDAs have insufficient funds to make these payments because their Low and Moderate Income Housing Funds were depleted by loans used to make the payments to schools the Legislature required in FY 2009-10 and FY 2010-11. *See, e.g.*, Candelario Decl. ¶3; Ridenhour Decl. ¶4.

SBX1 8 tried to amend the law to make it easier for cities, counties and their RDAs to make the payments required by ABX1 27 during FY 2011-12. First, SBX1 8 would have extended the deadline for repaying loans made from an RDA's Low and Moderate Income Housing Fund for the SERAF payments by five years. In other words, the June 30, 2015 repayment deadline for loans made in FY 2009-10 would have been extended to June 30, 2020, and the June 30, 2016 deadline for repayment of the FY 2010-11 loans would have been extended to June 30, 2021. Proposed §§33690(c)(3), 33690.5(c)(3). These extensions would have been available if the RDA was "otherwise unable to meet financial obligations in force on June 28, 2011"—the date ABX1 26 and 27 were enacted—"and commitments related to [ABX1 27's] community remittances to education." SENATE RULES COMM., Off. of Sen. Floor Analysis, Unfinished Business Analysis of SBX1 8, at 2-3 (2011-12 1st Ex. Sess.), as amended Sept. 2, 2011 (Sept. 9, 2011) ("SBX1 8 Senate Floor Analysis").

ABX1 27 authorized RDAs to reimburse their cities and counties for the full payments required by the statute on an annual basis. §34194.2. SBX1 8 would have let cities and counties make the full payment for FY 2011-12, obtain partial reimbursement from their RDAs this year, and receive the balance of the unreimbursed FY 2011-12 payment from their RDAs in FY 2012-13 and FY 2013-14 when the payments required by ABX1 27 will total \$400 million rather than \$1.7

billion. Proposed §34194.25. In other words, the bill tried to give the RDAs “two additional years to shift funds to a city or county for the 2011-12 remittance.” SBX1 8 Senate Floor Analysis at 2.

In addition, SBX1 8 tried to expand the list of “enforceable obligations” under ABX1 26 by including debt owed by RDAs to their host cities and counties that were either incurred within two years of the date a project area was created or incurred as the result of loans made to the RDAs for the SERAF payments that the Legislature required in FY 2009-10 and FY 2010-11. Proposed §34171(d)(2). However, the Governor’s veto of the bill ensures that these debts will continue not to be “enforceable obligations” under ABX1 26 even though they constitute “indebtedness” under Article XVI, Section 16. Consequently, the money that would have paid these debts under SBX1 8 will continue to be diverted to the taxing agencies under ABX1 26 and used for non-redevelopment-related purposes.

Finally, SBX1 8 attempted to amend Section 34187 to let the RDAs’ successor agencies keep the increment associated with paid-off debt if it was necessary to pay other “enforceable obligations” recognized under the statute. However, because of the Governor’s veto, these funds will not go to the successor agencies, these obligations will not be paid, and the money will go instead to the taxing entities to be used for purposes other than redevelopment.

ARGUMENT

I.

THE GOVERNOR’S VETO OF SBX1 8 ENSURES THAT MOST “INDEBTEDNESS” OWED BY THE RDAs TO THEIR HOST CITIES AND COUNTIES WILL CONTINUE TO BE EXCLUDED FROM “ENFORCEABLE OBLIGATIONS” UNDER ABX1 26.

In their Answer to the *Amici* Briefs, Petitioners demonstrated that the “enforceable obligations” that must be paid by the dissolved RDAs’ successor agencies are not identical to the “indebtedness” secured under Article XVI, Section 16 with a pledge of tax increment. *See* Petitioners’ Answer to the *Amici* Briefs (“Pet. Ans.”) 9-10. In

particular, the “enforceable obligations” that can be paid by the successor agencies under ABX1 26 do not include most debt owed by an RDA to its sponsoring city or county. §34171(d)(2). The omission is significant, because cities and counties commonly loan money to their RDAs in the early stages of a project, before it generates tax increment. *See* Pet. Ans. 9-10. These loans constitute “indebtedness” under Article XVI, Section 16, and therefore may be secured by a pledge of tax increment. However, under ABX1 26, these debts are not “enforceable obligations” and the RDAs’ successor agencies will therefore not receive the funds necessary to pay them off. *See* Pet. Ans. 10.

