

# **Bond Case Briefs**

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## **LABOR - CALIFORNIA**

### **People ex rel. International Association of Firefighters , Local 1319, AFL-CIO v. City of Palo Alto**

**Court of Appeal, Sixth District, California - June 3, 2024 - Cal.Rptr.3d - 2024 WL 2813174**

City petitioned for writ of extraordinary relief annulling decision by Public Employment Relations Board (PERB) ordering city to rescind resolution referring measure to voters to alter provision of city charter requiring submission of certain labor disputes with public safety unions to binding interest arbitration.

The Court of Appeals determined that city violated provision of Meyers-Milias-Brown Act (MMBA) requiring city to consult with public safety unions in good faith prior to adopting resolution, declined to order city to rescind resolution based on separation of powers principles, and remanded with instructions. After PERB vacated its prior decision and ordered city to restore its charter to preamendment status, public safety union sought leave from Attorney General to file quo warranto action, and leave was granted.

The Superior Court determined that city violated MMBA but entered judgment declining to invalidate provision in public interest. Union appealed.

The Court of Appeal held that trial court abused its discretion in declining to invalidate new charter provision, after determining that city violated MMBA by failing to consult with public safety union prior to adopting resolution referring measure to voters.

Even if trial court had authority to issue remedy other than exclusion, after determining that city, by failing to consult with public safety union, violated meet-and-confer procedures of Meyers-Milias-Brown Act (MMBA) in adopting resolution referring measure to voters to alter provision of city charter requiring submission of certain labor disputes to binding interest arbitration, trial court abused its discretion in declining to invalidate new charter provision, in quo warranto proceeding brought by the People on behalf of public safety union; Public Employment Relations Board (PERB) had ordered return to status quo and that determination was entitled to some deference, trial court's order did not effectively restore status quo or invalidate provision, order did not provide sufficient deference to Attorney General's explanation for authorizing suit which was to promote compliance with MMBA procedures, and trial court decision rested on factors inconsistent with prior findings by PERB.