

Bond Case Briefs

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MUNICIPAL GOVERNANCE - CALIFORNIA

San Diegans for Open Government v. City of Oceanside

Court of Appeal, Fourth District, Division 1, California - October 25, 2016 - Cal.Rptr.3d - 2016 WL 6236428

Objector brought action against city for declaratory, injunctive, and writ relief challenging the adequacy of city council's public notice that it was considering granting a subsidy to a developer.

The Superior Court entered judgment for city. Objector appealed.

The Court of Appeal held that:

- City council agenda adequately informed the public that the city was considering a subsidy to a developer, and
- Subsidy report considered by city council was adequate.

City council agenda adequately notified the public that the city was considering an agreement under which a developer would be paid a subsidy in the form of remission of \$11 million for transient occupancy tax, and thus the notice to the public in the agenda satisfied the Brown Act's requirement of "a brief general description of each item of business to be transacted or discussed," where the agenda expressly gave the public notice that it would be considering a fairly substantial development of publicly owned property as a luxury hotel, and the agenda made express reference to a subsidy report.

City council substantially complied with the statutory requirements for a subsidy report, for its remission to a hotel developer of \$11 million for transient occupancy tax, even though the report itself did not make it entirely clear that each annual estimated subsidy was discounted to present value and that the present value of the total subsidy was the sum of each discounted annual subsidy, since the report gave the public a good faith and reasonable estimate of the present value of the subsidy.