

THE ZUMBRUN LAW FIRM
A Professional Corporation
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

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6 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO

11 THE ZUMBRUN LAW FIRM,

12 Plaintiff,

13 v.

14 CALIFORNIA LEGISLATURE; JOINT
15 COMMITTEE ON RULES; ASSEMBLY
16 COMMITTEE ON RULES; SENATE
17 RULES COMMITTEE; JON WALDIE,
Chief Administrative Officer of the Joint
18 Committee on Rules and Assembly
19 Committee on Rules; GREGORY P.
20 SCHMIDT, Secretary of the Senate and
Senate Rules Committee; KEITH FELTE,
Senate Rules Committee and DOES 1
through 50, inclusive,

21 Defendants.
22
23

Case No.: 06AS00775

Complaint Filed: 2/27/06

DECLARATION OF
RONALD A. ZUMBRUN
IN SUPPORT OF PLAINTIFF'S
REPLY TO DEFENDANTS'
OPPOSITION TO MOTION
PURSUANT TO MAY 4, 2006
ORDER TO SHOW CAUSE

Date: 11/16/06

Time: 2:00 p.m.

Dept.: 53

Trial Date: None

The Hon. Loren E. McMaster

24
25 I, Ronald A. Zumbun, declare:

26 1. I am one of the attorneys of record herein for plaintiff and make this declaration in
27 support of Plaintiff's Reply to Defendants' Opposition to Motion Pursuant to May 4, 2006 Order
28 to Show Cause filed concurrently herewith.

FILED
ZUMBRUN LAW FIRM
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SACRAMENTO COURTS
DEPT. #53 #54

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2. Funding for the Capitol Park Security Project is appropriated by the Legislature to the Department of General Services via its Architecture Revolving Fund (ARF) account. The funds are transferred out of the ARF account via a "Public Works Project Authorization and Transfer Request" form. The funds are then earmarked for specific phases or elements of the Capitol Security Project. A true and correct example of a Transfer Request form, as well as a true and correct copy of the portion of an Appropriations Bill authorizing such funding, is attached hereto as Exhibit 1.

3. I have reviewed similar Appropriations and Transfer Request forms for the years 2005, 2004, and 2002 and all reflect funding provided through the Department of General Services' ARF account.

I declare under penalty of perjury under the laws of the State of California that the facts stated in this declaration are within my own knowledge and are true and correct and, if called upon to do so, I could competently testify to all matters stated herein. This declaration was executed this 9th day of November, 2006, at Sacramento, California.

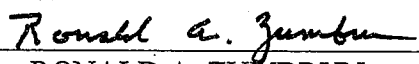

RONALD A. ZUMBRUN

EXHIBIT 1

Senate Bill No. 1113

CHAPTER 208

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 2004. Filed with
Secretary of State July 31, 2004.]

I object to the following appropriations contained in Senate Bill 1113.

Item 0555-001-0028—For support of Secretary for Environmental Protection. I reduce this item from \$1,444,000 to \$982,000.

I am deleting the \$462,000 legislative augmentation to assist the metal plating industry in complying with existing state regulations regarding the disposal of hazardous waste containing hexavalent chromium. This reduction is necessary to limit program expansions and provide for a prudent fund reserve in light of the declining balance in the Unified Program Account.

Item 0555-001-0044—For support of Secretary for Environmental Protection. I revise this item by reducing:

(1) 30-Support from \$10,113,000 to \$8,151,000;

(5) Amount payable from the Unified Program Account (Item 0555-001-0028) from -\$1,444,000 to -\$982,000;

and by deleting:

(11.5) Amount payable from the Hazardous Waste Reduction Loan Account (Item 0555-001-0828) (-1,500,000).

I am revising this item to conform to the actions I have taken in Items 0555-001-0028 and 0555-001-0828.

Item 0555-001-0828—For support of Secretary for Environmental Protection. I delete this item and Provision 1.

