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Assembly California Legislature



ANTHONY ADAMS
ASSEMBLYMAN, FIFTY-NINTH DISTRICT
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VICE CHAIR, ELECTIONS AND
REDISTRICTING
HEALTH
RULES
BUDGET
BUDGET SUBCOMMITTEE #5:
INFORMATION TECHNOLOGY/
TRANSPORTATION

August 26, 2010

The Hon. Ronald M. George, Chief Justice
and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

Re: *County of Los Angeles v. Glendora Redevelopment Project*
Supreme Court Case No. S184829
Court of Appeal Case No. H032945

Dear Chief Justice George and Associate Justices:

I represent California Assembly District 59, which includes portions of Los Angeles County and the City of Glendora. I was the principal sponsor of the urgency legislation that was codified as Health & Safety Code section 33333.13. I am deeply disturbed by the Court of Appeal's refusal to give effect to this duly enacted legislation. I write to urge this Court to grant the pending petition for review.

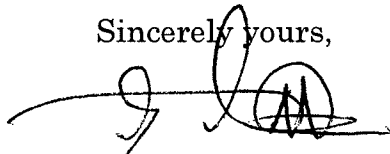
Section 33333.13 was enacted as emergency legislation because of the substantial evidence that Glendora's project area three was blighted and in desperate need of increased tax increment funding. The Court of Appeal refused to give effect to the clear directive of the statute to guarantee project area three a certain level of financing due to the existing blight conditions (subject to project area three having indebtedness) because the court did not believe the Legislature engaged in adequate fact-finding. In my view, there are two troublesome aspects to that conclusion.

First, the Legislature did act after sufficient fact finding. My staff reviewed the substantial evidence assembled of blight conditions in Glendora's project area three, and we independently determined that the area is indeed blighted and in need of the increased funding. The overwhelming majority of the Legislature agreed when they approved the legislation after reviewing an analysis that explained the need for such relief.

Second, and more fundamentally, the Court of Appeal's suggestion that it gets to decide if the Legislature engaged in sufficient fact-finding to satisfy the court is a gross violation of the separation of powers. Unless fundamental rights are at stake (which they are not here), courts should not be permitted to second-guess legislative enactments unless they are so irrational as to have no conceivable basis (again, a situation not present here). This opinion now validates a far more aggressive role for courts to play in the legislative process, which puts in jeopardy nearly every law we pass. How can we know if we have considered sufficient evidence to satisfy some form of independent review by the courts? The state constitution gives the Legislature the power to determine what laws should be passed. Specifically, Article 16, section 16 gives the Legislature wide authority over redevelopment policy. This Court of Appeal opinion takes away the Legislature's constitutional power and gives the courts a much broader role than is permissible to second-guess policy judgments made by the Legislature.

This published opinion refused to enforce duly enacted legislation and makes it much more likely that future legislation will suffer the same fate. For those reasons, I strongly urge this Court to grant Glendora's petition for review.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Anthony Adams', with a large, stylized flourish extending to the left.

Anthony Adams
Assemblyman, 59th District

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is State Capitol, Room 4015 Sacramento, CA 95814.

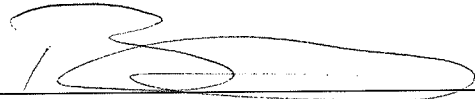
On August 26, 2010, I served true copies of the following document(s) described as **LETTER IN SUPPORT OF PETITION FOR REVIEW** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with my office's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on August 26, 2010, at Sacramento, California.



Billy Gatlin
Chief of Staff, Assemblyman Anthony Adams

SERVICE LIST
County of Los Angeles v. Glendora Redevelopment Project

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Case No. H032945

Honorable Robert O'Farrell
Monterey Superior Court
1200 Aguajito Road
Monterey, CA 93940

Case No. M82091