

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General
3 CONSTANCE L. LELOUIS
Supervising Deputy Attorney General
4 MARGARET CAREW TOLEDO
State Bar No 181227
5 Deputy Attorney General
1300 I Street, Suite 125
6 P.O Box 944255
Sacramento CA 95811-2550
7 Telephone: (916) 322-6114
Fax: (916) 324-8835
8 E-mail: Margaret.Toledo@doj.ca.gov
Attorneys for Respondents JOHN CHIANG,
9 California State Controller and
MICHAEL C. GENEST,
10 California Director of Finance

11
12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SACRAMENTO
14
15

16 **JOSH SHAW, Taxpayer and Executive Director of**
California Transit Association; and the
17 **CALIFORNIA TRANSIT ASSOCIATION, a**
nonprofit corporation,
18
Petitioners,
19
v.
20
JOHN CHIANG, California State Controller and
21 **MICHAEL C. GENEST, California Director of**
Finance, in their official capacity,
22
Respondents.
23

Case No. 07CS01179
~~XXXXXXXXXX~~ WRIT OF
MANDATE
Date.
Time.
Dept: 20
Judge: Hon. Jack Sapunor
Action Filed: September 6, 2007

24 TO RESPONDENTS JOHN CHIANG, California State Controller and MICHAEL C.
25 GENEST, California Director of Finance

26 WHEREAS, section 71 of Chapter 172, Statutes of 2007, adds subdivision (a) of
27 section 24 80, to the Budget Act of 2007; and
28

1 WHEREAS, subdivision (a) of section 24 80, authorizes the Director of Finance to
2 reimburse the General Fund from the Public Transportation Account in the amount of four
3 hundred nine million dollars (\$409,000,000) for the purpose of offsetting the cost of debt service
4 payments made in prior fiscal years for public transportation related general obligation bond
5 expenditures; and

6 WHEREAS, the Director of Finance has authorized the transfer of four hundred nine
7 million dollars (\$409,000,000) from the Public Transportation Account to the General Fund to
8 offset the cost of debt service made in prior years from the General Fund for bonds issued
9 pursuant to Proposition 108; and

10 WHEREAS, the Controller has transferred the four hundred nine million dollars
11 (\$409,000,000) from the Public Transportation Account to the General Fund to offset the cost
12 of debt service made in prior years from the General Fund for bonds issued pursuant to
13 Proposition 108, and

14 WHEREAS, the Court has concluded that revenues in the Public Transportation
15 Account are dedicated to transportation planning and mass transportation purposes pursuant to
16 Public Utilities Code section 99310 5; and

17 WHEREAS, the Court has concluded that reimbursement of the General Fund for
18 payment from the General Fund of prior debt service on transportation related general obligation
19 bonds issued pursuant to Proposition 108 is not for transportation planning or mass
20 transportation purposes and would be in violation of Public Utilities Code section 99310.5; and

21 WHEREAS, a judgment has been entered in this proceeding ordering that a peremptory
22 writ of mandate issue under seal of this Court,

23 YOU ARE HEREBY ORDERED

24 Within 30 days of service of the writ of mandate, to transfer four hundred nine million
25 dollars (\$409,000,000) from the General Fund to the Public Transportation Account to be used
26 for transportation planning or mass transportation purposes

27 ///

28 ///

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Shaw, Josh, et al. v. John Chiang, et al.**

No. **07CS01179**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On February 13, 2008, I served the attached

**LETTER ADDRESSED TO THE HONORABLE JACK SAPUNOR DATED
FEBRUARY 13, 2008 RE PROPOSED JUDGMENT AND PROPOSED WRIT OF
MANDATE;**

[PROPOSED] WRIT OF MANDATE; and

[PROPOSED] JUDGMENT

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

Richard D. Martland, Esq. Kurt Oneto, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 1415 "L" Street Suite 1200 Sacramento, CA 95814 E-mail Address: rmartland@nmgovlaw.com <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>	James R. Parrinello, Esq. Christopher E. Skinnell, Esq. Nielsen Merksamer Parrinello Mueller & Naylor, LLP 591 Redwood Highway, #4000 Mill Valley, CA 94941 E-mail Address: cskinnell@nmgovlaw.com <i>VIA FIRST CLASS MAIL and ELECTRONIC MAIL</i>
--	--

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 13, 2008, at Sacramento, California

Brenda Sanders

Declarant



Signature