

SUPREME COURT COPY

CASE NO. S194861

IN THE
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 OCONNELL, 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.

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APPLICATION FOR PERMISSION TO FILE AN AMICUS BRIEF

And

BRIEF OF AMICUS CURIAE LONG BEACH CENTRAL, WEST
AND NORTH PROJECT AREA COMMITTEES IN SUPPORT OF
PETITIONERS' PETITION

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SUPREME COURT
FILED

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Frederick K. Ohlrich Clerk

Deputy

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CERTIFICATE OF INTERESTED PARTIES

The undersigned counsel, pursuant to Rule 8.208 of the California Rules of Court, certifies that there are no interested entities or persons that must be listed in this certificate under rule 8.208.

Dated: September 29, 2011.

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A handwritten signature in black ink, appearing to read 'Peter L. Wallin', written over a horizontal line.

Peter L. Wallin

Attorneys for Amicus Applicants

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APPLICATION FOR PERMISSION TO FILE AN
AMICUS BRIEF

To the Honorable Tani Gorre Cantil-Sakauye, Chief Justice of California:

This application of the Central Long Beach, West Long Beach and
North Long Beach Project Area Committees respectfully shows:

1. Each Applicant is a volunteer committee composed of citizens
living or working within the City of Long Beach's redevelopment
project areas.
2. Applicants actively participate in the planning and review of
Redevelopment Agency undertakings in their respective project

areas to ensure that the affected community's voice is considered.

3. Applicant's proposed brief, in summary, sets forth the following facts and issues that have not been adequately presented by the parties.

A. Redevelopment projects and activities are a fundamental part of the community providing economic growth and public infrastructure.

B. Project Area Committees represent direct community involvement in the evolution and improvement of their neighborhoods, including economic development, attraction of businesses to provide basic goods and services, local revenue generation, safety and quality of life.

C. Redevelopment funds are local revenues as defined in Propositions 1A and 22 and their use cannot be mandated by the State.

4. The foregoing issues, as developed in Applicants' brief are relevant to the disposition of this case because they help demonstrate that the design and implementation of redevelopment projects is an aspect of the local democratic

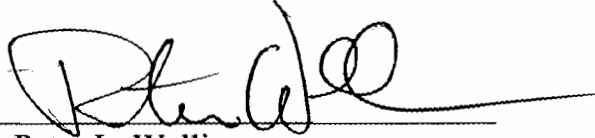
process and the confiscation of redevelopment revenues violates the fundamental premises of Propositions 1A and 22 and the intent of the voters who passed those propositions.

WHEREFORE, the Central Long Beach, West Long Beach and North Long Beach Project Area Committees respectfully request leave to file a brief as amicus curiae in the above entitled cause.

Dated: September 29, 2011.

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ORDER

The application of the Central Long Beach, West Long Beach and North Long Beach Project Area Committees for permission to file a brief as amicus curiae having been read and filed and good cause appearing therefore,

IT IS HEREBY ORDERED that the Central Long Beach, West Long Beach and North Long Beach Project Area Committees be, and hereby are, permitted to file a brief as amicus curiae herein.

Dated: _____, 2011.

Hon. Tani Gorre Cantil-Sakaue,
Chief Justice

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I. INTRODUCTION

The petitioners in this case have done an excellent job of presenting the compelling legal arguments against AB1X26 and AB1X27 (the "Redevelopment Legislation"). However, it is valuable also for this Court to see that redevelopment is a community activity which actively involves local citizens and seeks to address local problems. Such a view helps firmly establish that redevelopment funds and activities are clearly among those

the voters sought to protect by the passage of Propositions 1A and 22. As advisory bodies consisting of local residents, business owners, property owners and community organizations the three Project Area Committees ("PACs") seeking amicus status are uniquely suited to provide such an insight.

Long Beach is a diverse city of over four hundred and sixty thousand residents, the seventh largest city in California. Although part of the larger Los Angeles metropolitan area, Long Beach has a unique character and diverse districts with distinctive architectural and cultural qualities. Starting in 1961, when it formed its agency, Long Beach has established several redevelopment districts including the Central, West and North project areas each of which has individual goals and standards.

The Central Long Beach Project Area was adopted on September 21, 1993, in response to the civil disturbances of 1992, during which the majority of local damage occurred in the project area. Structural damage to the project area buildings during the civil disturbances totaled over \$19 million, or 91 percent of the City's total. The project area consists of 2,618 acres, 100 percent of which can be classified as urbanized.