In addition, some RDAs borrowed money from their cities or counties to make the payments required by the Legislature in FY 2009-10 and 2010-11. These debts, too, are not “enforceable obligations” under ABX1 26 (*see* §34171(d)(2)), and therefore will not be paid off under that statute.

SBX1 8 would have eliminated these gaps in the definition of “enforceable obligations.” It would have revised Section 34171(d)(2) to provide that such obligations *may* include debt incurred by an RDA during the first two years of a project area and debt incurred by an RDA in order to make the payments to SERAFs mandated by the Legislature in FY 2009-10 and 2010-11. However, now that the bill has been vetoed, the successor agencies to the RDAs will not receive the funds necessary to pay this indebtedness. Instead, those funds will be diverted to the taxing agencies, which can use them for non-redevelopment-related purposes. Consequently, the Governor’s veto of SBX1 8 continues a regime in which the successor agencies to the dissolved RDAs will receive less money—and get it later—than the RDAs would have received under Article XVI, Section 16, with the difference diverted elsewhere in violation of Proposition 22.

That is true for another reason, as well. ABX1 26 presently provides that once a “recognized obligation” under ABX1 26 is “paid off or retired . . . the county auditor-controller shall distribute to the taxing entities . . . all property tax revenues that were associated with the payment of the recognized obligation.” §34187. However, as shown in

Petitioners' Answer to the *Amici* Briefs, there are numerous occasions when the tax increment an RDA receives during a given year or six-month period is less than the amount needed to pay its existing "indebtedness." See Pet. Ans. 11-12 n.6. Nevertheless, Section 34187 requires that, once a particular RDA debt is paid off, the increment associated with that debt will be lost to the RDA, and distributed to the taxing agencies, *even if it was needed to pay off other "enforceable obligations"* recognized under that statute.

SBX1 8 attempted to remedy this problem, by providing that this increment would not be distributed to the taxing agencies if it was "currently required for the payment of other recognized obligations." Proposed §34187. However, the Governor's veto of the bill ensures that, in this situation, too, the successor agencies will receive less money under ABX1 26 than the RDAs would have received under Article XVI, Section 16, with the difference again diverted and used for non-redevelopment purposes in violation of Proposition 22.³

II.

THE LEGISLATURE'S PASSAGE OF SBX1 8 CONFIRMS THAT THE LEGISLATURE DID NOT INTEND TO ELIMINATE REDEVELOPMENT AGENCIES WHEN IT ADOPTED ABX1 26 AND 27.

During the legislative debates on ABX1 26, the President Pro Tem of the Senate recognized that "this legislature, I think, believes—or the majority believes... that we ought to keep redevelopment." Petitioners' MJN, Ex. 2, at 18:17-20. Moreover, he recognized that for

³The same issue arises in the common situation where an RDA structures debt so that one debt payment increases when another debt is paid off. For example, suppose that an RDA issues bonds ("Series A Bonds") to be repaid by a designated stream of tax increment. It then issues new bonds ("Series B Bonds") on which it pays interest, but not principal, until the Series A Bonds are retired, at which point the same stream of tax increment is used to pay the Series B Bonds. Under ABX1 26 the increment associated with the Series A Bonds will be unavailable to pay the Series B Bonds, because it will be diverted elsewhere under Section 34187 once the Series A Bonds are paid off.

some agencies “the money that has to go to the schools or to the special districts . . . may leave the redevelopment agencies with nothing,” so that “you might be really eliminating without any ability to recreate.” *Id.* at 19:20-25. Accordingly, the President Pro Tem “pledged to [the Senators] as their leader that we will bring forth legislation that protects against that.” *Id.* at 20:1-3.