I am deleting the \$1,500,000 legislative augmentation to assist the metal plating industry in complying with existing state regulations regarding the disposal of hazardous waste containing hexavalent chromium. While certified unified program agencies are intended to assist businesses, it is not appropriate to single out a particular industry for special assistance for failure to comply with environmental rules.

Item 0690-102-0001—For local assistance, Office of Emergency Services.

I am sustaining the \$2,000,000 legislative augmentation related to funding 10 domestic violence programs. This augmentation will ensure services for domestic violence victims are protected in all communities. However, I am directing the Office of Emergency Service (OES) to incorporate these funds into the existing funding for domestic violence shelters and allow the 10 shelters to obtain funding through the grant process currently administered by OES. Providing a separate appropriation for these 10 particular shelters would create an inequitable process, and would allocate more funding per shelter compared to the other 75 shelters that receive funding.

Item 1111-003-0001—For support of Consumer Affairs. I reduce this item from \$450,000 to \$365,000 by reducing:

(1) 40-Office of Privacy Protection from \$485,000 to \$400,000.

I am deleting the \$85,000 legislative augmentation which would provide funding for the Office of Privacy Protection. Given the fiscal condition of the State, this reduction is necessary to help build a prudent reserve and bring ongoing expenditures in line with existing resources over the longer term.

Item 1760-492—Reappropriation, Department of General Services. I revise this item by deleting Schedule (2.5).

Item	Amount
1760-001-0026—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the State Motor Vehicle Insurance Account.....	3,996,000
Provisions:	
1. Notwithstanding any other provision of law, Section 16379 of the Government Code shall govern the payment of claims for the purposes of this item.	
1760-001-0450—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Seismic Gas Valve Certification Fee Account.....	75,000
1760-001-0465—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Energy Resources Programs Account.....	1,367,000
* [1760-001-0602—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the <u>Architecture Revolving Fund</u>	35,772,000] *
1760-001-0666—For support of Department of General Services, payable from the Service Revolving Fund.....	488,229,000
Schedule:	
(1) Program support.....	702,144,000
(2) Distributed services.....	-12,994,000
(3) Reimbursements—Lease revenue....	-1,440,000
(4) Amount payable from the General Fund (Item 1760-001-0001).....	-7,000,000
(5) Amount payable from the Property Acquisition Law Money Account (Item 1760-001-0002).....	-2,824,000
(6) Amount payable from the Motor Vehicle Parking Facilities Money Account (Item 1760-001-0003).....	-3,991,000
(7) Amount payable from the State Emergency Telephone Number Account (Item 1760-001-0022).....	-4,939,000
(8) Amount payable from the State Motor Vehicle Insurance Account (Item 1760-001-0026).....	-3,996,000
(9) Amount payable from the Seismic Gas Valve Certification Fee Account (Item 1760-001-0450).....	-75,000
(10) Amount payable from the Energy Resources Programs Account (Item 1760-001-0465).....	-1,367,000

Item	Amount
* [(11) Amount payable from the <u>Architecture Revolving Fund</u> (Item 1760-001-0602)	-35,772,000] *
(12) Amount payable from the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990 (Item 1760-001-0768)	-609,000
(13) Amount payable from the State School Deferred Maintenance Fund (Item 1760-001-0961).....	-143,000
(14) Amount payable from the 2002 State School Facilities Fund (Item 1760-001-6036)	-11,612,000
(15) Amount payable from the Motor Vehicle Parking Facilities Money Account (Item 1760-002-0003).....	-1,101,000
(16) Amount payable from the Service Revolving Fund (Item 1760-002-0666)	-111,552,000
(17) Amount payable from the Service Revolving Fund (Item 1760-003-0666).....	-14,500,000

Provisions:

