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**FILED/ENDORSED**  
SEP 24 2013  
By S. Lee, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

**LEAGUE OF CALIFORNIA CITIES,  
CITY OF VALLEJO, SUCCESSOR  
AGENCY TO THE FORMER  
VALLEJO REDEVELOPMENT  
AGENCY, and CHRISTOPHER K.  
MCKENZIE,**

**Plaintiffs and Petitioners,**

**v.**

**ANA J. MATOSANTOS in her official  
capacity as Director of the State of  
California Department of Finance, et al.,**

**Defendants and Respondents.**

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**COUNTY OF SOLANO, et al.,**

**Real Parties in Interest.**

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**COUNTY OF SANTA CLARA, SANTA  
CLARA UNIFIED SCHOOL  
DISTRICT,**

**Interveners.**

**Case No. 34-2012-80001275-CU-WM-GDS**

**RULING ON SUBMITTED MATTER:  
PETITIONERS' MOTION FOR  
RECONSIDERATION OR NEW TRIAL  
ON COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF MANDATE**

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The Court heard oral argument on petitioner's motion for reconsideration or new trial on Friday, September 20, 2013. At the close of the hearing, the Court took the matter under submission. The following shall constitute the Court's ruling on the motion.

1           The parties' requests for judicial notice are granted. Based on the documents contained in  
2 petitioners' requests for judicial notice 3 and 4, the Court finds that petitioners have shown new or  
3 different facts and circumstances than those that were before the Court at the time it made its ruling  
4 denying relief in this matter.

5           Specifically, petitioners have shown that the prospect that respondent Department of Finance will  
6 utilize the challenged enforcement provisions of AB 1484 is now more than merely theoretical or abstract,  
7 in that DOF actually has begun issuing orders to the State Board of Equalization for withholding of sales  
8 and use taxes from several cities and counties. Even though some of those orders subsequently were  
9 withdrawn or mooted by payment of the amount demanded, it is now clear that DOF intends to use the  
10 challenged enforcement provisions. The case is thus in a very different posture than it was when the Court  
11 issued its ruling in July.

12           The new facts and circumstances petitioners have presented satisfy the requirements for a motion  
13 for reconsideration under Code of Civil Procedure section 1008(a). Petitioners' motion for reconsideration  
14 is therefore granted, and the Court will reconsider its ruling denying relief pursuant to Code of Civil  
15 Procedure section 1061.

16           The Court will reconsider its ruling based primarily on the briefing and supporting documents  
17 already submitted by the parties. The Court also requests that the parties submit further briefing on the  
18 following two issues:  
19

- 20           1. Assuming that DOF has properly determined that a local agency has improperly transferred  
21 redevelopment funds, do the challenged enforcement provisions of AB 1484 inevitably  
22 conflict with Article XIII, Sections 24(b), 25.5(a)(1), 25.5(a)(2)(A) and 25.5(a)(3) in any  
23 conceivable factual scenario?
- 24           2. Assuming that the tentative ruling posted by Judge Frawley in the City of Bellflower case  
25 (Case No. 2012-80001269) is confirmed as the final ruling and judgment in that case on the  
26 issue identified in Question 1, thus properly framing the facial constitutional issue for appeal,  
27 what purpose would be served by having this Court engage in a parallel analysis of that issue  
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instead of exercising its discretion to deny declaratory relief under Code of Civil Procedure section 1061?

The Court directs the parties to submit further briefing according to the following schedule.

Petitioners' opening brief, not to exceed 15 pages, shall be filed no later than Friday, October 11, 2013.

Opposition briefs, not to exceed 15 pages each, shall be filed no later than Friday, October 25, 2013.

Petitioners' reply brief, not to exceed 10 pages, shall be filed no later than Friday, November 1, 2013. A

further hearing will be held in Department 31 at 9:00 a.m. on Friday, November 15, 2013. The parties may alter this briefing and hearing schedule by stipulation and order filed with the Court, after confirming the availability of alternate hearing dates with the Clerk of this Department.

In light of the Court's order granting the motion for reconsideration, petitioners' motion for new trial is moot and is denied on that basis.

DATED: September 24, 2013

**MICHAEL KENNY**  
\_\_\_\_\_  
Judge MICHAEL P. KENNY  
Superior Court of California,  
County of Sacramento

**CERTIFICATE OF SERVICE BY MAILING**  
**(C.C.P. Sec. 1013a(4))**

I, the undersigned deputy clerk of the Superior Court of California, County of Sacramento, do declare under penalty of perjury that I did this date place a copy of the above-entitled **RULING ON SUBMITTED MATTER** in envelopes addressed to each of the parties, or their counsel of record as stated below, with sufficient postage affixed thereto and deposited the same in the United States Post Office at 720 9<sup>th</sup> Street, Sacramento, California.

IRIS P. YANG, ESQ.  
T. BRENT HAWKINS, ESQ.  
BEST BEST & KRIEGER LLP  
500 Capitol Mall, Suite 1700  
Sacramento, CA 95814

MARSHA A. BED WELL, ESQ.  
MEGHAN COVERT RUSSELL, ESQ.  
KRONICK MOSKOVITZ TIEDEMANN & GIRARD  
400 Capitol Mall, 27<sup>th</sup> Floor  
Sacramento, CA 94814

DANIEL M. WOLK  
Deputy County Counsel  
Solano County Counsel  
675 Texas Street, Suite 6600  
Fairfield, CA 94533-6342

LIZANNE REYNOLDS  
Deputy County Counsel  
County of Santa Clara  
70 West Hedding Street  
9<sup>th</sup> Floor, East Wing  
San Jose, CA 95110-1770

KATHLEEN A. LYNCH  
Deputy Attorney General  
P.O. Box 944255  
Sacramento, CA 94244-2550

SETH P. SHAPIRO, ESQ.  
HERUM CRABTREE  
5757 Pacific Avenue, Suite 222  
Stockton, CA 95207

FRANK ZOTTER, JR.  
Attorney at Law  
5350 Skylane Blvd.  
Santa Rosa, CA 95403

Superior Court of California,  
County of Sacramento

Dated: September 25, 2013

By: S. LEE  
Deputy Clerk