



BOARD OF SUPERVISORS COUNTY OF MADERA

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October 3, 2014

Chief Justice Tani Gorre Cantil-Sakauye
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

**Re: California High-Speed Rail Authority v. Superior Court (Tos), S220926
Amicus Curiae Letter Supporting Petition for Review**

Dear Chief Justice and Associate Justices of the California Supreme Court:

I write this amicus letter as the sitting representative for the third district of Madera County Board of Supervisors. I support the petitions for review filed by Real Parties in Interest John Tos et al., First Free Will Baptist Church, and the Howard Jarvis Taxpayers Association from the decision of the Third District Court of Appeal, reversing Judge Michael P. Kenny's trial court decisions denying validation to the California High-Speed Rail Authority's ("CHSRA") request for issuance of bonds under Proposition 1A and granting a writ of mandamus against the High Speed Rail Authority.

I write this letter on behalf of the citizens I represent. Madera County will be impacted severely by the CHSRA's proposed plans for a high-speed rail project through this jurisdiction, as will many of our citizens and property owners. The CHSRA's project, as proposed, will be unnecessarily disruptive. In addition, because the proposed project has neither been fully funded nor had its environmental review completed as required under Proposition 1A, there is a grave danger that what will result will be only a partially-completed project that will bring all of its damaging impacts, but none of the benefits. It was precisely for these reasons that the Legislature wisely placed these requirements in the bond measure and mandated that they be fulfilled before funds could be appropriated or spent towards land acquisition and other pre-construction activities which, in themselves, cause some of the project's many damaging impacts.

Further, the Court of Appeal's ruling ignores the plain language of the bond measure requiring that, before authorizing bond issuance, the bond committee determine, based on real evidence, that it was necessary or desirable to issue bonds at that time. The Court of Appeal treated this requirement as a mere empty formality. In fact, this requirement, and the constitutional requirement that the bonds be spent solely as the voters had mandated, are safeguards against precisely the kind of poorly planned project that the CHSRA has embarked upon.

I believe that the restrictive requirements of Proposition 1A, which were acknowledged but then dismissed in the Court of Appeal's decision, provided the slim margin of victory for the measure. Not only will the appellate holdings in CHSRA v. Superior Court increase California voters' cynicism and destroy their willingness to trust

future bond measures, but they will result in real damage to this jurisdiction, its citizens, property owners, and businesses.

This case raises the troubling issue of whether voters and taxpayers can rely on the plain language requirements written into a bond measure. I ask the Court to grant review of this important case, and consider restoring the enforceability and trustworthiness of voter-approved measure provisions.

Sincerely,

<ORIGINAL SIGNED>

David Rogers
District 2 Supervisor, County of Madera

<ORIGINAL SIGNED>

Rick Farinelli
District 3 Supervisor, County of Madera

Attachments:
Proof of Service
Service List