

# **Bond Case Briefs**

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## **MUNICIPAL GOVERNANCE - CALIFORNIA**

### **Harris v. Rizzo, et al.**

**Court of Appeal, Second District, Division 3, California - March 20, 2013 - Cal.Rptr.3d - 13  
Cal. Daily Op. Serv. 3209**

*Court concludes that state Attorney General has standing, on behalf of city, to bring an action against allegedly corrupt individuals, to remove the city from their control, and require them to pay restitution to the city.*

“When it appears that a charter city is under the control of individuals who are looting the city’s coffers for their own benefit, can the Attorney General, on behalf of the city, bring an action against the allegedly corrupt individuals, to remove the city from their control and require them to pay restitution to the city? We conclude that the Attorney General may bring such an action, and seek recovery from the corrupt individuals to the extent their acts were unauthorized.”

This case concerned the city of Bell. The appeals court concluded that the Attorney General does have standing to pursue an action on behalf of the City. It further concluded that, although separation of powers and legislative immunity bar pursuit of this action with respect to acts within the discretion of City officials, these doctrines do not prevent the action from proceeding with respect to defendants’ allegedly ultra vires acts.