

Bond Case Briefs

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SPECIAL ASSESSMENTS - CALIFORNIA

Davis v. Mariposa County Board of Supervisors

Court of Appeal, Fifth District, California - August 20, 2019 - Cal.Rptr.3d - 2019 WL 3939067 - 19 Cal. Daily Op. Serv. 8260 - 2019 Daily Journal D.A.R. 7984

County auditor and citizens' organization brought petition for writ of mandate against county board of supervisors, seeking declaratory and injunctive relief and challenging legality of board's resolution levying particular amount upon certain real property.

Following bench trial, the Superior Court entered judgment in favor of board. Auditor and organization appealed.

The Court of Appeal held that action was in essence a challenge to validity of actions taken by county pursuant to specific statutory scheme governing fire suppression assessments, and therefore procedural requirements of that scheme, including 30-day deadline for appeal from final judgment, applied to action.

Objectors' action against county board of supervisors challenging legality of resolution levying particular amount on certain real property was in essence a challenge to validity of actions taken by county pursuant to specific statutory scheme governing fire suppression assessments, and therefore procedural requirements of that scheme, including 30-day deadline for appeal from final judgment, applied to objectors' action, even though action was denominated a petition for writ of mandate and declaratory and injunctive relief, where county board had repeatedly and explicitly held itself out as acting pursuant to that scheme, objectors acknowledged such in their complaint, and objectors alleged county had violated provision of scheme.