SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Taxpayers for Accountable School Bond Financing, Petitioner, v. San Diego Unified School District, Respondent.	Case No. 2011-00085714 **STATEMENT OF DECISION** 2d Cause of Action Under CEQA (CCP §632; CRC 3.1590) Dept.: 72 Judge: Taylor August 26, 2011, 1:30 p.m.

1. Overview of the Litigation/Procedural Posture.

In this CEQA case, petitioner seeks a writ of mandate requiring the District to set aside certain decisions it made on January 11, 2011 [AR 1:1; 4:54-55] relating to the Hoover High School Athletic Facilities Upgrade Project ("Project"). Petitioner contends the District violated CEQA when it adopted a Mitigated Negative Declaration (MND) [AR 8:64-101] and Mitigation Monitoring and Reporting Program (MMRP) [AR 9:102-105]. The key issues are noise and light from the upgraded football field, which borders

residential areas on two sides and part of a third. Since the 1970's, Hoover High has not had lights on the football field, so football, soccer, and track/field games, meets and practices take place during daylight hours. [AR 8:071] Petitioner also raises traffic and parking issues. The moving papers are unusual for their attacks on the District's good faith, using colorful phrases like "dishonesty" (1:25, 2:14), "known lies" (2:11), "farce" (2:4), and "contrived" (3:11). These unnecessary atmospherics detract from petitioner's overall presentation. The reply brief filed August 12 is noticeably less strident.

The CEQA claim came on for hearing on August 26, 2011 at 2:30 p.m. The court heard extensive oral argument, following which the second cause of action was submitted. The court had published a detailed tentative ruling in advance of the hearing, and on August 29, 2011, filed and served its ruling via minute order. On September 6, petitioner filed its Request for Statement of Decision (SOD) and statement of additional controverted issues. The court served its Proposed SOD on 9/8/11. CCP section 632 provides:

> "In superior courts, upon the trial of a question of fact by the court, written findings of fact and conclusions of law shall not be required. The court shall issue a statement of decision explaining the factual and legal basis for its decision as to each of the principal controverted issues at trial upon the request of any party appearing at the trial. . . ."

"[I]t is settled that the trial court need not, in a statement [of] decision, 'address all the legal and factual issues raised by the parties.' [Citation.] It 'is required only to set out ultimate findings rather than evidentiary ones.' [Citation.] ' "[U]ltimate fact[]" ' is a slippery term, but in general it refers to a core fact, such as an element of a claim or defense, without which the claim or defense must fail. [Citation.] It is distinguished

conceptually from 'evidentiary facts' and 'conclusions of law.' [Citation.]" *Yield Dynamics, Inc. v. TEA Systems Corp.* (2007) 154 Cal.App.4th 547, 559. "The trial court is not required to make an express finding of fact on every factual matter controverted at trial, where the statement of decision sufficiently disposes of all the basic issues in the case." *Bauer v. Bauer* (1996) 46 Cal.App.4th 1106, 1118. A specific finding on a disputed factual issue is not required when that finding may necessarily be implied from a general finding. *St. Julian v. Financial Indemnity Co.* (1969) 273 Cal.App.2d 185, 194.

2. Overview of the CEQA Process.

A. The Court's Role in CEQA Cases.

In *Mira Mar Mobile Community v. City of Oceanside,* 119 Cal.App.4th 477, 486 (2004) (*Mira Mar Mobile Community*), the court explained that "[i]n a mandate proceeding to review an agency's decision for compliance with CEQA, [courts] review the administrative record *de novo* [citation], focusing on the adequacy and completeness of the EIR and whether it reflects a good faith effort at full disclosure. [Citation.] [The court's] role is to determine whether the challenged EIR is sufficient as an information document, not whether its ultimate conclusions are correct. [Citation.]" An EIR is presumed adequate. Pub. Res. Code § 21167.3, subd. (a).

Courts review an agency's action under CEQA for a prejudicial abuse of discretion. Pub. Res. Code § 21168.5. "Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." *Id.;* see *Mira Mar Mobile Community, supra,* 119

Cal.App.4th at 486; *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* ("*Grossmont*"), 141 Cal. App. 4th 86, 96 (2006)(same).

