

Studies N-200 & E-100

April 22, 1998

First Supplement to Memorandum 98-29**Judicial Review of Agency Action: SB 209 Followup**

Attached is a letter from Robert Ryan, Sacramento County Counsel, opposing further Commission work on judicial review of administrative adjudication. He fears it might cause undesirable substantive changes to judicial review of cases arising under the California Environmental Quality Act (CEQA) and other parts of the proposed Environment Code.

Respectfully submitted,

Robert J. Murphy
Staff Counsel



County of Sacramento
Office of the County Counsel

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

COUNTY COUNSEL
Robert A. Ryan, Jr.

ASSISTANT COUNTY
COUNSEL
Melvyn W. Price
John Whisenhunt

SUPERVISING DEPUTY
COUNTY COUNSEL
Kathleen A. O'Connor
Michele Bach
Richard G. Lietz
Ramona A. Armistead
John H. Dodds

DEPUTY COUNTY
COUNSEL
J. Steven Burris
Elaine P. DiPietro
Lilly C. Frawley
Kathryn A. Shurtliff
Anthony L. Wright
Denis J. Ziloff
Ronaldo Carboni
James G. Wright
Martha E. Potriades
Laloni A. Montgomery
John T. Seyman
Patrick I. McGreal
Ray C. Thompson
Timothy D. Weinkand
Claire van Dam
Lawrence J. Duran
Krisa C. Breuer
Joanne C. East
Henry D. Nanjo
Allison Brumbach
Diane E. McElhern
M. Holly Gilchrist
Lisa A. Travis
Keith W. Floyd

April 21, 1998

Law Revision Commission
RECEIVED

APR 22 1998

File: _____

Re: Environment Code

Dear Commissioners:

The California County Counsels' Association (CCA) has reviewed that proposed division of the Environment Code incorporating the California Environmental Quality Act. We appreciate the attempt to retain the existing structure of CEQA as well as the attempt to order the exemption provisions. The draft, standing alone, does not appear to include substantive changes to the law.

However, also on your agenda for April 23, 1998, is a discussion of revising existing law concerning administrative mandamus. If pursued, modifications to Code of Civil Procedure sections 1094.5 and 1094.6 could substantively alter practice under CEQA as well as most of the proposed Environment Code. Because the CCA is opposed to substantive alterations to environmental laws as part of the consolidation effort undertaken by the Commission, we urge you not to continue to pursue changes to existing mandamus statutes. Such changes would accomplish with one hand what you have committed not to accomplish with the other.

Sincerely,

ROBERT A. RYAN, JR.
County Counsel

cc: Ms. Ruth Sorensen