

Bond Case Briefs

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County of San Bernardino v. West Valley Water District

Court of Appeal, Fourth District, Division 2, California - February 1, 2022 - Cal.Rptr.3d - 2022 WL 292704 - 2022 Daily Journal D.A.R. 1250

County filed petition for writ of mandate and complaint for declaratory relief against water district, seeking emergency relief to order district to change its election date to statewide general election.

The Superior Court entered stipulated judgment, ordering that district conduct its elections on statewide general election date. District appealed.

The Court of Appeal held that:

- District waived argument that county lacked standing to bring petition, and
- District was required to conduct its election on statewide general election date in even-numbered years.

Water district waived argument that county lacked standing to bring petition for writ of mandate and complaint for declaratory relief, seeking emergency relief to order district to change its election date to statewide general election under Voter Participation Rights Act (VPRA), despite fact that district raised issue in its demurrer, as parties' stipulated judgment, ordering district to conduct its elections on statewide general election date, did not address standing.

Under Voter Participation Rights Act (VPRA), water district was required to conduct its election on statewide general election date in even-numbered years, rather than statewide primary election date, where turnout for district's elections was just 10 percent, and statewide general election date brought in over 60 percent of voters from political subdivision, thereby exceeding VPRA's 25 percent threshold to change district's election date.