



COUNTY OF SACRAMENTO
OFFICE OF THE COUNTY COUNSEL - DOWNTOWN OFFICE

700 H Street, Suite 2650, Sacramento, California 95814 Telephone (916) 874-5544 Facsimile (916) 874-8207

April 24, 2007

COUNTY COUNSEL
Robert A. Ryan, Jr.

ASSISTANT COUNTY COUNSEL
Kathleen A. O'Connor
John F. Whisenhunt

**SUPERVISING DEPUTY
COUNTY COUNSEL**
Michele Bach
John H. Dodds
M. Holly Gilchrist
Traci F. Lee
Richard G. Llata
Lisa A. Travis
Krista C. Whitman
Denis J. Zilaff

DEPUTY COUNTY COUNSEL
Rebecca B. Armstrong
Michelle Ben-Hur
Richard L. Bowser
Sarah A. Britton
William C. Burke
Renaldo Carboni
Craig E. Deutsch
Joanne C. East
Michelle M. Espy
Megan Webb Fera
Scott M. Fera
Vicki J. Finucane
Keith W. Floyd
Lilly C. Frawley
Christophe Guillon
Carly Hegle
Julianne L. Hinrichsen
Kelsey D. Johnson
Michael Keene
Karla Kowalczyk
Jennifer L. Lippi
Stacey Livingston
Jason A. Manoogian
Susan R. Masarweh
Diane E. McElhem
Jennifer McLaren
Lura L. O'Brien
Thomas R. Parker
Robert P. Parrish
Stephanie G. Percival
Nanci A. Porter
Martha E. Potiriades
June Powells-Mays
Carol F. Pulido
Joy A. Ramos
John E. Reed
Diana L. Ruiz
Kathryn A. Shurtleff
Janice M. Snyder
Catherine Spinelli
Samantha Tali
Ray C. Thompson
Claire van Dam
Silvia B. Viames
Dian M. Vorters
Timothy D. Weinland
James R. Wood
Elizabeth H. Wright
James G. Wright

Honorable Justice Sims
Honorable Justice Morrison
Honorable Justice Robie
Court of Appeal, Third Appellate District
900 N Street, Room 400
Sacramento, CA 95814-4869

Re: *North State Building Industry Association v. County of Sacramento, et al.*; Case: C052814
Request for Continuance of Oral Argument

Dear Justices Sims, Morrison and Robie:

This case involves a challenge by petitioner North State Building Industry Association ("BIA") to the affordable housing ordinance adopted by respondent County of Sacramento ("County") and administered in part by respondent Sacramento Housing and Redevelopment Agency ("SHRA"). Intervening defendants the People of the State of California, represented by the Attorney General, and several affordable housing advocates, represented by Legal Services of Northern California and others, filed a motion to dismiss BIA's complaint, which was granted by the Superior Court and is the subject of this appeal.

This case is scheduled for oral argument May 18, 2007. The County, SHRA and BIA have been engaged in settlement discussions since the summer of 2005, and various proposals have been exchanged and considered by the County Board of Supervisors in executive session. Finally, yesterday the BIA accepted the County's proposal. The settlement is conditioned upon this Court continuing oral argument and the Court's eventual acceptance of BIA's request for dismissal of the appeal.

Prior to adopting the agreed-upon ordinance changes, the County will meet with the intervening affordable housing advocates to obtain their input on the changes. Once that process is complete, the ordinance revisions will be drafted and then scheduled for public hearings. To allow time to draft a settlement agreement, meet with the

Honorable Justice Sims
Honorable Justice Morrison
Honorable Justice Robie

-2-


April 24, 2007

affordable housing advocates, draft the ordinance revisions and adopt the amendments in public session (which requires a minimum of two hearings), the County, SHRA and BIA respectfully request that oral argument be continued to your September calendar. I have spoken with Dan Siegel of the Attorney General's office, and he is in agreement with this request. I have also spoken with Mona Tawatao of Legal Services of Northern California, and she does not support a continuance.

Thank you for your consideration of our request.

Sincerely,

ROBERT A. RYAN, JR.
County Counsel

By 
KRISTA C. WHITMAN
Supervising Deputy

Proof of Service Attached

Court of Appeal Case No: C052814
Sacramento Superior Court Case No.: 05AS00967

PROOF OF SERVICE

I, ELISIA DE BORD, declare:

I am a citizen of the United States, employed in Sacramento, California. My business address is 700 "H" Street, Suite 2650, Sacramento, CA 95814-1283. I am over the age of 18 years and not a party to the above-entitled action.

I am familiar with the practice of the Office of County Counsel of the County of Sacramento whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in the United States Mail after the close of each day's business. On April 24, 2007, I served the following:

**4/24/07 LETTER RE: REQUEST FOR CONTINUANCE OF
ORAL ARGUMENT**

- mail** in accordance with CCP §1013(a), by enclosing a true copy in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. I am readily familiar with the business practices of the Office of the Sacramento County Counsel for collection and processing of correspondence for mailing with the United States Postal Service, and correspondence so collected and processed is deposited with the United States Postal Service on the same date in the ordinary course of business.

Kenneth B. Bley
Andrew C. Bell
Cox, Castle & Nicholson, LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284
*Attorneys for Building Industry
Association of Superior California*

William C. Kennedy
R. Mona Tawatao
Valerie Feldman
Sofia L. Sarabia
Legal Services of Northern
California
515 12th Street
Sacramento, CA 95814
*Attorneys for Proposed
Intervenors*

Dana Wayne Phillips
Sacramento Housing and
Redevelopment Agency
630 I Street, Third Floor
Sacramento, CA 95814

T. Brent Hawkins
Gabrielle P. Whelan
McDonough Holland & Allen PC
555 Capitol Mall, 9th Floor
Sacramento, CA 95814
*Attorneys for Sacramento Housing
and Redevelopment Agency*

S. Lynn Martinez, Esq.
Western Center on Law and Poverty
4499 15th Street
Oakland, CA 94612
Attorney for Intervenors

Michael Rawson
California Affordable Housing
Law Project of the Public Interest
Law Project
449 15th Street, #301
Oakland, CA 94612
Attorney for Intervenors

Deanna R. Kitamura
Richard A. Rothschild
Western Center on Law and
Poverty
3701 Wilshire Blvd., #208
Los Angeles, CA 90010
Attorneys for Intervenors

Daniel L. Siegel
Supervising Deputy Attorney
General
Office of the Attorney General
1300 I St., P.O. Box 944255
Sacramento, CA 94244-2550

Attorney for Intervenor

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on April 24, 2007, at Sacramento, California.

ELISIA DE BORD