In defining the term "substantial evidence," the CEQA Guidelines state: " 'Substantial evidence' ... means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made ... is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion[,] narrative [or] evidence which is clearly erroneous or inaccurate ... does not constitute substantial evidence." CEQA Guidelines, § 15384(a). "In applying the substantial evidence standard, [courts] resolve all reasonable doubts in favor of the administrative finding and decision. [Citation.]" *Mira Mar Mobile Community, supra*, 119 Cal.App.4th at 486; *Grossmont, supra*, 141 Cal. App. 4th at 96.

Although the lead agency's factual determinations are subject to the foregoing deferential rules of review, questions of interpretation or application of the requirements of CEQA are matters of law. While judges may not substitute their judgment for that of the decision makers, they must ensure strict compliance with the procedures and mandates of the statute. *Grossmont, supra*, 141 Cal. App. 4th at 96.

B. <u>The Three Steps of CEQA</u>.

CEQA establishes "a three-tiered process to ensure that public agencies inform their decisions with environmental considerations." *Banker's Hill, et al v. City of San*

Diego, 139 Cal. App. 4th 249, 257 (2006)("*Banker's Hill*"); see also CEQA Guidelines, § 15002(k)(describing three-step process). In a case not cited by either side, the Supreme Court recently held that common sense is an important consideration at all levels of CEQA review. *Save the Plastic Bag Coalition v. City of Manhattan Beach,* 2011 DAR 10645, 10652, No. S180720 (7/15/11)("*Plastic Bag*").

First Step in the CEQA Process.

The first step "is jurisdictional, requiring that an agency conduct a preliminary review in order to determine whether CEQA applies to a proposed activity." *Banker's Hill, supra,* 139 Cal. App. 4th at 257; see also Guidelines, § 15060. The Guidelines give the agency 30 days to conduct this preliminary review. (Guidelines, § 15060.) The agency must first determine if the activity in question amounts to a "project." *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 380. "A CEQA ...project falls into one of three categories of activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (§ 21065.)" *Sunset Sky Ranch Pilots Assn. v. County of Sacramento* (2009) 47 Cal.4th 902, 907.

As part of the preliminary review, the public agency must also determine the application of any statutory exemptions or categorical exemptions that would exempt the proposed project from further review under CEQA. See Guidelines, § 15282 (listing statutory exemptions); Guidelines, §§ 15300–15333 (listing 33 classes of categorical exemptions). The categorical exemptions are contained in the Guidelines and are

formulated by the Secretary under authority conferred by CEQA section 21084(a). If, as a result of preliminary review, "the agency finds the project is exempt from CEQA under any of the stated exemptions, no further environmental review is necessary. The agency may prepare and file a notice of exemption, citing the relevant section of the Guidelines and including a brief 'statement of reasons to support the finding.' " *Banker's Hill, supra*, 139 Cal.App.4th at 258, citing Guidelines, §§ 15061(d), 15062(a)(3).

Second Step in the CEQA Process.

If the project does not fall within an exemption, the agency proceeds to the second step of the process and conducts an initial study to determine if the project *may* have a significant effect on the environment. (Guidelines, § 15063.) If, based on the initial study, the public agency determines that "there is substantial evidence, in light of the whole record ... that the project may have a significant effect on the environment, an environmental impact report [(EIR)] shall be prepared." [CEQA, § 21080(d).] On the other hand, if the initial study demonstrates that the project "would not have a significant effect on the environment," either because "[t]here is no substantial evidence, in light of whole record" to that effect or the revisions to the project would avoid such an effect, the agency makes a "negative declaration," briefly describing the basis for its conclusion. (CEQA, § 21080(c)(1); see Guidelines, § 15063(b)(2); *Banker's Hill, supra*, 139 Cal.App.4th at 259.)

