

# **Bond Case Briefs**

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## **FEES - CALIFORNIA**

### **Gluck v. City and County of San Francisco**

**Court of Appeal, First District, California - May 30, 2025 - Cal.Rptr.3d - 2025 WL 1540871**

Property owners brought class action against city and county challenging constitutionality of sewer charges, alleging that city's new sewer rate structure, specifically regarding stormwater, violated state constitution's voter approval requirement and proportionality requirement for property related fees.

The Superior Court sustained city's demurrer to complaint without leave to amend. Property owners appealed.

The Court of Appeal held that:

- A city's combined wastewater and stormwater system is a "sewer," and thus subject to exception to voter approval requirement;
- Court would deny property owners' request for judicial notice of legislative history materials on senate bill providing guidance on how term "sewer" should be interpreted;
- Leave to amend was not warranted following the trial court sustaining demurrer with regard to owners' claims for violation of voter approval requirement;
- Owners stated claim that sewer rates violated proportionality requirement; and
- Issue of whether sewer rate structure violated proportionality requirement could not be resolved at demurrer phase because of factual dispute.