

*PRESS RELEASE*

*KRAUSE, KALFAYAN, BENINK & SLAVENS, LLP Announces Settlement of Proposition 218 Case with City of Sutter Creek*

May 11, 2012

Dorothy and Paul Pressnall and the City of Sutter Creek have entered into a settlement of the lawsuit brought by the Pressnalls in August 2011. The lawsuit alleged that Sutter Creek failed to comply with Proposition 218 with regard to the imposition of solid waste (refuse) collection fees. Proposition 218 provides procedural safeguards before property-related fees can be imposed or increased, including notice rights and an opportunity to protests, and limits fees to the amount necessary to provide the service. Sutter Creek had asserted that because the waste collection service was provided by a private entity, Proposition 218 did not apply.

The settlement requires Sutter Creek to comply with Proposition 218 with regard to future waste collection fees, including the planned fee increase in Summer 2012. “We are pleased that Sutter Creek agreed to honor Proposition 218’s mandates, especially in light of the upcoming proposed rate increase,” said Dorothy Pressnall. The Pressnalls’ attorney, Eric J. Benink, added, “Municipalities should not be allowed to circumvent Proposition 218’s broad protections simply because the service is provided by a private party. We applaud the Pressnalls for stepping up to ensure that Sutter Creek residents will be able to participate in this important process.”

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, 92101; Tel: (619) 232-0331; Fax (619) 232-4019; [eric@kkbs-law.com](mailto:eric@kkbs-law.com); [www.kkbs-law.com](http://www.kkbs-law.com).