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ANNEXATION - CALIFORNIA

City of Patterson v. Turlock Irrigation District

Court of Appeal, Fifth District, California - June 25, 2014 - Cal.Rptr.3d - 2014 WL 2885394

Turlock Irrigation District (TID) imposed a surcharge on electrical rates collected from customers in a service area outside the TID's boundaries. These outsiders were not eligible to vote in TID's elections or to sit on its board of directors and, therefore, are not represented in the rate-setting process.

The City of Patterson sought to obtain voting rights for the disenfranchised customers by requesting that the Stanislaus Local Agency Formation Commission (LAFCO) approve an expansion of TID's boundaries through an annexation of the electrical service area. TID opposed the City's request and submitted a resolution to LAFCO requesting the annexation proceedings be terminated.

City responded by filing a lawsuit to challenge the validity of TID's resolution. City alleged that TID's resolution did not meet the requirements of section 56857. In particular, City argued that the water-related financial and service concerns described in TID's resolution were not legitimate because the application for the annexation of territory was limited to retail electrical service and would not expand TID's obligations to provide irrigation water.

The trial court denied all of City's challenges and entered judgment in favor of TID. City appealed.

The Court of Appeal held that the statutory provisions that governed City's application for TID's annexation of the territory where it provided electrical service required that the application must include a plan for providing services to the annexed territory and that plan must describe the services to be extended to the affected territory. (§ 56653.)

Here, City's application did not include such a plan and did not seek to extend any services to the affected territory. Therefore, the application failed to comply with the statutory requirements in section 56653. Because City's application was not a type of application authorized by statute, it cannot succeed. Therefore, it would be meaningless to allow City to challenge the validity of TID's resolution requesting termination of the annexation proceedings.