

TRICKERY BY THE LEGISLATURE AND GOVERNOR ATTEMPTS TO KILL PENDING CAPITOL ANNEX LAWSUITS --BUT IT'S NOT OVER!!!

The Legislature couldn't beat us in the courts, so they exempted the Capitol Annex Project from future compliance with the California Environmental Quality Act (CEQA) – an exemption no private California developer or citizen can do. In a midnight action, the Legislature passed new law against the CEQA litigation which was filed to minimize damage to the Capitol and its West Lawn, West Plaza and West Steps. Details of this action and more examples of the shenanigans by the Legislature and Governor follow:

BRAZEN INTERFERENCE WITH ACTIVE LITIGATION

Exempting the Capitol Annex Project from future CEQA actions tries to eliminate two legal challenges: 1) a lawsuit pending in the 3rd District Court of Appeal challenging as inadequate the State's most recent Environmental Impact Report (EIR); and 2) enforcement of a 3rd District Court of Appeal ruling that dismissal of the writ stopping construction was premature and improper. That ruling would take effect in the Superior Court, tentatively in mid-Summer. The Superior Court would have to carefully review the EIR's compliance with CEQA and could potentially stop construction the new Annex building.) The amendment exempting the Project from CEQA was added to a budget trailer bill (SB 174) on June 22, and not disclosed to the plaintiffs whose attorneys were negotiating with the Joint Rules Committee attorneys and offered to settle the lawsuit for moving the Visitor Center away from the West Lawn. The bill was fast-tracked through the Legislature in 5 days and signed by the Governor on July 2, 2024 and takes effect immediately.

But this wasn't the first time the Legislature changed the law to eviscerate court decisions: SB 189 (Chapter 48, 2022) exempted the Project from review by the State Historic Preservation Officer --- again, killing a pending lawsuit – and also done in a last-minute budget trailer bill.

BLATANT SHANANIGANS IN THE CAPITOL

- **Joint Rules Committee Chair Pacheco must have been misinformed.** Her letter to the Senate and Assembly Budget Committee Chairmen justifying the Capitol Annex Project's CEQA exemption was inaccurate when it stated: *"We have run out of time, and the trailer bill to let the project moved forward is our only option to protect taxpayers."* They had not run out of time on the project moving forward. Construction on the new Annex and garage was on-going. Also, if the Legislature agreed to the lawsuit settlement their attorney proposed to ensure that the Visitor Center was not built on the West Lawn, the plaintiffs offered to settle the lawsuit. The Joint Rules Committee's Executive Committee knew this.
- The JRC was running out of time to add a CEQA exemption to a trailer bill which was fast-tracked for signature to the Governor before the Legislative recess the first week of July.
- **Senator Weiner's statement in the Senate Budget & Fiscal Review Committee hearing that "CEQA is being used for reasons that have literally nothing to do with the environment to stop a project"** is simply not true. The Capitol Annex Project's two lawsuits always focused on minimizing negative impacts to environmental and historic preservation. The courts agreed and said so. We focused on saving over 200 trees in and around Capitol Park, on preserving California's most important historic buildings – our State Capitol, and on protecting the West Lawn, Plaza and Steps from an incompatible Disneyland-style Visitor Center.

BUT IT'S NOT OVER!

We will continue to advocate for the preservation of the historic Capitol and its West Lawn, Plaza and Steps. We will monitor future actions of the Joint Rules Committee and the Legislature and act to prevent the proposed Visitor Center from being located on the West Lawn of the 1870s Capitol Annex.

The Visitor Center is currently on hold due to various reasons, including but not limited to, lack of funding.

We hope you will continue to help:

1. **RETAIN public use of the West Lawn** - West Plaza and West Steps and its connection to the Capitol Mall for large events, demonstrations and rallies.
2. **PRESERVE the west lawn** – recognize and save the only remaining original park located in front of the historic 1870s Capitol.
3. **RELOCATE the visitor center** - The Dept of General Services (DGS) and the Joint Rules Committee (JRC) stated in its final environmental document that relocation north or south of the historic Capitol can work. Relocation will preserve the West side of the historic 1870s Capitol's front yard.

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