

Bond Case Briefs

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REFERENDA - CALIFORNIA

Lafayette v. City of Lafayette

Court of Appeal, First District, Division 4, California - February 21, 2018 - Cal.Rptr.3d - 2018 WL 991451

City residents petitioned for peremptory writ of mandate to require city to submit referendum to public vote.

The Superior Court denied petition. Residents appealed.

The Court of Appeal held that city had mandatory duty to submit referendum to public vote.

Local governments are not empowered to exercise discretion in determining whether a duly certified referendum is placed on the ballot; if the local government believes an initiative or referendum is unlawful and should not be presented to voters, it should file a petition for a writ of mandate seeking to remove it from the ballot.

City had mandatory duty to submit residents' referendum, which placed city's enacted zoning ordinance on a ballot, to a public vote, even though referendum, if successful, would have resurrected former zoning ordinance which was inconsistent with amended general plan; referendum itself did not create any inconsistency, and it did not seek to enact a new or different zoning ordinance but rather simply sought to put existing ordinance before voters.