These assurances were necessary for ABX1 26 to pass. For example, Senator Lowenthal, who stated that “I did not know how I was going to vote until I listened to the Pro Tem,” told the Senate that he was going to vote for the bill only because the President Pro Tem had given the Senate three “assurances.” *Id.* at 30:13-16. The first of these was the President Pro Tem’s assurance that “the formulas that will be provided in the cleanup bill will enable redevelopment to continue. We will not divide up the money so that there is not money for redevelopment.” *Id.* at 30:19-22 (Sen. Lowenthal). Similarly, Senator Hancock, who also said that she “did not know how I was going to vote” (*id.* at 31:17), stated that she now supported the bill because the President Pro Tem had said “that he will, in the legislation that we do, move to protect cities that may not have the revenues to make the schools whole and also to continue to run their cities.” *Id.* at 32:1-4. The assurances from the President Pro Tem that ABX1 26 and 27 would be modified to prevent cities and counties who did not have the funds to make the ABX1 27 payments for FY 2011-12 were necessary for the bill to pass, because it cleared the Senate with no votes to spare. *See* Pet. Rep. Mem. 30.

SBX1 8 attempted to fulfill the President Pro Tem’s promise to amend ABX1 26 and 27 to prevent RDAs from being dissolved only because neither the agencies nor their host cities or counties had enough money to make the payments required by the latter statute. While it did not attempt to accomplish this goal in the precise manner envisioned by the President Pro Tem—he apparently envisioned percentage formulas that would provide money for both schools and RDAs (*see* Petitioners’ MJN, Ex. 2, at 20:4-10)—the two changes that SBX1 8 attempted to make were both intended to give the RDAs “new

flexibility” (SBX1 8 Senate Floor Analysis at 2) or “additional financial flexibility” (ASSEMBLY BUDGET COMM., Assembly Floor Analysis, Sen. 3d Reading Analysis of SBX1 8, at 1 (2011-12 1st Ex. Sess.), as amended Sept. 2, 2011), to make the payments required by ABX1 27. In other words, the Legislature was trying to minimize the possibility that RDAs would dissolve due to lack of funds.⁴ Accordingly, the Legislature’s approval of SBX1 8 provides further evidence that the Legislature did *not* intend to eliminate redevelopment—as would occur if ABX1 26 is upheld and found severable—but to permit it to continue as long as the payments required by ABX1 27 were made.

Courts have often recognized that vetoed legislation can be relevant in determining legislative intent. *See, e.g., People v. Puritan Ice Co.*, 24 Cal. 2d 645, 653 (1944); *League of Women Voters v. McPherson*, 145 Cal. App. 4th 1469, 1483 n.12 (2006); *An Independent Home Support Serv. Inc. v. Superior Court*, 145 Cal. App. 4th 1418, 1434 n.4 (2006); *Flood v. Riggs*, 80 Cal. App. 3d 138, 152-53 (1978). The case for relevance is particularly strong here. SBX1 8 was passed by the same Legislature that enacted ABX1 26 and 27; it addressed the same subject; and the former bill attempted to amend the latter two. Indeed, it would be wildly improbable if the Legislature’s goals in passing SBX1 8 were not the same goals that it had earlier tried to achieve in enacting ABX1 26 and 27. Because SBX1 8 was passed by the Legislature to make it less likely that *any* RDAs would be forced to dissolve

⁴It is noteworthy that all the legislative discussions of what would happen to those agencies that did not make the payments under ABX1 27 and would therefore be dissolved under ABX1 26 were framed in terms of choice rather than compulsion. *See, e.g.,* Petitioners’ MJN, Ex. 2, at 2:18-22 (“So what [ABX1 26] specifically does is eliminate[] . . . the RDAs in the case where a community *chooses not to* participate in the alternative RDA program”) (Sen. Leno) (emphasis added). In other words, even if the Legislature thought that a few RDAs would be dissolved under ABX1 26, dissolution was intended to be the result of a considered policy decision, not economic necessity (or, for that matter, the invalidation and severing of ABX1 27).

under ABX1 26, it is fair to assume that ABX1 26 and ABX1 27 were enacted with precisely the same intent.

