

Bond Case Briefs

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ENVIRONMENTAL LAW - CALIFORNIA

G.I. Industries v. City of Thousand Oaks

Court of Appeal, Second District, Division 6, California - October 26, 2022 - Cal.Rptr.3d - 2022 WL 14750209

Competitor petitioned the trial court for a writ of mandate directing the city to vacate both its approval of solid waste hauling franchise agreement and its finding that the project was exempt from the California Environmental Quality Act (CEQA).

The Superior Court sustained city's and solid waste hauling company's demurrer without leave to amend.

The Court of Appeal held that:

- City violated the Ralph M. Brown Act by adopting CEQA exemption without having listed it as an item on its agenda for at least 72 hours, and
- Competitor's letter to city was sufficient to satisfy the Brown Act's requirements for a "cure and correct" letter.

City violated the Ralph M. Brown Act by adopting California Environmental Quality Act (CEQA) exemption for solid waste hauling franchise agreement without having listed it as an item on its agenda for at least 72 hours; CEQA exemption was not a component of the agenda item awarding the franchise agreement to waste hauling company, but rather involved a separate action or determination by the city and concerned discrete significant issues of CEQA compliance.

Competitor's letter informing city that it violated the Ralph M. Brown Act by "voting to adopt a Notice of Exemption (NOE)" prior to adopting solid waste hauling franchise agreement "and without adequate notice to the public" was sufficient to satisfy the Act's requirements for a "cure and correct" letter; regardless of whether city technically voted to "adopt" a notice of exemption or when that notice was filed, letter informed city that it violated the Act by considering California Environmental Quality Act (CEQA) exemption for the franchise agreement without describing the action in the agenda for at least 72-hours prior to the meeting.