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Loeber v. Lakeside Joint School District

Court of Appeal, Sixth District, California - June 24, 2024 - Cal.Rptr.3d - 2024 WL 3353457

Petitioner, a trustor of an irrevocable trust that owned two undeveloped properties within school district but who did not live in school district or personally own any property within school district, petitioned for writ of mandate seeking a court order to mandate an election on proposed citizen's initiative petition, for which petitioner had secured enough qualifying signatures, to add a new parcel tax exemption for taxpayers who were owners of unimproved parcels and who were over the age of 65, and seeking declaratory relief.

The Superior Court, Santa Clara County, dismissed petition for lack of standing. Petitioner appealed.

The Court of Appeal held that:

- Petitioner did not have a beneficial interest in writ that was direct and substantial;
- Petitioner's role as drafter, sponsor, and official or authorized executive of successful initiative campaign did not establish that petitioner had a sufficient beneficial interest in writ;
- Petitioner articulated a sufficiently weighty public need and public duty to apply public interest exception to beneficial interest requirement to have standing to seek writ of mandate;
- Petitioner's delay in filing citizen's initiative petition until several days after deadline did not provide a persuasive basis to deny application of public interest exception;
- Cost to school district of calling a general or special election on citizen's initiative petition did not outweigh school district's duty to act on an arguably valid ballot petition; and
- Initiative fell outside constitutional authority for initiative power in matters to reduce or repeal local fees.

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