

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Weiss v. City of Los Angeles

Court of Appeal, Second District, Division 4, California - August 8, 2016 - Cal.Rptr.3d - 2016 WL 4183951

Motorist filed petition seeking a writ of mandate directing city and its processing agency to provide a legally sufficient initial review of parking violation.

The Superior Court issued the writ and awarded attorney's fees, and city and processing agency appealed.

The Court of Appeal held that:

- Motorist lacked any beneficial interest in outcome of mandamus proceeding, as motorist had paid fine;
- Motorist had standing under the "public interest" exception to pursue mandamus relief;
- City was required by statute to conduct initial review of tickets and could not delegate that duty to processing agency;
- Home rule doctrine did not apply to allow charter city to override statute and allow processing agency to review citations;
- Action resulted in the enforcement of an important right affecting the public interest as required for award of private attorney general fees; and
- Writ relief conferred a significant benefit on a large class of persons as required for award of fees under the private attorney general statute.

Motorist lacked any beneficial interest in outcome of mandamus proceeding seeking writ directing city and its processing agency to provide a legally sufficient initial review of parking violations, and thus lacked general standing to pursue the writ, where motorist unsuccessfully challenged his own parking citation at the initial review, then elected to pay the fine rather than pursue further appeal.

Motorist had standing under the "public interest" exception to pursue mandamus relief seeking writ directing city and its processing agency to provide a legally sufficient initial review of parking violations. Ensuring that city followed the proper procedure for processing and collecting parking tickets was a matter of public right, and given the burden of mounting a challenge to the initial review procedure and the typically minimum fine, it was unlikely an individual motorist would do so.

City, as agency issuing parking tickets, was required by statute to conduct initial review of tickets and could not delegate that duty to processing agency, notwithstanding statutory provision stating that an issuing agency may elect to contract with a private vendor for the processing of notices of parking violations prior to filing with the court.

Home rule doctrine did not apply to allow charter city to override statute and allow processing agency to review municipal parking citations, rather than city as required by statute. While administration of parking citations was a core municipal function for purposes of the home rule doctrine, city outsourced its duty to perform initial review of parking citations by way of a contract,

not pursuant to a municipal ordinance, regulation or provision of the city charter.

Motorist's action for writ of mandate directing city and its processing agency to provide a legally sufficient initial review of parking violation resulted in the enforcement of an important right affecting the public interest warranting award of private attorney general fees. Motorist was successful in obtaining injunctive and declaratory relief ending processing agency's unlawful but longstanding practice of conducting initial reviews and compelling the city to comply with its statutory duty to perform that task, and public had fundamental right to review by a tribunal properly convened under the law and authorized by law to conduct the review.

Grant of writ relief requiring city, rather than its processing agency, to provide initial review of parking violations conferred a significant benefit on a large class of persons as required for award of fees under the private attorney general statute. Motorists who parked their cars in the city and received a parking ticket would have the initial review of their parking tickets performed by the city as the issuing agency, rather than the private processing agency, and benefit was significant, as it increased city's accountability and accessibility and city and processing agency had argued that writ would necessitate a "complete changeover."