The Guidelines and case law further define the standard that an agency uses to determine whether to issue a negative declaration. "[I]f a lead agency is presented with a

fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect." (Guidelines, § 15064(f)(1), italics added.) This formulation of the standard for determining whether to issue a negative declaration is often referred to as the "fair argument" standard. See *Laurel Heights Improvement Assn. v. Regents of University of California,* 6 Cal.4th 1112, 1134–1135 (1993). Under the fair argument standard, a project "may" have a significant effect whenever there is a "reasonable possibility" that a significant effect will occur. *No Oil v. City of Los Angeles*, 13 Cal.3d 68, 83-84 (1974). Substantial evidence, for purposes of the fair argument standard, includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." § 21080, subd. (e)(1). Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts unrelated to physical impacts on the environment. § 21080, subd. (e)(2).

If the initial study reveals no substantial evidence that the project may have a significant environmental effect, the agency may adopt a negative declaration. Pub. Res. Code § 21080, subd. (c)(2); Guidelines, § 15070, subd. (b); *Grand Terrace, supra,* 160 Cal.App.4th at 1331; *Plastic Bag, supra* (holding common sense is part of the substantial evidence analysis). "Alternatively, if there is no substantial evidence of any net significant environmental effect in light of revisions in the project that would mitigate any potentially significant effects, the agency may adopt [an MND]. [Citation.] [An MND] is one in which '(1) the proposed conditions "avoid the effects or mitigate the

effects to a point where *clearly* no significant effect on the environment would occur, *and* (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." (§ 21064.5 . . . .)' [Citations.]" *Grand Terrace, supra,* at 1331-1332. The MND allows the project to go forward subject to the mitigating measures. Pub. Res. Code §§ 21064.5, 21080, subd. (c); see *Grand Terrace, supra,* 160 Cal. App. 4th at 1331. As noted above, this case involves the District's decision, following an initial study, to adopt a MND for the Project. Application of the "fair argument" standard is a matter involving the court's independent review, and the lead agency's determination is entitled to no deference except on legitimate disputed issues of credibility. *Bowman v. Berkeley,* 122 Cal. App. 4th 572, 580-81 (2004); *Sierra Club v. County of Sonoma,* 6 Cal. App. 4th 1307, 1317-18 (1992).

Third Step in the CEQA Process.

If no negative declaration is issued, the preparation of an EIR is the third and final step in the CEQA process. *Banker's Hill, supra,* 139 Cal. App. 4th at 259; Guidelines, §§ 15063(b)(1), 15080; CEQA, §§ 21100, 21151.

C. <u>The Environmental Impact Report</u>.

Central to CEQA is the EIR, which has as its purpose informing the public and government officials of the environmental consequences of decisions before they are made. [Citation.] "An EIR must be prepared on any 'project' a local agency intends to

approve or carry out which 'may have a significant effect on the environment.' Pub. Res. Code §§ 21100, 21151; Guidelines, § 15002, subd. (f)(1). The term 'project' is broadly defined and includes any activities which have a potential for resulting in a physical change in the environment, directly or ultimately. Pub Res. Code § 21065; Guidelines, §§ 15002, subd. (d), 15378, subd. (a); [Citation].) The definition encompasses a wide spectrum, ranging from the adoption of a general plan, which is by its nature tentative and subject to change, to activities with a more immediate impact, such as the issuance of a conditional use permit for a site-specific development proposal." *CREED v. City of San Diego*, 134 Cal. App. 4th 598, 604 (2005).

3. Request for Judicial Notice.

Petitioner requests judicial notice of certain municipal enactments and records of governmental actions pursuant to Evid. Code sections 452 and 453. One such request, relating to the City of San Diego's Mid-Cities Community Plan, is granted in accordance with the parties' stipulation. The District opposes other portions of the request as inconsistent with the oft-repeated rule in CEQA cases: "If it is not in the administrative record, it does not exist." *See Sierra Club v. Coastal Comm'n*, 35 Cal. 4th 839, 863 (2005); CCP section 1094.5; *Western States Petroleum Ass'n v. Superior Court*, 9 Cal. 4th 559, 565 (1995).

