

# General Municipal Litigation Update

League of California Cities  
Annual Conference  
September 24, 2021



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# Agenda

- Municipal Finance
- Government Claims Act
- Elections
- Open Government
- Miscellaneous

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## Municipal Finance

- ***City and County of San Francisco v. All Persons Interested in the Matter of Proposition G***
  - Special parcel taxes do not require two-thirds voter approval if proposed by local initiative.
  - Agency and union support of initiative did not convert the measure into one proposed by the agency itself, which would have required 2/3 voter approval to pass

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# Municipal Finance

- ***SDOG v. Fonseca***

- To establish taxpayer standing under CCP § 526, an association must establish that it or one of its members who was a "resident," paid taxes to the agency within one year of suing
- Supreme Court denied review

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# Gov't Claims Act

- ***LAUSD v. Superior Court (Doe)***

- Government Code § 818 immunizes public agencies from treble damages because they are exemplary and punitive in nature

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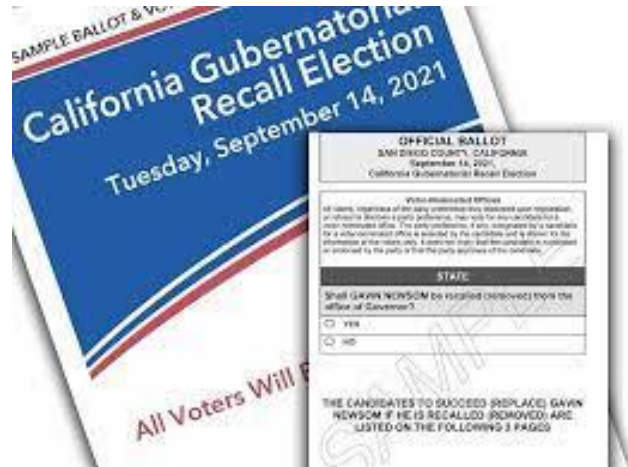
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# Elections

- ***HJTA v. Weber***
  - No constitutional right to a speedy and immediate recall election



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# Open Government

- ***Austin v. City of Burbank***
  - Review of trial court ruling on CPRA claim is via an extraordinary writ and not by regular appeal

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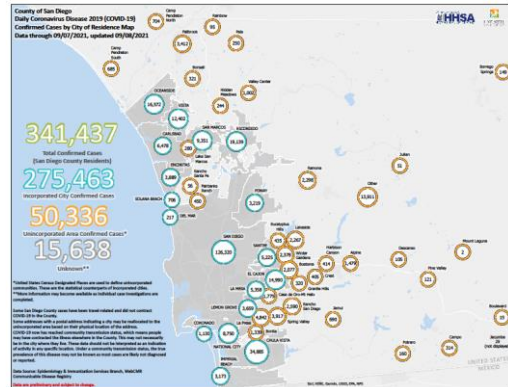
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# Open Government

- ***Voice of San Diego v. Superior Court (County of San Diego)***
  - CPRA catchall exemption supported County withholding exact addresses of COVID-19 outbreaks when uncontroverted evidence showed disclosure would chill public's reporting of infections



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# Miscellaneous



## • ***Exline v. Gillmor***

- The political work exception to the anti-SLAPP exemption for lawsuits filed in the public interest applies to a public official's completion a Form 700

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# Miscellaneous

- ***Alameda County Waste Management Authority v. Waste Connections US, Inc.***

- Local government need not make factual showing to establish necessity before inspecting landfill records to enforce Integrated Waste Management Act



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# Miscellaneous

- ***City of Calexico v. Bergeson***

- Order granting or denying petitioner for writ of mandate that disposes of all claims is immediately appealable.
- A later judgment issued by court is irrelevant for calculating the deadline to appeal

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# Miscellaneous



- ***Daly v. San Bernardino County Board of Supervisors***
  - An injunction ordering local legislative body to rescind appointment of member and to seat replacement is a mandatory injunction that is stayed on appeal

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# Miscellaneous

- ***Newsom v. Superior Court (Gallagher)***
  - The Emergency Services Act is not an unconstitutional delegation of power

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

**EXECUTIVE ORDER N-67-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** on November 3, 2020, California—like the other states of the United States—will hold a General Election, and Californians throughout the state will exercise their right to vote; and

**WHEREAS** while the future course of the COVID-19 pandemic cannot be known with certainty, state, national, and international projections reflect ongoing danger from the pandemic throughout the remainder of this year, and experts believe that COVID-19 will remain a threat to public health during the November election; and

**WHEREAS** California and its counties must take action now—to procure supplies, secure polling places, enlist volunteers, and draw up plans, among other steps—to ensure that the November 3, 2020 General Election is held in a manner that is accessible, secure, and safe; and

**WHEREAS** to preserve public health in the face of the threat of COVID-19, and to ensure that the November election is accessible, secure, and safe, all Californians who are invited to vote in that election must be encouraged to

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# Miscellaneous



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- ***Perry v. City of San Diego***

- City had authority to set standards for residences to receive solid waste services based on voter approved ordinance that authorized city to issue regulations regarding solid waste collection
- City's regulations were rational and not arbitrary or capricious

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