The West Long Beach Redevelopment Project Area was adopted on July 1, 1975. Consisting of approximately 1,368 acres, the Project area is

bounded on the north by Pacific Coast Highway, on the south by Seaside Boulevard and Ocean Boulevard, on the east by the Los Angeles County Flood Control Channel, and on the west by the Long Beach City Boundary. Most redevelopment activity within the Project Area is focused between Anaheim Street and Pacific Coast Highway, which is a 350 acre area of mixed land uses, slowly experiencing a transition from residential to industrial use.

The North Long Beach Redevelopment Project Area was adopted on July 16, 1996. The Project Area consists of 10 non-contiguous areas, referred to as parcels 1 through 10, totaling approximately 12,507 acres, including 4,967 acres within the harbor district. The majority of the project area is within Parcel 1, generally located north of Del Amo. The Atlantic Corridor in Bixby Knolls, between Del Amo and the I 405 freeway, is also included in Parcel 1. Bordered by the cities of Compton and Paramount to the north, Bellflower and Lakewood to the east, and Carson to the west, Parcel 1 is primarily residential in character, but is intersected with five major commercial and industrial corridors: Atlantic Boulevard, Long Beach Boulevard, Cherry Avenue, Artesia Boulevard, and Del Amo.

Each project area has its own PAC to serve as a community guide and ombudsman for redevelopment projects within the area. The PACs each

meet monthly to publically discuss, review and learn about redevelopment activities and policies in the project area, city and state.

II. THE NATURE AND ROLE OF PROJECT AREA COMMITTEES

A. The Composition of Project Area Committees

Project Area Committees are created pursuant to the mandate of California redevelopment law when either ". . . a substantial number of low-income persons or moderate-income persons or both reside within the project area . . ." and the district has the power to acquire residential property or the district contains public projects that will displace low or moderate income residents. (Health and Safety Code Section 33385(a).) The composition of a PAC may only include elected representatives of residential owner occupants, tenants, business owners and existing organizations (e.g., non-profits) within the project area. (Health and Safety Code Section 33385(c).) This allows a PAC to be a truly grassroots organization. Because its membership is composed of those who live and do business within the project area a PAC is less likely to be motivated by the potential financial gain from a project and more concerned with its actual impact on the community. Redevelopment projects are often viewed from the perspective of their impacts on revenue and economic development but,

of course, each project has an impact on the fabric of the neighborhoods in which they are located which goes beyond mere economics. This is undoubtedly why the legislature found it necessary to require PACs for certain projects. It is also why the perspective of the people who live with and are most directly affected by redevelopment projects should be represented in this litigation.

B. The Function and Role of Project Area Committees

Health and Safety Code Section 33386 specifies that the role of a PAC is advisory with regard to matters affecting "... residential facilities or replacement housing for those to be displaced by project activities. The agency shall also consult with the committee on other policy matters which affect the residents of the project area."

In Long Beach each PAC exercises a broader role than that envisioned by Section 33386. These PACs provide direction and input for all Agency activities within the respective project areas. The PACs identify for the Agency the projects that reflect the needs and desires of those conducting business in or residing in the project area. PAC members stay in communication with other residents and businesses in their project area to insure that Redevelopment Agency activities are consistent with the needs of the community and that those residents and businesses are kept

aware of Agency plans for the future. PAC members also serve as a conduit between residents and businesses and the Agency governing board on the continuing impacts of past projects. While no PAC has the final say on any project in Long Beach their input and advice are taken seriously and the PACs play an important role in defining the direction and focus of each project area.

C. Involvement of Long Beach Project Area Committees In Specific Projects

The governing board of the Long Beach Redevelopment Agency has taken great care to involve PACs in virtually every project proposed for each area. In the North Project Area concerns that insufficient park area was available to residents were conveyed by the PAC resulting in a project to acquire 120,000 square feet of blighted industrial property and convert it into an expansion of nearby Admiral Kidd Park.

In the West Project Area the PAC has been involved in working with the Agency to design streetscape improvements to a rundown section of Pacific Coast Highway. The project will include new street medians, sidewalk landscaping, public art and refurbishment of existing bus shelters reflecting long standing wishes of local businesses and residents as conveyed to the Agency by the PAC.