Judicial notice is a substitute for formal proof. *Sosinsky v. Grant*, 6 Cal.App.4th at 1564. Its consequence is to establish a fact as indisputably true, eliminating the need

for further proof. *Id.*; see *Post v. Prati* (1979) 90 Cal.App.3d 626, 633; *Mozzetti v. City of Brisbane* (1977) 67 Cal.App.3d 565, 578 [purpose of judicial notice is to expedite production and introduction of otherwise admissible evidence]. Hence, the general rule dictates that a matter is subject to judicial notice only if it is reasonably beyond dispute. *Fremont Indem. Co. v. Fremont General Corp.*, 148 Cal.App.4th at 113; *Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort* (2001) 91 Cal.App.4th 875, 882 [matter being judicially noticed must "not [be] reasonably subject to dispute"]; see Jefferson, Cal. Evidence Benchbook (4th ed. 2009) Judicial Notice, § 49.5, p. 1145. Although the *existence* of a document may be judicially noticeable, the truth of statements contained in the document and its *proper interpretation are not subject to judicial notice* if those matters are reasonably disputable.' " *Unruh-Hazton v. Regents of University of California* (2008) 162 Cal.App.4th 343, 364-365; *accord, StorMedia Inc. v. Superior Court* (1999) 20 Cal.4th 449, 457, fn. 9 ["When judicial notice is taken of a document . . . the truthfulness and proper interpretation of the document are disputable"].

The court grants the request for judicial notice as to the San Diego Municipal Code, but denies it as to the May 10, 2011 Resolution. The latter document is irrelevant to the CEQA issues of this case, as it was enacted months after the challenged adoption of the MND. Moreover, it is not relied upon by the District in any fashion in justifying the decision to adopt the MND; it is not even mentioned in the District's brief (except on page 18 where reliance on it is expressly disclaimed). The May Resolution is the subject of the 4th cause of action of the amended petition. The cited Municipal Code sections are

not in the Administrative Record, but there is some mild indication petitioner relied indirectly on them in commenting on or objecting to the IS, the MND, and/or the MMRP. Further, municipal enactments are otherwise properly the subject of judicial notice under Evid. Code section 452(c). Thus, the request is granted in this limited respect.

4. Application of Law to Facts of this Case.

Based on the authorities discussed above, the question before the court is whether, following the court's own independent review, there is any substantial evidence of any net significant environmental effect in light of revisions in the Project that would mitigate any potentially significant effects. If not, the District properly adopted the MND. Said another way, is the MND one in which '(1) the proposed conditions avoid the effects or mitigate the effects to a point where *clearly* no significant effect on the environment would occur, *and* (2) there is *no substantial evidence* in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment.

A. As to light impacts, the Court agrees with the District that the Administrative Record reflects that the lighting design which is integral to the Project (which was the subject of a thorough lighting impact study, AR 12:169-200) reduced lighting impacts to the point where they are insignificant. [AR 8:77-79] Petitioner offers no evidence in the record to the contrary; all that is offered is speculation and expressions of concern. Petitioner complains that there is no guarantee that the lights will be dimmed when the

night games are over and turned off completely when the field and bleachers are cleaned up after the crowd disperses. Moving papers at 7-8. The IS at AR 8:79 clearly dictates extinguishment of the lights at 10:00 p.m. Common sense in turn dictates this is likely to occur. The lights require electricity, and electricity costs money; in this era of shrinking state budgets, it seems likely that the District will want to minimize its electric bill by not burning the lights when it is not necessary to do so. Petitioners also complain that there is no guarantee that the number of night games will be limited to 15. Moving papers at 7; AR 89. Yet this ignores the fact that high school football games - the real focus of petitioner's ire - are only played during the months of September, October and November, and then at most only once a week (assuming no "away" games). The frequency of the use to which petitioner objects – a varsity home football game, at night with the lights on, with a bleacher full of fans yelling to support their sons and classmates, perhaps a band playing the school's fight song, and a PA announcer helping the crowd follow the action, is thus limited by the very nature of the activity. Nor is it surprising that the District did not wish to enact an absolute curfew: tie games at the end of regulation, leading to overtime periods, are a part of sports.

