

Bond Case Briefs

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STANDING - CALIFORNIA

San Bernardino County v. Superior Court

Court of Appeal, Fourth District, Division 2, California - August 17, 2015 - Cal.Rptr.3d - 2015 WL 4882569

Objectors brought action against county and landowner to challenge an inverse condemnation settlement agreement under the statute forbidding public officers from being financially interested in any contract made by them in their official capacity. The Superior Court overruled demurrer. County petitioned for writ of mandate.

The Court of Appeal held that taxpayer organizations failed to establish that they had standing to challenge validity of settlement agreement based on county officials' financial interest.

Under the statute providing that a contract made by financially interested public officers in their official capacity "may be avoided at the instance of any party except the officer interested therein," the term "party" means a party to the contract at issue.

Taxpayer organizations failed to establish that they had standing to bring an action against county and landowner challenging the validity of their inverse condemnation settlement agreement under the statute forbidding public officers from being financially interested in any contract made by them in their official capacity, after a former county supervisor pleaded guilty to various bribery-related charges related to his vote approving the settlement agreement, since neither taxpayer organization qualified as a "party" under the statute, and the county owed no mandatory duty to seek to have the settlement agreement declared void, absent evidence that any present county official was involved in fraud or collusion.