



CITY OF SACRAMENTO

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JUN 3 1980

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June 3, 1980

City Council
City Hall
Sacramento, California 95814

RE: TRENT MEREDITH, INC. VS. CITY OF OXNARD

Honorable Members in Session:

SUMMARY

It is recommended that the City be authorized to join the amicus curiae brief in the case of Trent Meredith vs. City of Oxnard. The case involves the validity of school impact fees. The amicus curiae brief is being prepared by the City Attorney of Walnut Creek. There is no cost to the City of Sacramento in joining this brief.

BACKGROUND INFORMATION

This case involves the question of whether a city's post Proposition XIII school impact fee is a "special tax" under Proposition XIII, which requires a two-thirds vote for approval. The Superior Court in Ventura County ruled that the fee was not a "special tax", and was a properly adopted police power measure. This is contrary to the Superior Court decision in Winberry Development Co. vs. County of Shasta, and is also contrary to an opinion issued by the Attorney General. Both the Oxnard case and the County of Shasta cases are on appeal. An amicus curiae brief has already been filed in the County of Shasta case. However, there is still time to join the amicus curiae brief in the Oxnard case. Since Sacramento has a school impact fee ordinance, we recommend that we be authorized to join the amicus curiae brief in the Oxnard case.

Daniel J. Curtin, City Attorney of Walnut Creek, has prepared the amicus curiae brief in the Oxnard case. Sacramento can join in this brief at no cost. We need to let Mr. Curtin know whether we will join in this brief by June 5, 1980.

APPROVED
BY THE CITY COUNCIL

JUN 4 1980


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RECOMMENDATION

I recommend that we be authorized to add the name of Sacramento to the amicus curiae brief prepared by the City Attorney of Walnut Creek in the Oxnard case.

Respectfully submitted,


JAMES P. JACKSON
City Attorney

JPJ:KMF

RECOMMENDATION APPROVED:



City Manager