As noted above, "substantial evidence" in the present context is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts unrelated to physical impacts on the environment. § 21080, subd. (e)(2). Yet this is precisely what petitioner offers. The examples are numerous: AR 37:460 ("potential accidents"); AR 39:463 (statements of "concern" without substantiation); AR 40:464 (same); AR 41:465 ("many questions

about non-school functions possibly being held" on the fields); AR 44:468 (speculating that "if you build it, they will come"); AR 67:630 (speculating the Project "could open a revolving door of field rental"); AR 105A:773 ("It is unknown if the additional nighttime noise and lights will have an effect" on species in nearby canyon habitats). One way petitioner could have made a showing of substantial evidence would have been to retain its own consulting firm to investigate these concerns and potential issues and address these questions and unknowns. Petitioner did not do so. The District's lighting impact study (AR 12:169-200) stands without substantial refutation.

B. As to sound impacts, the court agrees with the District that the mitigation measures, which were in turn based on a thorough acoustical site assessment [AR 13:201-236], reduce the impact from crowd noise and public address to a point where it is insignificant. [AR 8:92-94; AR 9:102-105] Petitioner offers no substantial evidence in the record to the contrary. The court notes that the noise study was based on a "worst-case scenario," extremely conservative assumption – namely, that there would be a home football game, a home baseball game, and a home softball game taking place all at the same time. [AR 13:216 (text accompanying footnote 8)] Common sense [as well as application of judicial notice under Evid. Code section 452(g)] reveals that this assumption is highly unlikely to occur, as football is a fall sport and baseball/softball are spring sports. This assumption had the net effect of being protective of the environment, as it skews the noise numbers in favor of a finding of potential significance. This, in turn, yielded a mitigation measure which petitioner fails to attack with substantial evidence. Nowhere does petitioner offer its own sound study, or even an expert critique of the

District's acoustical site assessment. It was content to offer a compendium of non-expert materials assembled by the leader of the opponents of the Project, Mr. Ron Anderson. AR 105. Much of the "data" cited in the Anderson narrative is actually Mr. Anderson's own emails. As outlined above, the court finds that, considering the record as a whole, these lay materials fail to constitute substantial evidence of a significant effect on the environment arising from the Project. Petitioner fails to offer evidence that the mitigation measures set forth in the MMRP will not have the desired impact, and indeed offers evidence that it is feasible to reduce sound impacts. See AR 105BB:967, item 3.

In the September 6 filing, part B, petitioner notes that the sound impacts are the subject of the only mitigation measures. This is properly so, because sound impacts are the only findings of significance in the IS. As to all other areas studied, the findings were "no impact" or "less than significant impact." These findings were appropriate, so no mitigation measures are required.

C. As to parking and traffic impacts, the District conducted a thorough IS, the result of which was the conclusion that there is no significant net impact on the environment. [AR 14:237-350; AR 8:96-97] Petitioner offers no substantial evidence in the record to the contrary. Again, there is no professionally prepared traffic/parking study offered by petitioner to counter the very thorough one prepared by the District [AR 14:237-350] Instead, petitioner offers Mr. Anderson's photo narrative including renderings of the floral screening he (and probably others) would like to see. AR 105O:844-878. Neither this presentation, nor the various comment letters (many

referencing anecdotal daytime parking and traffic burdens in the community) do not, in the court's view, seriously undermine either the methodology or the conclusions reached by the District's consultant in the traffic/parking analysis. Moreover, the District correctly points out that the "social inconvenience of having to hunt for scarce parking spaces is not an environmental impact." *SFUDP v. City and County of SF*, 102 Cal. App. 4th 656, 697 (2002).

D. Petitioner makes three other allegations meriting discussion. The first is that at the time the District exercised eminent domain (decades ago) to place the football field in its current location, a "promise" was made that the District would never seek to add field lights. [AR 87:683] The second is that stakeholders were "promised" that the environmental review would include an EIR instead of an MND. Moving papers at 2:7. Neither of these two contentions is buttressed by substantial evidence in the record. As to the latter, the most that can be said from the proffered evidence (AR 64, 71, 105E) is that District representatives were careless with their use of the acronym "EIR," using it to refer to the environmental review documents which ended up comprising the appendices to the MND. Nothing changes the fact that the MND was handled in accordance with the notification deadlines and timeframes required by law (and petitioner does not suggest otherwise). As to the former, petitioner does not even attempt to demonstrate the existence of such an "agreement," leaving the court to conclude that this was simply an unsupported neighborhood rumor. AR 87:683 (referring to an alleged "long standing agreement" which no one seemed to have a copy of); AR 90, 95 (District's representative made inquiries about the existence of any such "agreement" and found nothing). The

same letter which alleged the existence of this phantom agreement may reveal the real motivation of some of the opponents of the Project: "there are many avenues ... available at law that the community can and probably will use to delay the entire project...." AR 87:682.

