

Bond Case Briefs

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People ex rel. Lacey v. Robles

Court of Appeal, Second District, Division 5, California - January 29, 2020 - Cal.Rptr.3d - 2020 WL 467582 - 20 Cal. Daily Op. Serv. 757

County district attorney brought action in quo warranto against mayor, who also served as member of board of directors for Water Replenishment District, alleging that he was violating code provision that made it unlawful to simultaneously hold incompatible public offices.

The Superior Court removed mayor as director of District. Mayor appealed.

The Court of Appeal held that:

- Attorney General properly deputized county district attorney under quo warranto statute;
- Possibility of conflict in duties or loyalties when serving as mayor and as member rendered two offices incompatible;
- Exception for simultaneous holding of multiple public offices if compelled or expressly authorized by law did not apply;
- District attorney was not required to re-apply for leave to bring action in quo warranto after mayor began serving new terms upon his election to both offices; and
- Mayor was not entitled to depose county district attorney.