

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Citizens for Amending Proposition L v. City of Pomona

Court of Appeal, Second District, Division 4, California - November 7, 2018 - Cal.Rptr.3d - 2018 WL 5817274 - 18 Cal. Daily Op. Serv. 10, 782

Objectors, including interest group, interest group's chairman, and competitor to billboard advertising company that had development agreement with city, filed petition for writ of mandate and complaint for declaratory relief, alleging that city's adoption of ordinance purporting to extend development agreement with advertising company constituted agreement for new billboards enacted in violation of ordinance prohibiting construction of additional billboards within city limits.

The Superior Court granted petition and awarded objectors attorney's fees. City appealed.

The Court of Appeal held that:

- Interest group and its chairman had public interest standing as city residents to bring mandamus action;
- Trial court acted within its discretion in finding that billboard advertising company was not indispensable party;
- City's approval of ordinance purporting to extend development agreement violated ordinance prohibiting construction of additional billboards;
- No implied-in-fact contract existed between city and advertising company following expiration of original agreement;
- Trial court did not err in finding that significant and widespread benefit was gained from suit, so as to support attorney fee award under private attorney general statute;
- Trial court did not err in determining that objectors established necessity of private enforcement, so as to support attorney fee award under private attorney general statute;
- Trial court did not err in finding that objectors incurred financial burden sufficient to support attorney fee award under private attorney general statute; and
- Objectors were not entitled to appellate sanctions.