In the Central Project Area local residents have long voiced their desire to expand and improve Orizaba Park. With the involvement of the PAC a project has been started to add 1.10 acres to the park and upgrade its amenities. With neighborhood input a design has been developed which will feature new basketball courts, a water play splash pad, picnic areas, a community garden, a new tot lot and a new community center.

There are many other projects which provide similar community upgrades and each has directly involved the input and participation of the local PAC serving as a conduit for neighborhood involvement.

The media often portrays Redevelopment as a vehicle to simply boost local tax revenues. Clearly redevelopment agencies do more than that. Projects which allow local businesses to expand or improve their facilities do more than just boost property taxes. They create jobs and economic opportunities for the community. But in addition, as the three projects described above reflect, agencies become deeply involved in helping communities improve public infrastructure in ways that reflect the needs and desires of the community. Redevelopment agencies are also mandated to provide or contribute to affordable housing. Although they differ from traditional municipal institutions in many ways redevelopment agencies are simply an extension of local government which have been provided with a

specialized tool box.

III. REDEVELOPMENT IS AN ESSENTIAL ASPECT
OF LOCAL GOVERNMENT

A. Redevelopment Projects Provide Local Infrastructure

The three projects described above are just a sample of Redevelopment projects which provide badly needed local infrastructure. There are many other such projects in Long Beach.

These include in the Central Project Area: a plan to expand the campus of Long Beach City College by acquiring and assembling four blighted parcels formerly used as auto repair shops and motels; streetscape improvement along Pacific Avenue including new landscaping, drainage and irrigation as well as pedestrian lighting; a new bikeway project which will provide a bike path and landscaped open space from Martin Luther King Jr. Avenue to Walnut Avenue; a mixed use project involving acquisition of a severely blighted corner at Willow Street and Atlantic Avenues which, when privately developed, will provide services supportive of the surrounding neighborhood; at Pacific Coast Highway and Atlantic Avenue the Agency removed a blighted commercial property in preparation for development of passive open space to form a gateway to Poly High School along with badly needed intersection improvements.

In the West Project Area these include: an existing biomedical facility to be expanded and revamped preserving existing and providing additional jobs; improving and updating storm drains throughout the project area; a commercial façade improvement project for buildings throughout the project area which will improve commercial and industrial building facades and landscaping including repair and painting of building facades, installation of awnings, new signage, security, landscaping, windows and doors.

In the North Project Area the focus has been on the revitalization of commercial, industrial and residential sites, and assisting in retaining and attracting successful businesses by improving the commercial corridors in North Long Beach through rehabilitation and modernization of existing facilities, and construction of parks and other public improvements. In the various non-contiguous areas, the Agency facilitates the redevelopment and development of underutilized sites for contemporary commercial, industrial and residential uses.

All of these projects are designed to provide solutions to local infrastructure issues such as decaying store fronts, inadequate traffic controls, and inadequate public open space. Redevelopment agencies simply provide an alternative taxing mechanism to generate the revenue and

involve the private sector in solving these issues.

B. Redevelopment Projects Involve Community Action

Direct citizen involvement is a unique aspect of local government not found at the State or often even at the county level. Local government seeks to inform, seek input and ultimately support and endorsement from those citizens directly affected by government action.

In fact, redevelopment agencies are simply an element of local government and function as such. Long Beach is an excellent example of this concept as it seeks to include citizen participation in each phase of a project from identifying needs to planning and implementing the actual work and evaluating the outcome. This is done through direct involvement of the PACs, neighborhood meetings, canvassing and surveys. Citizen input is encouraged and planning is done in response to the articulated needs of each neighborhood within a project area.

In Long Beach, as in many larger cities, the City Council does not serve as the Redevelopment Agency Board. Instead the seven member board is a separate body with three members chosen by the PACs and the remaining four selected by the mayor. Many Agency Board members are former PAC committee members.

Agency staff has a separate communications division which manages all internal and external communications including written publications, website development, media and community relations. The communications team also coordinates community events celebrating the RDA's milestones. The PACs themselves meet once a month and, like most local government bodies, are governed by the open meeting provisions of the Ralph M. Brown Act (Government Code Sections 54950, et seq.) so they are open to the public and provide for regular public input.

In this context adoption and implementation of a redevelopment project is local community action funded by tax increment revenues that are local property taxes that remain within the community in which they are generated. They are not new or additional taxes and they are not State revenues.

