Bond Case Briefs

Municipal Finance Law Since 1971

BALLOT INITIATIVE - CALIFORNIA

City of Oxnard v. Starr

Court of Appeal, Second District, Division 6, California - January 19, 2023 - 87 Cal.App.5th 731 - 303 Cal.Rptr.3d 819 - 2023 Daily Journal D.A.R. 481

City brought action against proponent of city initiatives, seeking to have two initiatives passed by voters declared void.

Proponent brought anti-SLAPP motion seeking dismissal of the suit and attorney fees. The Superior Court denied the anti-SLAPP motion. Proponent appealed.

The Court of Appeal held that:

- City's post-election lawsuit against proponent implicated protected activity for anti-SLAPP purposes;
- City had power to seek to invalidate initiatives and did not have duty to defend initiatives, for purposes of proponent's anti-SLAPP motion;
- Proponent was proper defendant in city's lawsuit, for purposes of proponent's anti-SLAPP motion;
- Initiative modifying rules governing city's legislative bodies was not invalid under exclusive delegation rule, for purposes of proponent's anti-SLAPP motion;
- Initiative modifying rules governing city's legislative bodies was legislative in nature and thus was not invalid, for purposes of proponent's anti-SLAPP motion; and
- Initiative amending sunset date of local sales and use tax increase was administrative in nature and thus was invalid, for purposes of proponent's anti-SLAPP motion.

City's post-election lawsuit against proponent of city initiatives implicated protected activity for anti-SLAPP purposes, in proceeding in which proponent brought anti-SLAPP motion seeking dismissal of city's suit against proponent which sought to have two initiatives passed by voters declared void; proponent was sued because he was the proponent of the initiatives, and being a proponent of an initiative was an activity that clearly constituted protected speech and petitioning.

City had power to seek to invalidate initiatives and did not have duty to defend initiatives, for purposes of initiative proponent's anti-SLAPP motion seeking dismissal of city's suit against proponent which sought to have two initiatives passed by voters declared void; statute governing action for declaration of rights or duties with respect to another unequivocally gave city standing to challenge validity of initiatives.

Initiative proponent was proper defendant in city's post-election lawsuit which sought to have two initiatives passed by voters declared void, for purposes of proponent's anti-SLAPP motion seeking dismissal of city's suit against proponent; city was not forcing proponent to bear any legal or financial burden, city was seeking only declaratory relief and was not seeking damages against proponent, proponent's vigorous defense of initiatives showed he was acting voluntarily, proponent proposed both measures to citizens of city, measurers expressly gave proponent standing to defend them, and there was no reason proponent could not be named as defendant's in action challenging initiative, particularly where there was no other logical defendant.

Initiative modifying rules governing city's legislative bodies was not invalid under exclusive delegation rule, for purposes of initiative proponent's anti-SLAPP motion seeking dismissal of city's suit against proponent which sought to have initiative passed by voters declared void, though city argued initiative intruded into subject exclusively delegated to city council by statute governing procedural rules for conduct of city council proceedings; statute established no specific rules for conduct of city council proceedings, statute left to each municipality to establish its own rules and thus establishment of rules was purely municipal affair, and section of Brown Act defining legislative body strongly supported conclusion that legislature did not intend to preclude action by electorate.

Statute governing procedural rules for conduct of city council proceedings establishes no specific rules for the conduct of city council proceedings; instead, it leaves it to each municipality to establish its own rules and thus the establishment of such rules is purely a municipal affair.

Initiative modifying rules governing city's legislative bodies was legislative in nature and thus was not invalid, for purposes of initiative proponent's anti-SLAPP motion seeking dismissal of city's suit against proponent which sought to have initiative passed by voters declared void; initiative did not simply carry out a plan already adopted, initiative created new rules for conduct of city council meetings that were reasonable, and rules stated in initiative were intended to increase public's ability to have information about and to participate in the decisions made by its public agencies.

Initiative amending sunset date of local sales and use tax increase was administrative in nature and thus was invalid, for purposes of initiative proponent's anti-SLAPP motion seeking dismissal of city's suit against proponent which sought to have initiative passed by voters declared void; initiative required city to expend general fund monies on road maintenance and failure of city to comply would result in loss of tax increases, manifest purpose of initiative was to ensure that tax revenue was expended for road repair and initiative even set precise dates for completion of work, and determination of how funds from tax increases should be spent was administrative in nature.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com