CONCLUSION

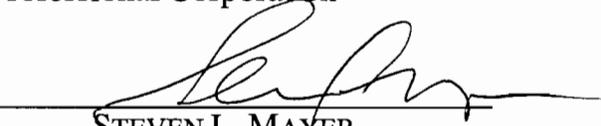
Vetoed or not, SBX1 8 highlights the constitutional flaws in ABX1 26 and 27. For the reasons set forth above, and those in Petitioners' prior brief, the Petition for Writ of Mandate should be granted.

DATED: October 17, 2011.

Respectfully,

STEVEN L. MAYER
EMILY H. WOOD
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

By


STEVEN L. MAYER

Attorneys for Petitioners

**CERTIFICATE OF COMPLIANCE
PURSUANT TO CAL. R. CT. 8.204(c) and
8.486(a)(6)**

Pursuant to California Rules of Court 8.204(c) and 8.486(a)(6), and in reliance upon the word count feature of the software used, I certify that the attached Petitioners' Supplemental Brief contains 2,552 words, exclusive of those materials not required to be counted under Rules 8.204(c) and 8.486(a)(6).

DATED: October 17, 2011.



STEVEN L. MAYER

W03 101411-112080007/PB10/1661310/F

PROOF OF SERVICE

I, Myrna M. Da Cunha, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within-entitled action; my business address is Three Embarcadero Center, Seventh Floor, San Francisco, California 94111-4024. On October 17, 2011, I served the following document(s) described as:

PETITIONERS' SUPPLEMENTAL BRIEF

- BY FACSIMILE:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- BY ELECTRONIC MAIL:** by transmitting via email the document(s) listed above to the email address(es) set forth below on this date before 5:00 p.m.
- BY FEDERAL EXPRESS:** by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- BY MESSENGER:** I served the documents described above on the parties listed below by causing them to be delivered by hand to the person(s) at the address(es) set forth below.

Jennifer K. Rockwell
Chief Counsel
Department of Finance
State Capitol, Room 1145
915 "L" Street
Sacramento, CA 95814

Phone: (916) 445-4142
Fax: (916) 323-0060

Attorneys for Respondent Ana Matosantos, Director of Finance

Richard R. Karlson
Interim County Counsel
Brian E. Washington
Assistant County Counsel
Claude F. Kolm
Deputy County Counsel
State of California
Office of the Alameda County
Counsel
1221 Oak Street, Suite 450
Oakland, CA 94612

Phone: (510) 272-6700
Fax: (510) 272-5020

Attorneys for Respondent Patrick O'Connell, Auditor-Controller, County of Alameda

Miguel Marquez
County Counsel
Orry P. Korb
Assistant County Counsel
Lizanne Reynolds
Deputy County Counsel
James R. Williams
Deputy County Counsel
Office of the County Counsel
70 West Hedding Street
East Wing, 9th Floor
San Jose, CA 95110

Phone: (408) 299-5900
Fax: (408) 292-7240

Attorneys for Vinod K. Sharma, Auditor-Controller of the County of Santa Clara and the County of Santa Clara

Richard J. Chivaro, Esq.
Office of the State Controller
State of California
Legal Department
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

Phone: (916) 445-2636
Fax: (916) 322-1220

Attorneys for Respondent John Chiang, California State Controller

Kamala D. Harris
Attorney General
Ross C. Moody
Deputy
Office of the Attorney General
State of California
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102

Phone: (415) 703-1376
Fax: (415) 703-1234

Attorneys for Respondents Ana Matosantos, Director of Finance and John Chiang, California State Controller

