MICHAEL J. BRADY (SBN 40693)
1001 Marshall Street, Suite 500
Redwood City, CA 94063-2052
Telephone: (650) 364-8200
Facsimile: (650)780-1701
Email: mbrady(@rmkb.com

STUART M. FLASHMAN (SBN 148396)
Law Offices of Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
Tel/Fax: (510) 652-5373
Email: stu@stuflash.com

Attorneys for Defendants
JOHN TOS; AARON FUKUDA;
AND COUNTY OF KINGS

COUNTY IS EXEMPT FROM FILING FEES PER GOV. CODE SECTION 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

HIGH SPEED RAIL AUTHORITY, et al., Plaintiffs, v. ALL PERSONS INTERESTED, et al., Defendants.	CASE NO. 34-2013-00140689 ASSIGNED FOR ALL PURPOSES TO HONORABLE MICHAEL P. KENNY DEPT. 31 **DECLARATION OF KATHY HAMILTON IN OPPOSITION TO VALIDATION COMPLAINT**

I, Kathy A. Hamilton, declare as follows:

1. I am a resident of Menlo Park. I write for the *Examiner* and have written over 180 articles and attended more than 100 state and local meetings on the subject of High-Speed Rail. I attended the High-Speed Passenger Train Finance committee meeting which was held on March 18, 2013, at approximately 2:00 p.m. Here is what I witnessed:

2. Those who were designated as committee members were the State Treasurer, State Controller, Director of Finance, Secretary of the Business, Transportation and Housing Agency, Chairperson of the High-Speed Rail Authority did not appear. All who attended were substitutes. They confirmed they had a quorum and then approved the minutes of a past meeting,

September 21, 2011. They immediately went into closed session in order to consider and confer with legal counsel. They invited the public to stay in the room until they returned. Part one of this meeting lasted approximately 1 minute and 18 seconds.

3. Sometime later they came back and reopened the meeting (Part 2) and asked if there was any public comment concerning the agenda items 5 and 6 which were the High-Speed Rail Resolutions 9 and 10. There were 10 minutes of public comment. I personally testified at this meeting on the subjects of the importance of an $8.6 billion bond measure; lack of compliance with various environmental requirements under Proposition 1A; and the fact that Southern California problems with bookend funding in compliance with Proposition 1A were not even mentioned; that this committee should not be rubber-stamping an Authority request for authorization for issuance of the bonds. I also pointed out that there was no rush or emergency compelling such approval. (See transcript of the meeting attached hereto as Exhibit A.)

4. I am familiar with the Tos/Fukuda/Kings County lawsuit and understand that there is a request for this Court to take judicial notice of that lawsuit. I am also familiar with the Declaration of Judge Quentin Kopp indicating that the finance committee also has the responsibility to be sure that Streets and Highway Code sections A through J are complied with.

5. After public comment, the Agenda items were read, each motion passed separately and unanimously.

6. There was no evidence presented, questions asked or witnesses called. There were no discussions that the approval of the High-Speed Rail resolution was necessary or desirable. There were no discussions at all. The Authority's resolution that was approved that same morning was available to the public.

7. This part of the meeting, the final part, lasted 1 minute and 43 seconds after which they adjourned to another closed session. I have the audio recordings of both parts of the actions of the committee and approximately 95% of the public comments.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. I also declare that if I were called as a witness to testify to the foregoing, I would be competent to so testify.

Executed on this 9th day of August, 2013, at Menlo Park, California.

KATHY A. HAMILTON

EXHIBIT A

High-Speed Passenger Train Finance Committee: March 18, 2013 Time: 2 pm

This is an attempt at a verbatim transcript. There may be some grammatical or sentence structure changes to make the document read better but nothing was left out intentionally. Inaudible sections were noted.

Introduction: The committee introduced themselves, none of the appointed committee members were in attendance, and all were substitute representatives. From audio recognition only it appeared Carol Ferris presided who was representing acting Secretary Brian Kelly.

She began: "Thank you and we have a quorum.

The next item on the agenda is approval of the minutes of September 21, 2011. (Motion is approved unanimously)

Ferris continues, "Next on the agenda we have adjournment to closed session to consider and confer with legal counsel. So at this time I am going to adjourn to closed session and members of the public may stay in this room until we return."

Return from Closed Session, the chair invites public comment before motions on Agenda items 5 and 6 are acted upon. (I do not have this introduction recorded but it was literally seconds)

Kevin Dayton: Note: Tape was turned on a little late, missing his intro. Kevin is CEO of Labor Issues Solutions.

"Will the bonds be sold separately or at the same time for state bonds for other purposes? What rate do you expect to sell them at? I heard the chairman say 6.25% but I'm going to guess that was probably made that number up out of his head. The bonds selling last week were between 3.5 and 3.8%, something like that. I'd like to hear more about what you think you will get out of this. How will the bonds be structured? Will we be selling capital appreciation bonds at all for this? If the lawsuit that is coming up in Kings County is lost by the High-Speed Rail Authority and you've sold bonds, what happens to the money? These are questions I think that regular Californian who voted for this want to know. [They want to know] a lot more about this. We need to know a lot more about this [because] it's a lot of money for us especially when you consider the interest etc will be about $20 billion [interest on bond funds] total for the whole thing. Thank you."

Carol Ferris breaks in: "I'd like to thank you for your comments. I would also like to say that the purpose of this is to hear public comment and certainly the committee members can then take your comment into consideration. It's not a question and answer session at this time."

