

PRESS RELEASE

KRAUSE, KALFAYAN, BENINK & SLAVENS, LLP, Announces Filing of Lawsuit Against City of Jackson Alleging the City has Violated the Constitutional Provisions of Proposition 218

June 20, 2012

On June 11, 2012, Jackson, California resident William Orescan filed a lawsuit in Amador County Superior Court against the City of Jackson. The suit alleges that the City has violated the Constitutional provisions of Proposition 218 by failing to allow the public the opportunity to protest garbage rate increases.

Proposition 218 mandates that before a public agency imposes a property-related fee increase, it must mail information about the fee to every affected property owner and ratepayer, conduct a public hearing, and reject the fee increase if a majority protests. Mr. Orescan asks that Jackson comply with Proposition 218's mandates with respect to Jackson's garbage collection fees. He also requests that the Court declare garbage rate increases imposed by Jackson in 2009, 2011, and 2012 to be invalid.

The lawsuit alleges that the City failed to mail a Proposition 218-compliant notice regarding the fee increases to the petitioners and to Jackson's other property owners, and failed to hold a hearing regarding the fee increases. The suit also alleges that the City provided no opportunity to protest and refuses to comply with Proposition 218, as required by law, in the future.

"I want to be sure that the City of Jackson allows its citizens the rights all Californians gave ratepayers when they voted to amend the California Constitution with Proposition 218," said Orescan. "When the City raises its garbage rates, it must allow the public to have their say. Jackson did not," he added.

A similar lawsuit was filed against the City of Sutter Creek for not complying with Proposition 218. Sutter Creek eventually settled the suit and agreed to provide ratepayers notice and an opportunity to protest all future rate increases.

Krause, Kalfayan, Benink & Slavens, LLP is a boutique law firm that represents citizens, ratepayers, and taxpayers in fee-related litigation against municipalities. Contact: Eric J. Benink, 550 West C Street, Suite 530, San Diego, California, Tel: (619) 232-0331; Fax (619) 232-4019; eric@kkbs-law.com; www.kkbs-law.com.