

Bond Case Briefs

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BALLOT INITIATIVE - CALIFORNIA

Jobs & Housing Coalition v. City of Oakland

Court of Appeal, First District, Division 1, California - December 30, 2021 - Cal.Rptr.3d - 2021 WL 6142680 - 22 Cal. Daily Op. Serv. 339 - 2022 Daily Journal D.A.R. 147

Coalition of stakeholders brought postelection reverse-validation action against city seeking to invalidate enacted measure on ballot initiated by citizens that proposed special parcel tax after city council enacted the measure after measure received majority of vote, despite ballot materials stating it needed two-thirds of the vote to pass.

The Superior Court granted coalition's motion for judgment on the pleadings, finding measure failed because it needed, but failed, to secure two-thirds of the vote, and found the enactment would amount to a fraud on the voters. City appealed.

The Court of Appeal held that:

- Measure on ballot that proposed special parcel tax was not invalidated under due process on the basis that the ballot materials were inaccurate, and
- Measure on ballot that proposed special parcel tax was not invalidated as a fraud on the voters.

City council's enacted measure on ballot initiated by citizens that proposed special parcel tax was not invalidated under due process on the basis that the ballot materials were inaccurate, despite ballot incorrectly stating measure needed two-thirds vote to pass, rather than just majority in postelection, reverse-validation action brought by coalition of stakeholders against city seeking to invalidate the enactment; other than voting-threshold statements measure's ballot materials it was undisputed that voters were given true and impartial information about the substance of the proposed tax and how and where the proceeds would be distributed, and voting-threshold statements were made when there was legal uncertainty about the applicable voting threshold for citizen's initiatives for special parcel taxes.

City council's enacted measure on ballot initiated by citizens that proposed special parcel tax was not invalidated as a fraud on the voters, despite ballot incorrectly stating measure needed two-thirds vote to pass, rather than just majority in postelection, reverse-validation action brought by coalition of stakeholders against city seeking to invalidate the enactment; the voting-threshold statements in measure's ballot materials had to be viewed in a context of an evolving legal landscape surrounding citizens' initiatives for special parcel taxes, and while the city attorney and auditor were incorrect in stating in the ballot materials that measure required two-thirds of the vote, coalition did not allege that these officials acted with a fraudulent intent.