

# **Bond Case Briefs**

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## **CEQA - CALIFORNIA**

### **Coalition for Adequate Review v. City and County of San Francisco**

**Court of Appeal, First District, Division 1, California - September 15, 2014 - Cal.Rptr.3d - 2014 WL 4537020**

Objectors petitioned for writ of mandate challenging city's land use plans. The Superior Court denied petition. Objectors appealed, and the Court of Appeal affirmed. The Superior Court granted objectors' motion to tax costs and denied all costs to city. City appealed.

The Court of Appeal held that:

- Trial court was required to award costs to city for its preparation of a supplemental record, but
- Labor costs to review objectors' record of proceedings "for completeness" were not recoverable.

When a petitioner elects to prepare the record for a California Environmental Quality Act (CEQA) action against a public agency but the record is incomplete, and an agency is put to the task of supplementation to ensure completeness, the language of CEQA's record preparation provision allows, and the purpose of the provision to protect public monies counsels, that the agency recoup the costs of preparing the supplemental record.

Trial court was required to award costs to city for its preparation of a supplemental record under California Environmental Quality Act's (CEQA) record preparation statute, after city prevailed in objectors' mandamus action, even though objectors elected to prepare the record, where the city obtained leave from the trial court to prepare the supplemental record, objectors rejected city's offer to defer supplementation of the record until it filed its opposition to the writ petition, and city's preparation of a supplemental record did not violate the city's obligation to minimize record preparation costs.

When a petitioner elects to prepare the record for a California Environmental Quality Act (CEQA) action against a public agency, the agency's labor costs to review the petitioner-prepared record of proceedings "for completeness" in connection with certification are not recoverable record preparation costs under CEQA's record preparation provision.