

SUPREME COURT

No. S194861

SUPREME COURT OF THE STATE OF CALIFORNIA

CALIFORNIA REDEVELOPMENT ASSOCIATION,
LEAGUE OF CALIFORNIA CITIES, CITY OF UNION CITY,
CITY OF SAN JOSE, and JOHN F. SHIREY,

Petitioners,

v.

ANA MATOSANTOS, in her official capacity as Director of Finance,
JOHN CHIANG, in his official capacity as the Controller of the State
of California, PATRICK O'CONNELL, in his official capacity as the
Auditor-Controller of the County of Alameda and as a representative
of the class of county auditor-controllers,

Respondents.

SUPREME COURT
FILED

JUL 25 2011

Frederick K. Ohlrich Clerk

Deputy

**PRELIMINARY RESPONSE OF RESPONDENT PATRICK
O'CONNELL, AUDITOR-CONTROLLER OF THE COUNTY OF
ALAMEDA, TO PETITION FOR WRIT OF MANDATE;
APPLICATION FOR TEMPORARY STAY; AND SUPPORTING
MEMORANDUM AND DECLARATIONS**

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Attorneys for Respondent PATRICK O'CONNELL,
Auditor-Controller of the County of Alameda

Respondent Patrick O'Connell, Auditor-Controller of the County of Alameda ("O'Connell"), responds to the Court's July 18, 2011 revised request for a preliminary Opposition to the Petition as follows:

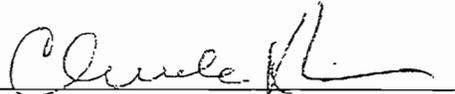
O'Connell's only interest in the matter is his ministerial role in distributing funds to taxing entities as set forth in the statutes of the State of California. (*Cf., Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055.) Accordingly, O'Connell will enforce the laws of the State of California unless instructed not to by this Court or another court of competent jurisdiction.

O'Connell does not oppose the Petition and takes no position on its merits.

Dated: 25 July, 2011

Respectfully submitted,

RICHARD R. KARLSSON
Interim County Counsel, in and for the
County of Alameda, State of California

By: 
CLAUDE F. KOLM
Deputy County Counsel

Attorneys for Respondent
PATRICK O'CONNELL, Auditor-
Controller of the County of Alameda

CERTIFICATE OF COMPLIANCE

I, Claude F. Kolm, Deputy County Counsel, certify under penalty of perjury that, according to the computer program Microsoft Word 2007 with which this brief was produced, the brief contains approximately 640 words, within the limit of 25,500 under Rule 8.360, made applicable to the instant appeal by Rule 8.412.

Executed on 25 July, 2011, in Oakland, California.



Claude F. Kolm

DECLARATION OF SERVICE
VIA FIRST-CLASS U.S. MAIL AND FACSIMILE

I, Dalja Liang, declare:

I am employed by the Office of the County Counsel, County of Alameda, State of California, over the age of eighteen and not a party to the within cause. My business address is 1221 Oak Street, Suite 450, Oakland, California 94612-4296, which is located in the county where the below-described services occurred.

On July 25, 2011, I served a copy of the following document via facsimile transmission to the person whose facsimile number is listed below. The facsimile was transmitted via facsimile number (510) 835-0730, and a transmittal report was produced to confirm that the transmission was completed without error.

DOCUMENT SERVED:

*PRELIMINARY RESPONSE OF RESPONDENT PATRICK O'CONNELL,
AUDITOR-CONTROLLER OF THE COUNTY OF ALAMEDA, TO
PETITION FOR WRIT OF MANDATE; APPLICATION FOR
TEMPORARY STAY; AND SUPPORTING MEMORANDUM AND
DECLARATIONS*

PERSON SERVED BY FAX:

Steven L. Mayer
Howard Rice Nemerovski Canady Falk & Rabkin
Fax No.: 415-677-6262

Also on July 25, 2011, I served copies of the same document via U.S. First-Class Mail, by depositing the copies in sealed envelopes with fully prepaid postage and addressed as follows, at a collection box regularly maintained by the United States Postal Service:

PERSONS SERVED BY U.S. MAIL:

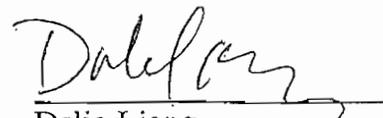
Steven L. Mayer
Howard Rice Nemerovski Canady Falk & Rabkin
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111

Jennifer K. Rockwell
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State Capitol, Room 1145
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Richard John Chivaro
Office of the State Controller
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

Ross C. Moody
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed at Oakland, California, on July 25, 2011.


Dalia Liang