Murray O. Kane, Esq.
Susan Y. Cola, Esq.
Donald P. Johnson, Esq.
Kane, Ballmer & Berkman
515 S. Figueroa Street
Suite 1850
Los Angeles, CA 90071

Phone: 213-617-0480
Fax: 213-625-0931

Attorneys for Community Redevelopment Agency of the City of Los Angeles, Southern California Association of Non-Profit Housing and Betty Yee

Carmen A. Trutanich, City Attorney
Kelly Martin, General Counsel and
Senior Assistant City Attorney
Office of the City Attorney
1200 West 7th Street, Suite 200
Los Angeles, CA 90017

Phone: 213-977-1927
Fax: 213-617-8199

*Attorneys for Community
Redevelopment Agency of the City
of Los Angeles*

Jeffrey M. Oderman, Esq.
Dan Slater, Esq.
Mark J. Austin, Esq.
Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400
Costa Mesa, CA 92626-1931

Phone: 714-641-5100
Fax: 714-546-9035

*Attorneys for Amici Curiae City of
Cerritos; Cerritos Redevelopment
Agency; City of Carson; Carson
Redevelopment Agency; City of
Commerce; Commerce Community
Development Commission; City of
Cypress; Cypress Redevelopment
Agency; City of Downey;
Community Development
Commission of the City of Downey;
City of Lakewood; Lakewood
Redevelopment Agency; City of
Paramount; Paramount
Redevelopment Agency; City of
Placentia; Redevelopment Agency
of the City of Placentia; City of
Santa Fe Springs; Community
Development Commission of the
City of Santa Fe Springs; City of
Signal Hill; Signal Hill
Redevelopment Agency; Cuesta
Villas Housing Corporation; and
Bruce W. Barrows*

Jean-Rene Basle, County Counsel
Michelle D. Blakemore, Chief
Assistant County Counsel
385 North Arrowhead Avenue,
4th Floor
San Bernardino, CA 92415-0140

Phone: 909-387-5445
Fax: 909-387-5462

*Attorneys for Amicus Curiae
County of San Bernardino*

Karen Getman, Esq.
Margaret R. Prinzing, Esq.
Remcho, Johansen & Purcell, LLP
201 Dolores Avenue
San Leandro, CA 94577

Phone: 510-346-6200
Fax: 510-346-6201

*Attorneys for Amicus Curiae
California Teachers Association*

William M. Marticorena, Esq.
Philip D. Kohn, Esq.
Jeffrey T. Melching, Esq.
Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626-1931

Phone: 714-641-5100
Fax: 714-546-9035

***Attorneys for City of Irvine,
California***

Peter L. Wallin, Esq.
Wallin, Kress, Reisman & Kranitz,
LLP
2800 28th Street, Suite 315
Santa Monica, CA 90405

Phone: 310-450-9582

***Attorneys for Amicus Curiae Long
Beach Central, West and North
Project Area Committees***

Miguel Marquez, County Counsel
Lori E. Pegg, Dist. General Counsel,
Assistant County Counsel
Lizanne Reynolds, Deputy County
Counsel
James R. Williams, Deputy County
Counsel
Office of the County Counsel,
County of Santa Clara
70 West Hedding Street, East Wing,
9th Floor
San Jose, CA 95110

Phone: 408-299-5900
Fax: 408-292-7240

***Attorneys for Amicus Curiae Santa
Clara Unified School District***

Michael Rawson, Esq.
Deborah Collins, Esq.
Craig Castellanet, Esq.
California Affordable Housing Law
Project of the Public Interest Law
Project
449 15th Street, Suite 301
Oakland, CA 94612

Phone: 510-891-9794 (ext. 145)
Fax: 510-891-9727

***Attorneys for Amici Curiae The
Public Interest Law Project,
California Rural Legal Assistance,
Inc., Legal Services of Northern
California, Public Counsel, Western
Center on Law & Poverty***

