

September 26, 2023

BY EMAIL TRANSMISSION

The Honorable Chief Justice Patricia Guerrero
and Associate Justices
California Supreme Court
350 McAllister Street, Fourth Floor
San Francisco, CA 94102-4797

RE: Amicus Curiae Letter of Mayors Todd Gloria, Karen Bass, Matt Mahan, London Breed, Darrell Steinberg, Rex Richardson, Sheng Thao, and Farrah Khan Supporting Pre-election Review in *Legislature v. Weber*, No. S281977

To the Honorable Chief Justice and Associate Justices of the California Supreme Court:

Pursuant to California Rule of Court 8.500, the Mayors of the cities of San Diego, Los Angeles, San José, San Francisco, Sacramento, Long Beach, Oakland, and Irvine respectfully urge this Court to grant review in *Legislature v. Weber*, No. S281977. Petitioners have asked the Court for emergency relief to prevent the “Taxpayer Protection and Government Accountability Act” (the “Measure”) from being placed on the November 2024 ballot. Not only does the Measure impermissibly use the voters’ initiative power to revise the California Constitution by making fundamental changes to the structure and foundational powers of government, it also includes a retroactivity provision that poses an immediate threat to vital state and local services that are so important to our cities’ residents.

As Mayors of large cities representing diverse communities across the State, our cities will be forced to reassess and potentially slash lawfully prepared budgets in anticipation that the Measure *might* pass. The Measure’s retroactivity provision coupled with the limited 12-month period to prepare and hold validating special elections would leave no time to resolve the myriad of important and complex issues presented by the Measure in post-election litigation. Pre-election review by the Court is therefore necessary to address the Measure’s validity, and to protect state and local governments from the potentially dire and unnecessary consequences of having to implement this invalid measure -- even before it passes. We urgently request the Court’s assistance in resolving the constitutionality of the Measure at the earliest possible date.

The Court’s original jurisdiction is properly exercised in a case that presents issues “of great public importance and should be resolved promptly.” (*Amador Valley Joint Union High School Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 219.) The breadth of the Measure’s proposed changes, and the severity of their potential impact – particularly on programs that are so essential in major urban areas -- present issues of great importance that justify pre-election review and exercising the Court’s original jurisdiction. It would eliminate foundational state and local legislative and executive powers to raise and allocate revenue. Such “far-reaching changes” to California’s “fundamental governmental structure” is a qualitative revision of the Constitution, and cannot be imposed via initiative. (*Strauss v. Horton* (2009) 46 Cal.4th 364, 444.)

Starting in 2025, billions of dollars in critical funding may be vulnerable as a result of the Measure – including revenue that voters and the government have already dedicated toward schools, fire and emergency response, law enforcement, public health, roads, and more – all enacted in good faith reliance on current law.¹ The crises that will inevitably arise, from natural disasters to pandemics, will only put further strain on other essential government functions – while elections are planned and voter approval has to be sought.

It is crucial that Californians have clarity now regarding the Measure’s validity. If and when the Measure passes, the State and local governments will have to act immediately to prepare for shortfalls, protect essential government functions, and prepare for special elections. By granting review now, the Court has the opportunity to prevent Californians from voting on an improper Constitutional revision, and to relieve our communities of the pressure to comply with the Measure before its validity is determined. In this important case of first impression, we urge the Court to grant review now.

Sincerely,



Todd Gloria
Mayor
City of San Diego



Karen Bass
Mayor
City of Los Angeles



Matt Mahan
Mayor
City of San José



London Breed
Mayor
City of San Francisco



Darrell Steinberg
Mayor
City of Sacramento



Rex Richardson
Mayor
City of Long Beach

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Sheng Thao
Mayor
City of Oakland



Farrah Khan
Mayor
City of Irvine

CC: Margaret R. Prinzing, Counsel for Petitioners the Legislature of the State of California,
Governor Gavin Newsom, et al. (via e-mail)
Steven Reyes, Counsel for Respondent Secretary of State Shirley N. Weber, Ph.D. (via e-mail)
Thomas W. Hiltachk, Counsel for and Real Party in Interest (via e-mail)

Document received by the CA Supreme Court.

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause of action. My business address is 202 W. C Street, 11th Floor San Diego, CA 92101.

On September 26, 2023, I served a true copy of the following document(s):

Amicus Letter of Mayors Todd Gloria, Karen Bass, Matt Mahan, London Breed, Darrell Steinberg, Rex Richardson, Sheng Thao, and Farrah Khan Supporting Request for Review in *Legislature v. Weber*, Case No. S281977.

on the following parties in said action:

- BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and
 - depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - placing the sealed envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the business’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in San Diego, in a sealed envelope with postage fully prepaid.
- BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.
- BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the fax numbers listed based on an agreement of the parties to accept service by fax transmission. No error was reported by the fax machine used. A copy of the fax transmission is maintained in our files.

Document received by the CA Supreme Court.

- BY EMAIL TRANSMISSION:** By electronically mailing the document(s) to the persons at the e-mail addresses listed above based on a court order or an agreement of the parties to accept service by e-mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on September 26, 2023, in San Diego.


