



CITY OF SACRAMENTO

JAMES P. JACKSON
CITY ATTORNEY

THEODORE H. KOBEY, JR.
ASSISTANT CITY ATTORNEY

LELIAND J. SAVAGE
DAVID BENJAMIN
SAM JACKSON
WILLIAM P. CARNAZZO
SABINA ANN GILBERT
STEPHEN B. NOCITA
DEPUTY CITY ATTORNEYS

CITY MANAGER'S OFFICE
RECEIVED
JUL 1 1980

DEPARTMENT OF LAW
812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

June 27, 1980

City Council
City Hall
Sacramento, California 95814

RE: AMICUS PARTICIPATION IN TAXPAYERS ASSOCIATION VS.
SAN JOAQUIN LOCAL HEALTH DISTRICT, ET AL

Honorable Members in Session:

SUMMARY:

I recommend that we join as amicus in the above case. The case is described in more detail in the attached memorandum from the League of California Cities.

BACKGROUND INFORMATION

The above case is of importance to the City of Sacramento because we recently imposed health inspection fees for the County of Sacramento. We also charge inspection fees for other types of City services such as building, plumbing, electrical and fire inspection. If health inspection fees are determined to be a special tax, then our other inspection fees would also be in jeopardy.

We can join as amicus in this case without cost since the City Attorney of San Francisco has volunteered to prepare the brief.

RECOMMENDATION

I recommend that Sacramento join as amicus curiae in the above case.

Very truly yours,

James P. Jackson
JAMES P. JACKSON
City Attorney

JPJ:KMF
ATTACHMENT

RECOMMENDATION APPROVED:

Walter J. Slife
WALTER J. SLIFE
City Manager

APPROVED
BY THE CITY COUNCIL

JUL - 8 1980

OFFICE OF THE
CITY CLERK



League of California Cities

California Cities
Work Together

June 4, 1980

TO: ALL CITY ATTORNEYS

RE: Amicus Participation in Taxpayers' Association, Inc. of San Joaquin County v. San Joaquin Local Health District, et al.

The League Board of Directors has approved the Legal Advocacy Committee recommendation that consenting cities join in the amicus curiae brief to be filed by the City Attorney of San Francisco in the above referenced case.

The Pacific Legal Foundation on behalf of the Taxpayers' Association has filed an appeal following a favorable ruling of the trial court that the Health District fees imposed to cover the costs of health inspection services are not invalid "special taxes" under Proposition 13. The District performs state-mandated health inspection services for the County and all cities within the County and imposed the fees to cover the costs of those services. In its memorandum opinion, the trial court concluded that the fees were imposed as a valid exercise of the police power, being generally limited to the reasonable expense of enforcing the laws of the state which is a duty imposed upon the District. The court noted that such regulatory fees have historically been recognized as not coming within the category of a tax and continue to be so recognized by the contemporary acts of the Legislature, namely, Chapters 397 and 903 of the Statutes of 1979.

On appeal the case presents the clear-cut issue of whether police power regulatory fees and charges are within the "special taxes" restrictions of Proposition 13. Therefore, while the countywide district system of performing health inspection services for cities is novel, a ruling on the question will affect every city in the state.

The Third District Court of Appeal has already granted permission to the California Farm Bureau Federation to file an amicus curiae brief in support of the appellant. As indicated, the City Attorney of San Francisco will be filing an amicus brief in support of respondent District.

All City Attorneys are urged to consider joining as amici in the San Francisco brief. To do so, letters of authorization should be sent to:

Mark Kertz
Deputy City Attorney
Room 206
City Hall
San Francisco, CA 94102
(415) 558-5366

Carlyn F. Galway
Senior Staff Attorney