Petitioner's third allegation -- repeated in its September 6 filing, part A -- is that the MND fails to comply with CEQA because it does not contain an adequate "project description" or statement of the "environmental setting." Moving papers at 4:18 – 5:24. The court agrees with the Opposition Brief, part IV, that the project description and description of the environmental setting contained in the appendices to the MND are adequate under CEQA. The decision-makers were adequately informed by these documents such that they were able to make an informed decision concerning whether to adopt the MND. Petitioners' disagreement with that decision is something they can address at the ballot-box the next time the members of the School Board stand for election. As for the contention that the District improperly evaluated the Project based on less than capacity crowds, it bears noting that the Project actually reduces the seat count on both sides of the bleachers (AR 8:70). Moreover, petitioner offers no evidence to undercut the validity of the data used by the District (AR 8:96); it merely asserts that bigger crowds might occur. And, as to sound impacts, any underestimation of crowd size would be offset by the "worst case" assumption underlying the acoustic study (*i.e.*, that both the football field and the baseball diamond are simultaneously in use). Along the same lines, petitioner offers no evidence to support its bald assertion (*e.g.* AR 41:465) that "it is anticipated that other events will be held."

E. The court has reviewed the other contentions of Petitioner, relating to public services, historical/cultural resources, land use impacts, community character, etc., and finds that none of them rise to the level at which a significant environmental impact under CEQA can be fairly argued to exist. On a common sense level (see *Plastic Bag, supra*), the Project boils down to a situation in which an urban high school which has long fielded athletic teams which played home games will, commencing in the Fall of 2012, continue to do so with upgraded facilities which allow some of the contests to occur at night. Viewing the record as a whole, the court cannot say the District ignored substantial evidence of a significant net effect on the environment. As noted above, the District's determination is entitled to no deference except on legitimate disputed issues of credibility. The only presumption the court has indulged in favor of the District is that Hoover High desires in good faith to be a good neighbor in Talmadge, while also pursuing the student-oriented goals associated with the Project.

As to the zoning/community character assertions contained in part C of the September 6 filing, the court can only note that Hoover High School has been educating the children of Talmadge at the site in question for many decades. The school is part of the community. The IS properly found no impact on community character. With regard to the statement regarding Government Code section 53094 at part Xb of AR 8:91, the court perceives no real world impact of this statement on the otherwise proper conclusion of no significant land use impact. Certainly the District has not relied on it in its opposition papers. Clearly the District found that, assuming a proper exemption

resolution was passed in the future (which later did occur), the project would be exempt from City of San Diego zoning ordinances. Under existing law (the *Santa Cruz* decision, which is discussed more fully in the court's decision on the other three counts), this conclusion was drawn in good faith. At the time of the reference to the as-yet unenacted exemption, there was no zoning violation as no work had been undertaken.

For all the foregoing reasons, Petitioner's request for a writ of mandate on the second cause of action of the amended petition must be denied. The second cause of action is dismissed. The remaining causes of action are the subject of a hearing set for September 30, 2011. Petitioner's request for a further hearing on the SOD is denied.

IT IS SO ORDERED this 27 day of Sept., 2011.

Timothy B. Taylor
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central
330 West Broadway
San Diego, CA 92101

SHORT TITLE: Taxpayers for Accountable School Bond Spending vs. San Diego Unified School District

CLERK'S CERTIFICATE OF SERVICE BY MAIL	CASE NUMBER: **37-2011-00085714-CU-WM-CTL**

I certify that I am not a party to this cause. I certify that a true copy of the Statement of Decision dated 9-27-11 was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 09/27/2011.

Clerk of the Court, by: Andrea Taylor A. Taylor, Deputy

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