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City of Santa Cruz v. Superior Court of Santa Cruz County

Court of Appeal, Sixth District, California - April 16, 2024 - Cal.Rptr.3d - 2024 WL 1633744

City filed petition for writ of mandate directing the Superior Court to vacate order sustaining in part and overruling in part city's demurrer and to enter new order sustaining demurrer to county's entire first amended complaint alleging county incurred more than \$1.2 million in costs for emergency repairs to portion of road located within city's jurisdiction on ground that county failed to plead its compliance with city ordinance's claim-presentation requirement.

The Court of Appeal held that:

- City ordinance applied to claims expressly excepted by the Government Claims Act from its claim-presentation requirement, and
- City ordinance applied to all of county's claims against city, including cause of action for declaratory relief.

Phrase "not governed by," as used in city ordinance establishing pre-suit presentation requirement for claims which were not governed by Government Claims Act section imposing presentation requirement for all claims except for enumerated claims, encompassed claims expressly excepted by the Act from its claim-presentation requirement, even if using "not excepted by" instead of "not governed by" would have been clearer; ordinance expressed clear intent to broadly impose requirement, such that there would be no reason why city would adopt ordinance expressly excluding claims already excluded by Government Claims Act, and ordinance language and structure tracked Government Claims Act section empowering local public entities to establish presentation policies and procedures for exempted claims.

City ordinance establishing pre-suit presentation requirement for claims which were not governed by Government Claims Act section imposing presentation requirement for all claims except for enumerated claims applied to all of county's claims against city in connection with \$1.2 million incurred by county for emergency repairs to portion of road located within city's jurisdiction, including cause of action for declaratory relief; primary purpose of county's action was to obtain damages.