IV. REDEVELOPMENT REVENUES ARE LOCAL REVENUES AS DEFINED IN PROPOSITIONS 1A AND 22

A Confiscation of Redevelopment Revenues Violates The Fundamental Premises of Propositions 1A and 22 And The Intent of The Electorate

The action filed by petitioners challenges the constitutionality of

AB1X26 and AB 1X27. These bills abolish redevelopment agencies but provide them a choice to continue operation by paying a large initial sum to the State and an annual "continuation payment" thereafter, thus diverting local tax increment to the unfettered use of the State.

On its face this action seems outrageous, a kind of legislative protection racket in which destructive action is threatened unless money changes hands. Such an action may very well have been a violation of the State Constitution prior to passage of Propositions 1A and 22. However, in light of the adoption of these Constitutional amendments the actions of the State legislature seem clearly unconstitutional.

Proposition 1A was overwhelmingly¹ adopted by the voters in November 2004. The law prohibits reallocation of property tax revenues except in situations where a fiscal emergency has been declared. Such emergencies may only be for a maximum of two years in any ten year period. Amounts reallocated under this emergency provision must be repaid. (Cal. Const. Article XI, Sect. 15.)

Proposition 22 was on the November 2010 ballot where it was approved by more than 60% of the voters. This proposition amended the State Constitution to eliminate the loophole created by Proposition 1A for

¹ Proposition 1A passed with 83.7% of the votes cast.

fiscal emergencies and extended the reallocation ban to other taxes such as hotel bed taxes, parcel taxes, utility taxes and sales taxes. Proposition 22 specifically extends the prohibition to transfer of property taxes away from a redevelopment agency. (Cal. Const. Article XIII, Section 24(a)(7).)

The State argues that, because redevelopment agencies are a creation of the legislature, it can terminate them at any time regardless of the strictures of Propositions 1A and 22. Presumably that means that if an agency is terminated its revenue may be reallocated despite the fact that the plain language of Proposition 22 forbids reallocation. Could the legislature, which authorized the property tax following the passage of Proposition XIII in the 1970's, now decide to repeal those sections of the Revenue and Taxation Code and deprive local agencies of authorization to collect the tax in light of Propositions 1A and 22? Obviously, the Constitutional provisions prevail and alter the power of the legislature which was precisely the intent of the two propositions.

There is little argument that property taxes are a local tax and that redevelopment agencies are local agencies engaged in local government activities. The fact that they were initially a creation of the legislature does not change that nor alter the very specific prohibition against reallocation of property taxes received by redevelopment agencies in Proposition 22.

B. Forcing Redevelopment Agencies To Choose Between Diverting Funds To The State or Being Dissolved Is A De Facto Impound of Local Revenue

AB 1X 26 dissolves redevelopment agencies. The State seems to argue that if an agency is dissolved its entire tax increment may be reallocated by the State to other jurisdictions. However, AB 1X 27 allows an agency to survive if it makes an initial payment to the State and thereafter diverts an annual portion of its tax increment for the State to reallocate. The legislature has thus determined that it will divert some or all of an agency's tax increment leaving that choice up to the agency. To argue that this is not a transfer of property taxes strains credulity and extends form over function.

Most agencies will accept the continuation payment as a price of doing business rather than face termination and a complete loss of funds.

The prohibition in Proposition 22 is clear:

"On or after November 3, 2004, the legislature shall not enact a statute to do any of the following . . .Require a community redevelopment agency (A) to pay, remit, loan, or otherwise transfer, directly or indirectly, taxes on ad valorem real property and tangible personal property allocated to the

agency pursuant to Section 16 of Article XVI to or for the benefit of the State, any agency of the State, or any jurisdiction; or (B) to use, restrict, or assign a particular purpose for such taxes for the benefit of the State, any agency of the State, or any jurisdiction, other than (i) for making payments to affected taxing agencies pursuant to Sections 33607.5 and 33607.7 of the Health and Safety Code² or similar statutes requiring such payments, as those statutes read on January 1, 2008, or (ii) for the purpose of increasing, improving, and preservin g the supply of low and moderate income housing available at affordable housing cost." (Cal. Const. Article XIII, Section 25.2 (a) (C) (7).)