Kathy Hamilton: Discusses handouts brought by her and CC-HSRA. Her commentary:

"My question is why now, why sell $8.6 billion worth of bonds now. Only 3.7 have been appropriated by the legislature and even out of that money, the money for the bookends, those projects have not been environmentally cleared in fact even in Southern California, the projects haven't even been identified. The rest of the money for what's called the Initial Construction Segment is only part of the Initial operating segment and that is what the lawsuit is about that was filed on Friday.

The fact is Prop 1A has requirements that are called A through K's and you are held as a body to look at this and not basically just, I don't want to say rubber stamp it, but that's what I mean, just like push it forward. You have an obligation to determine, did this organization, High-Speed Rail Authority meet the obligation of Prop 1A? I think there's plenty of time to decide. At very minimum at the very minimum you shouldn't be doing anything with anything but 3.7 billion. I thank you very much.

David Schwegel: "Good afternoon. My name is David Schwegel. I am a past president of the Sacramento section of the American Society of Civil Engineers. Now $68 billion for a high-speed rail project for a significant infrastructure improvement that may seem like a lot of money but as I was coming in today from Folsom on light rail I was reading the ASCE California report card that indicates that back in the sixties the state spent 20 cents on a dollar for infrastructure, today the state only spends a penny on the dollar. The ASCE is requesting an investment of $368 billion dollars in 10 years in transportation infrastructure alone.

The Northeast High-speed rail project is well over $150 billion $68 billion is quite small relative to the enormous infrastructure investment that we need that is partially the cause of the tremendous infrastructure neglect that we have had that has been driving businesses out of the state and putting unemployment at extremely high rates. It's also very critical that we move forward with a very efficient cost effective system. When you look at high-speed rail in relative to investments in other [modes], this is an extremely efficient use of funds. In fact high-speed rail is the world's largest infrastructure endeavor. The US is not (inaudible) California has an extraordinary opportunity to turn that around. With that $68 billion dollar investment, you address climate change, you address mobility, and you address economic prosperity. President and CEO of US High-Speed Rail Organization Andy Koontz says, ' HSR is indeed the bargain of the Century.' As (inaudible) CEO [Ray] Davis says, the world watches the US, The US watches California. Build it."

Ted Hart: "I'm going to change direction a little bit. I'm not going to talk to you about a lot of numbers with you. I'm going to speak to you as an individual, a taxpayer. I'm here for family and friends and more than anyone else my great grandchildren, sixth generation Californians who are going to end up paying for all of this.

I have attended almost every single HSR board meeting. I have attended the hearings in front of the senate and the assembly, I testified there. It's the same subject over and over again. Where I'm coming from is, where's the money? You are the body that controls the money. After 60 years in the construction industry I pretty well know what it takes to make the thing work. So what I'm looking at is everything is laid out as to this first segment but the biggest question is what happens next. Maybe the easiest way to give you an explanation of this is to tell you about a senate transportation meeting that occurred a couple of weeks ago, Senator DeSaulnier at the very end of the meeting, turned to the board and said all this is good. I have supported high-speed rail. The concept is right but what are you going to do about the funding when this first segment is finished. That is really the $64 dollar question ahead of almost everything else at this time. It's so easy to get caught up in the excitement of trains and high-speed rail and all the rest of it. The real nuts and bolts of this, especially those of us who have been in private industry construction, we look at this and say, if we are going to be building this, we have to know where the additional money is going to come from. How are we going to get this money? These are the questions that this board needs to address more so than a whole lot of other things. Otherwise if that money is not in place, this whole project segment will end in some farmer's field down in the San Joaquin Valley. And as far as trying to attract federal money, in Prop IA it says very clearly, that California is not going to be necessarily in the position to provide this money. Where it's coming from according to what was presented to the voters, is that it will come from federal and private funds.

Well, good luck with the federal. There isn't a congressman out there outside of California that wants to fund High-Speed Rail in California to go to Disneyland. It just isn't there. There was a meeting in Chicago and a congressman from Maryland attended and at the very end of it said, 'This all sounds great, you don't really believe I can go back to my constituents and ask them to support this or give up their tax dollars for this project?" I would ask that you look at this very carefully. I would hope you would have some very concrete answers as to why would you pass this if you don't know where the additional funds are coming from."

Chair Carol Ferris, "Thank you. "Hearing no other comments, we'll move on to Item five which is consideration of resolution 9. A gentleman reads the motion for agenda Item 5, (the item is taken from the agenda due to low sound quality)

"Consideration of Resolution IX under the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizing the issuance of State of California High-Speed Passenger Train Bonds or Commercial Paper Notes in the principal amount not to exceed $8,599,715,000.*

Chair Ferris asks, "Do I have a motion? Yes. Do I have a second? Someone says, I'll second. Thank you, I have a motion and a second. All in favor. Motion carries. Thank you. (Unanimous)

Item 6, gentleman reads the motion, (from agenda due to poor sound quality) "Consideration of Resolution X under the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizing the issuance of State of California High-Speed Passenger Train Refunding Bonds to refund bonds and notes issued under Resolution IX and bonds issued under Resolution X."

Chair Ferris asks, "Do we have any questions from committee members. Do we have a motion please? Someone says, yes. Chair says thank you and asks for a second? Someone says yes. Chair thanks them. Chair says I have a motion and a second, all in favor. Motion carries. (Unanimous)

"We're going to resume our closed session. I would like to announce there will be no further announcements coming out of the meeting so when we return, we will simply adjourn." (And they did)