

## COUNTY OF SANTA CRUZ CHARGING UNLAWFUL ASSESSMENTS

The County of Santa Cruz is being sued for “non-proportional assessments against the citizens of Santa Cruz” by notable government watchdog, Harold W. Griffith. The Supreme Court today ruled in Bonander v. Tiburon that assessments must be proportional to the property.

June 8, 2009 - The California Supreme Court this morning announced its decision in the above case. Giffith states, “I sued the county last year over the County Service Area levies. I said they were not assessments because they were not proportional charges. The county responded to my lawsuit by saying that I didn't follow the validation statutes (C.C.P. § 860-863) so my lawsuit was invalid and the trial court agreed. I then appealed. Today the Supreme Court said:”

**Filed 6/8/09**

**\*IN THE SUPREME COURT OF CALIFORNIA\***

**JIMMIE D. BONANDER et al.,  
Plaintiffs and Appellants,**

S151370 v. Ct. App. 1/3 A112539

**TOWN OF TIBURON et al.,  
Marin County**

Defendants and Respondents. Super. Ct. No. CV052703

Under the Municipal Improvement Act of 1913 (Sts. & Hy. Code, § 10000 et seq.), an assessment district may be formed and assessments may be levied on real property for various purposes, including moving overhead utility wires underground, as occurred here. Under article XIII D of the state Constitution, **however, any assessment on real property must be in proportion to the special benefit conferred on that property.** (See /Silicon Valley Taxpayers' Assn., Inc. v. Santa Clara County Open Space Authority/ (2008) 44 Cal.4th 431, 443.) When a lawsuit challenges the assessments imposed on specific parcels of real property for (among other things) noncompliance with article XIII D, must the plaintiff comply with the requirements governing validation proceedings brought under Code of Civil Procedure sections 860 through 870.5? **We conclude that the answer is “no.” Because the Court of Appeal reached the opposite conclusion, we reverse its judgment.**