

# General Municipal Litigation Update

League of California Cities  
City Attorneys Conference  
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# Agenda

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

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# Municipal Finance

- ***Lejins v. City of Long Beach***
  - Voter approval of general fund transfer from water and sewer utilities did not protect it from Prop. 218 challenge.
  - The City characterized the surcharge as akin to a utility user's tax or excise tax levied on use of utility services. The court disagreed, finding the surcharge a property-related fee.
  - The surcharge must comply with Prop. 218, section 6's requirements regardless of voter approval.
  - This will need to be reconciled with *Wyatt v. City of Sacramento* (2021).

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# Municipal Finance

- ***Plata v. City of San Jose***

- Late penalty charges are not subject to Prop. 218. They do not burden landowners as property owners, but rather as delinquent bill payors.
- The late charge is not incurred as a result of property ownership or water service, but failure to pay a bill.
- Plaintiffs could not challenge tiered water rates where their government claim and pleading focused on use of water funds, not their collection or a rate structure challenge.

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# Gov't Claims Act

- ***Andrews v. Metropolitan Transit System***

- MTS's rejection notice for government claim improperly omitted language from GC § 913(b) that the claimant may wish to consult an attorney.
- This is a material omission; including the rest of the language from § 913(b) does not constitute substantial compliance.
- This was insufficient to trigger the 6-month statute of limitations; claimant had 2 years from accrual to sue.

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# Elections

- ***Jobs & Housing Coalition v. City of Oakland***

- Ballot materials for a citizen initiative special parcel tax that stated a 2/3 voter requirement — even though Council later determined only a majority vote was needed by law — were not ineffective nor void.
- Voting threshold statements were neither substantive nor intentionally misleading.
- Same issue is pending on appeal in *Alliance San Diego v. City of San Diego*.



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# Elections

- ***County of San Bernardino v. West Valley Water District***

- Local water district was required to hold its elections on statewide general election date.
- Though VPRA required moving to either the statewide primary or general election date, it does not preempt all existing voting laws. Elections Code §§ 1303, 10404 required the District set its election date on the statewide general election date.

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# Open Government

## • *Getz v. Superior Court*

- Obligation on County to review over 42K documents for privilege was not unduly burdensome.
- Supplying an index and placing the burden on the requestor to identify responsive records is insufficient.
- A 50-business-day review process is not evidence of undue burden.



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# Open Government



## • *Riskin v. Downtown LA Property Owners Assn.*

- A court has discretion to award minimal or no fees to a PRA requestor who wins only minimal or insignificant relief.
- A fee award under GC § 6259(d) is not mandatory on these facts. The court may find the documents obtained were so minimal or insignificant they do not justify a finding of prevailing party.

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# Miscellaneous

- ***Hill RHF Housing Partners, L.P. v. City of Los Angeles***

- Prop. 218's majority-protest proceeding required for new or increased assessments need not be exhausted before litigation.
- Property owners are not required to present specific objections to BIDs at public hearings for objections to later be litigated. A "no" vote is enough.
- The ruling is narrow and doesn't preclude exhaustion in legislative contexts like ratemaking or if required by local ordinance.



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# Miscellaneous

- ***City of Oxnard v. County of Ventura et al.***

- When a city delegates administration of ambulance services to the county, the city cannot later resume them.
- The city lacks authority to contract for its own ambulance services under the EMS Act, intended to integrate cities into local EMS agencies.

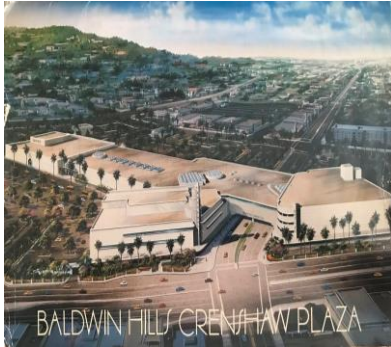
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# Miscellaneous



## • *Crenshaw Subway Coalition v. City of Los Angeles*

- Neither the FHA nor FEHA recognize a disparate impact claim based on a gentrification theory.
- Race may not be injected into government actions, including planning decisions.
- The FHA is intended to end segregation; gentrification theory would perpetuate segregation of minority groups.

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# Miscellaneous

## • *Houston Community College System v. Wilson (SCOTUS)*

- A community college board of trustee has no First Amendment retaliation claim against the Board's verbal censure of him.
- The board's censure is "nothing new"; it does not qualify as a materially adverse action capable of deterring Wilson from exercising his own right to speak.



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# Questions?

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