

Bond Case Briefs

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TransparentGov Novato v. City of Novato

Court of Appeal, First District, Division 1, California - April 10, 2019 - Cal.Rptr.3d - 2019 WL 1551701 - 19 Cal. Daily Op. Serv. 3292

Government accountability group petitioned for writ of mandate and declaratory relief against city for city council's alleged violation of open-meeting law regarding discussion of bus and solar panel projects.

The Superior Court denied the group's petition. Group appealed.

The Court of Appeal held that:

- Group was not entitled to relief regarding city council's alleged violation in forming subcommittee, and
- Group failed to demonstrate a justiciable controversy regarding city council's discussion of substantive aspects of projects.

Government accountability group was not entitled to writ of mandate or declaratory relief regarding city council's alleged violation of the Brown Act, California's open-meeting law, in forming subcommittee about solar panel project without a vote, where city provided unconditional commitment to cease, desist from, and not repeat the allegedly wrongful past action.

Government accountability group failed to demonstrate a justiciable controversy regarding city council's discussion of substantive aspects of bus and solar power projects without proper agenda notice, and thus mandamus and declaratory relief were unwarranted under the Brown Act, California's open-meeting law, where violations alleged took place years ago, and city council adopted rule changes that provide for agendaing requests to put items on a future agenda.