Prior to the passage of Proposition 22 the legislature may have had the ability to terminate redevelopment agencies or divert or reallocate funds. However, the State Constitution has now been amended to memorialize the current allocation of property tax increment. The power of the legislature over allocation of tax increment has now been limited to increasing or improving affordable housing. To the extent that abolishing redevelopment

² These sections allocated the distribution of tax increment among local taxing agencies in response to the frequent lawsuits over new redevelopment plans being brought by school districts and counties.

agencies diverts present or future tax increment the legislature is prohibited from doing so.

The State's argument that the continuation payment under AB 1X 27 is voluntary, and thus not in violation of Proposition 22, ignores the fact that it is really the indirect action of the State in abolishing agencies that creates the duress which motivates the agencies to exercise their "option" under the statute. To say that such payments are "voluntary" is like saying that a robbery victim faced with a choice between paying his assailant or being shot is making a "voluntary" payment. Proposition 22 is explicit in prohibiting "indirect" actions by the State resulting in reallocation of ad valorem property taxes. It seems clear that taking an action to abolish agencies unless they divert funds to State control is an indirect reallocation of tax revenue.

While Proposition 1A does not have a direct reference to redevelopment agencies it does contain a general prohibition on the legislature modifying ". . .the manner in which ad valorem property tax revenues are allocated" (Cal. Const. Art. XIII, Sec. 25.5(a)(1)(A).) No exception is provided other than the fiscal emergency provisions which the legislature had previously taken advantage of and which are not currently available (and presumably are now preempted by Proposition 22). Nothing

in Proposition 1A would allow the State to modify the allocation of ad valorem property taxes allocated to redevelopment agencies. Even the abolition of redevelopment agencies implemented by AB 1X 26 effectively reallocates ad valorem taxes dedicated to local uses eradicating the tax increment to which the agencies would be entitled.

C. Impounding Redevelopment Funds Effectively Reallocates Local Ad Valorem Tax Revenue

The purpose of the legislature in passing AB 1X 26-27 was transparent. Property tax increment from redevelopment projects was an attractive stream of revenue which the State could use to satisfy some of its obligations to other jurisdictions (e.g., school districts and counties) which would otherwise have no right to the revenue. Since this was a purpose which was expressly prohibited under Propositions 1A and 22 the legislature chose an arcane and deceptive way of accomplishing it.

The State reasoned that since redevelopment was a creation of the legislature it could be extinguished by the legislature. However, the impact of this on the fate of tax increment revenue due the defunct agencies was unclear. The State therefore offered an alternative which it reasoned could not be considered a "reallocation" of the agencies' revenues, it allowed agencies the option to continue in existence if they provided a large initial

and somewhat smaller annual "fee" for the privilege of avoiding abolition. This, the State reasons, is not reallocation because it is voluntary, a choice on the part of the agency and thus not a violation of Propositions 1A and 22.

In the late Sixteenth Century a livery stable owner in Cambridge England offered those wishing to use one of his forty horses the "choice" of the horse in the stall nearest the stable door or none at all. The stable owner's name was Charles Hobson and the "choice" he made available to his clients has become enshrined in the English language as eponymous with no choice at all. The California legislature may be threatening Hobson's status as the patron saint of false choices.

There may, of course, be some agencies for which the drain in revenue represented by the continuation payment would be so severe that the agency cannot pay it and still continue to viably function. Most agencies will find having some revenue to continue their activities preferable to having no revenue and the abandonment of all the work the agency is doing. But for those agencies which feel compelled to accept abolition how can the legislature reallocate their tax increment to other agencies without violating Propositions 1A and 22? The very act of abolishing redevelopment agencies is also a de facto act of reallocation. Under the State Constitution as it currently reads the legislature cannot abolish existing redevelopment

projects if it cannot do so without affecting the allocation of existing tax increment.

It is difficult to argue that tax increment is something other than local tax revenue which is specifically allocated to a particular set of local uses.

Any action by the legislature which directly or indirectly alters this

allocation violates Propositions 22 and 1A. The State's argument that the

decision to pay the continuation payment is voluntary and thus not a

– reallocation simply ignores the part the duress of the threatened abolition

plays in the decision making process. The Merriam-Webster on-line

dictionary (www.merriam-webster.com) defines "voluntary" as:

"proceeding from the will or from one's own choice or consent; unconstrained by interference; self-determining done by design or intention; intentional <voluntary manslaughter> of, relating to, subject to, or regulated by the will <voluntary behavior; having power of free choice; provided or supported by voluntary action <a voluntary organization> ; acting or done of one's own free will without valuable consideration or legal obligation."