1. Notwithstanding any other provision of law, revenues from the sale of legislative bills and publications received by the Bill Room shall be deposited in the Service Revolving Fund.
2. Notwithstanding any other provision of law, if the Director of the Department of General Services determines in writing that there is insufficient cash in a special fund under his or her authority to make one or more payments currently due and payable, he or she may order the transfer of moneys to that special fund in the amount necessary to make payment or payments, as a loan from the Service Revolving Fund. That loan shall be subject to all of the following conditions:
 - (a) No loan shall be made that would interfere with the carrying out of the object for which the Service Revolving Fund was created.
 - (b) The loan shall be repaid as soon as there is sufficient Moneys in the recipient fund to repay the amount loaned, but no later than 18 months after the date of the loan. The amount loaned shall not exceed the amount that the fund or program is authorized at the time of

PUBLIC WORKS PROJECT AUTHORIZATION AND TRANSFER REQUEST - FORM 22

DGS-RESO-FORM 22 (Rev. 4/02)

RESO
ORIGINATING OFFICE
 BPM PMB
 PSB OTHER

DOCUMENT NUMBER
05132APMB
PROJECT NUMBER
114342
DATE
APR-12-2005

The Department of General Services is hereby authorized to proceed with the following project and the State Controller is hereby requested to transfer funds to the Architecture Revolving Fund in the amount shown below in accordance with Sections 14957 et. seq. of the Government Code

DESCRIPTION OF PROJECT
**CAPITOL SECURITY PROJECT
GENERAL SERVICES
SACRAMENTO, CALIFORNIA**

This document will be used to transfer funds to the Architecture Revolving Fund (ARF) for the Preliminary Plans, Working Drawings, Construction phase(s) for the above mentioned project.

These funds will be utilized to augment various Capitol Security Projects for Preliminary and Working Drawings, as well as Construction phases, and purchasing of needed security equipment.

PP's = \$30,870.00
WD's = \$135,832.00
C = \$763,298.00

PROJECT DIRECTOR: MICHAEL MOORE (916) 376-1685

PUBLIC WORKS BOARD APPROVAL DATE	TOTAL ESTIMATED PROJECT COST	\$12,453,820
PRIOR EXPENDITURES FOR PRELIMINARY PLANNING (To be capitalized on completion of project)	APPROVED DEPARTMENT OF GENERAL SERVICES	<i>[Signature]</i>
General Fund	TITLE	Richard Teramoto, Capital Outlay Program Manager
AMOUNT \$326,104	DATE	APR-12-2005

SPACE BELOW FOR AGENCY USE

SOURCE OF FUNDS

(IF MORE THAN ONE FUND OR APPROPRIATION SHOW AMOUNT TO BE TRANSFERRED FROM EACH)

Support Funds	CHP/YR 7XXX/05	ITEM 1760-00 1-0001	30,870.00
	CHP/YR 7XXX/05	ITEM 1760-00 1-0001	135,832.00
	CHP/YR 7XXX/05	ITEM 1760-00 1-0001	763,298.00
	* Special Legislation AB 156, Chapter 7 - 2005. Section 1, Item (1) *		
	06660330-33402-216342		

APPROVED BY <i>[Signature]</i> 376-1833	DATE 4-14-05	BUDGET ALLOTMENT CODE	DATE
I hereby certify upon my own personal knowledge that budgeted funds are available for this encumbrance.		UNENCUMBERED BALANCE BEFORE POSTING THIS ESTIMATE	
		AMOUNT TO BE TRANSFERRED	\$ 930,000.00

APPROVED BY <i>[Signature]</i>	TITLE Budget Officer	DATE 4/19/05
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DEPARTMENT OF FINANCE APPROVAL

SIGNATURE This document is exempt from review and approval by the Department of Finance pursuant to Government Code Section 14812(c).	TITLE	DATE
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DISTRIBUTION: 1: Original - Controller, Accounting 2: PMB - 707 3rd Street Suite 3-305 Z-1 3: Agency 4: Dept. of Finance 5: DGS Accounting Z-1 707 3rd St. 9th Floor