Robert V. Wadden, Jr., Esq.
Law Offices of Robert V. Wadden,
Jr.
1031 Avenue C
Redondo Beach, CA 90277

Phone: 310-251-7660

***Attorneys for Amicus Curiae Long
Beach Central, West and North
Project Area Committees***

M. Louis Bobak, Esq.
Thomas F. Nixon, Esq.
Woodruff, Spradlin & Smart, APC
555 Anton Boulevard, Suite 1200
Costa Mesa, CA 92626-7670

Phone: 714-558-7000
Fax: 714-835-7787

***Attorneys for Amicus Curiae
Association of California Cities –
Orange County***

John C. Eastman, Esq.
Anthony T. Caso, Esq.
Karen J. Lugo, Esq.
Center for Constitutional
Jurisprudence
c/o Chapman Univ. School of Law
One University Drive
Orange, CA 92886

Phone: 714-628-2530

*Attorneys for Amici Curiae
Center for Constitutional
Jurisprudence and California
Alliance to Protect Private Property
Rights*

Christopher Sutton, Esq.
Law Office of Christopher Sutton
586 La Loma Road
Pasadena, CA 91105-2443

Phone: 626-683-2500

Fax: 626-405-9843

*Attorney for Municipal Officials for
Redevelopment Reform and Chris
Norby*

Gregory G. Luke, Esq.
Byron F. Kahr, Esq.
Strumwasser & Woocher LLP
10940 Wilshire Blvd., Suite 2000
Los Angeles, CA 90024

Phone: 310-576-1233
Fax: 310-319-0156

Counsel for Amicus Curiae Los Angeles Unified School District

Sayre Weaver, Esq.
Steven R. Orr, Esq.
Toussaint S. Bailey, Esq.
Andrew J. Brady, Esq.
Richards, Watson & Gershon, APC
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071

Phone: 213-626-8484
Fax: 213-626-0078

Attorneys for Amicus Curiae Association of Bay Area governments, City of Artesia, Artesia Redevelopment Agency, Brea Redevelopment Agency, City of Buena Park Community Redevelopment Agency, City of Calimesa, Calimesa Redevelopment Agency, Fairfield Redevelopment Agency, City of Hawthorne, Hawthorne Community Redevelopment Agency, La Mirada Redevelopment Agency, Manteca Redevelopment Agency, City of Monterey, Palm Desert Redevelopment Agency, Rancho Cucamonga Redevelopment Agency, Rancho Palos Verdes Redevelopment Agency, City of Seal Beach, Seal Beach Redevelopment Agency, Temecula Redevelopment Agency, Turlock Redevelopment Agency, and Whittier Redevelopment Agency

Pamela J. Walls, County Counsel
Anita C. Willis, Deputy County Counsel
County of Riverside Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501-3674

Phone: 951-955-1272
Fax: 951-955-9177

Attorneys for Amicus Curiae County of Riverside

Catherine A. Rodman
Affordable Housing Advocates
4305 University Avenue
Suite 110
San Diego, CA 92105

Phone: 619- 233-8441
Fax: 619- 233-4828

Attorney for Amicus Curiae Affordable Housing Advocates

Thomas W. Hiltachk, Esq.
Bell McAndrews & Hiltachk
455 Capitol Mall, Suite 600
Sacramento, CA 95814

Phone: 916-442-7757
Fax: 916-442-7759

*Attorney for Amicus Curiae
California Professional Firefighters*

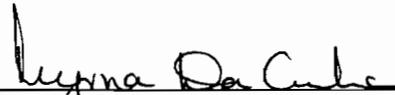
Abe Hajela
General Counsel
California School Boards
Association
3100 Beacon Boulevard
P.O. Box 1660
West Sacramento, CA 95814

Phone: 916-371-4691
Fax: 916-371-3407

*Counsel for Amicus California
School Boards Association*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California on October 17, 2011.



Myrna M. Da Cunha