The same on-line dictionary defines "extort" as:

"to obtain from a person by force, intimidation, or undue or

illegal Power; wring; also : to gain especially by ingenuity or compelling argument."

In fact, the continuation payment will not be willingly paid by any agency. It is only the undue intimidation of abolition which motivates the election to pay. Proposition 22 expressly prohibits indirect allocation of tax increment funds from redevelopment agencies. (Cal. Const. Article XIII, Section 25.2 (a) (C) (7).) AB 1X 26-27 is a scheme to indirectly cause the transfer of millions of dollars of ad valorem property taxes to the State so they can reallocate them. As much of the earlier sections of this brief outlined tax increment received by redevelopment agencies represents local taxes being used for local purposes. The money, payable by the owners of property located within an agency's boundaries (and within the boundaries of the municipality which formed the agency), is used to build parks, improve transportation, landscape, rehabilitate and beautify the very neighborhoods which generate the tax. Even prior to the passage of Propositions 1A and 22 Article XIII, Section 24(b) established the long standing principle that local tax revenues may not be diverted to serve non-local purposes:

"(b) The Legislature may not reallocate, transfer, borrow, appropriate, restrict the use of, or otherwise use the proceeds

of any tax imposed or levied by a local government solely for the local government's purposes."

By passing AB 1X 26-27 the legislature sought to divert these local taxes to serve the needs of the fiscally troubled State government, an action California law does not permit.

V. CONCLUSION

In ruling on a matter such as the subject of this case, the Court is not supposed to concern itself with the wisdom or practicality of the legislature's actions but to determine only whether or not it comes within the parameters of its powers under the law. The petitioners in this case have done a fine job of arguing that legislature abused its authority in enacting legislation to divert local property taxes away from local agencies. These amici have focused instead on the positive and responsible use of local taxes for local purposes and the extent to which the public has an opportunity to participate in application of these funds and implementation of the projects they support.

While there can be little doubt that the State of California is in a fiscal crisis and difficult and painful choices are faced by the legislature the ultimate economic health of our State lies in the vibrancy of its neighborhoods and the responsiveness of local government in using limited

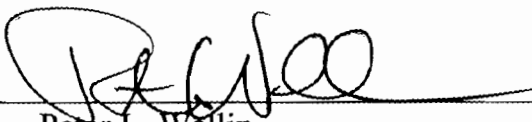
resources to stimulate the health of those neighborhoods. Long Beach and many other communities have used their redevelopment agencies as a tool to provide that stimulus and to generate revenue not only to create economic opportunities but to enhance the quality of life of the residents and businesses whose money, after all, it is. Fortunately the law of the State of California now clearly protects these resources even from ingenious attempts to circumvent it.

In submitting this amicus brief we ask this Court in arriving at its decision to consider not only the clear intent of the voters in enacting Propositions 1A and 22, but the practical reality of the aging, blighted neighborhoods that benefit directly from the funds the State seeks to confiscate and that there are few, if any, other tools which can accomplish what has been accomplished in Long Beach and elsewhere and which will continue to be accomplished if the funds are available.

For all of these reasons we respectfully join with the petitioners in requesting that this Court grant its petition and invalidate the effects of AB 1X 26-27.

Dated: September 29, 2011.

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CERTIFICATE OF WORD COUNT

(California Rule of Court 8.204(d))

The text of this brief consists of 5,901 words, inclusive of tables of contents and authorities, this certificate, Order, and the Proof of Service, as counted by WordPerfect, the computer program used to prepare this brief.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action, my business address is 2800 28th Street, Suite 315, Santa Monica, California 90405.

On September 29, 2011, I served the foregoing document described as: **APPLICATION FOR PERMISSION TO FILE AN AMICUS BRIEF AND BRIEF OF AMICUS CURIAE LONG BEACH CENTRAL, WEST AND NORTH PROJECT AREA COMMITTEES IN SUPPORT OF PETITIONERS' PETITION** on the interested parties in this action by placing ____ the original a true copy thereof enclosed in sealed envelopes in the firm's mail basket addressed as follows:

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[X] BY U.S. MAIL. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice mail placed in the firm's mail basket would be deposited with the U.S. Postal Service on that same date with postage thereon fully prepaid at Santa Monica, California in the ordinary course of business. Executed on September 29, 2011, at Santa Monica, California.

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



Kathy Pratt