

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME JUDGE	November 7, 2025, 2:30 p.m. HON. STEPHEN ACQUISTO	DEPT. NO CLERK	12 M. LU
CITY OF LONG BEACH, Petitioner, v. THE STATE OF CALIFORNIA, et al., Respondents.		Case No. 25WM000047	
LONG BEACH REFORM COALITION, et al., Petitioners, v. CITY OF LONG BEACH, Respondent.		Case No. 25WM000112	
Nature of Proceedings:		Petitions for Writ of Mandate	

In case 25WM000047, Petitioner City of Long Beach seeks a writ of mandate and declaratory relief against Respondent California Department of Tax and Fee Administration, which has refused to collect a transactions and use tax imposed by city ordinances on the basis that it violates the California Constitution’s prohibition on tax increases without voter approval. In case 25WM000112, Petitioner Long Beach Reform Coalition and two individual petitioners seek a writ of mandate, declaratory relief, and invalidation of the same transactions and use tax on the same ground that it is an unconstitutional tax increase without voter approval. The following is the Court’s tentative ruling on these cases denying the petition for writ of mandate and related relief in case 25WM000047 and granting the same in case 25WM000112.

BACKGROUND

Under the Transactions and Use Tax Law, cities and counties may impose transactions and use taxes (“TUTs”) within their jurisdictions, the collection of which must be delegated to Respondent California Department of Tax and Fee Administration (“the Department”). (Rev. & Tax. Code, §§ 7270, subd. (a), 7285 [counties], 7285.9 [cities].) The rate of a TUT can be set by the city or county at any multiple of 0.125 percent. (*Id.*, §§ 7285, 7285.9.) However, “[t]he combined rate of all [TUTs] in any county may not exceed 2 percent,” subject to statutory exceptions. (*Id.*, § 7251.1; see *id.*, § 7286.01 [conditionally providing a 0.50% TUT for Los Angeles County not subject to the 2% cap].) “No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote.” (Cal. Const., art. XIII C, § 2, subd. (b); see also Rev. & Tax Code, § 7285.9 [imposing same requirement by statute].)¹

Petitioner City of Long Beach (“the City”) is a municipality in Los Angeles County. Since 1990, Los Angeles County Metropolitan Transportation Authority (“MTA”) has imposed a countywide 1% TUT that is subject to the 2% cap under Revenue and Taxation Code section 7251.1.

In 2016, voters of City of Long Beach approved City Measure A (2016), which imposed a 1% TUT subject to the 2% cap that would go into effect on January 1, 2017, then reduce to 0.5% effective January 1, 2023, and then expire on January 1, 2027. Beginning in 2017, the 1% TUT imposed under City Measure A (2016) combined with the 1% TUT imposed by the MTA to put the City of Long Beach at the 2% cap.

In 2017, the voters of Los Angeles County approved County Measure H (2017), which imposed a countywide 0.25% TUT set to begin on October 1, 2017 and expire on October 1, 2027. This TUT was not collected in Long Beach until January 1, 2023 because the 2% cap had already been reached by the TUTs from MTA and City Measure A (2016).

In 2020, voters of City of Long Beach approved City Measure A (2020) to “extend the term of the [TUT imposed by City Measure A (2016)] beyond 2027 for general purposes to fund important City services,” rather than have it expire by its own terms in on January 1, 2027. (Stip.,

¹ The relevant history of TUTs imposed in Los Angeles County and the City of Long Beach involves multiple voter-approved measures, several of which were called “Measure A.” To avoid confusion, each measure will be referenced by its name, the year of its passage, and whether it was approved by the City of Long Beach or the County of Los Angeles.

Exh. H, p. 1.) At this point, however, County Measure H (2017), which was already scheduled to collect a 0.25% TUT in Long Beach from January 1, 2023 to October 1, 2027, had priority over City Measure A (2020). To accommodate County Measure H (2017) in complying with the 2% cap, City Measure A (2020) provided the following schedule of rates:

- A. One cent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of Measure “A” (January 1, 2017) through December 31, 2022.
- B. Three-quarters cent ($\frac{3}{4}\%$) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory *on or after January 1, 2023 through September 30, 2027*.
- C. One cent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory *on or after October 1, 2027 (the sunset date for Los Angeles County Measure “H”).*

(Stip., Exh. H, at § 3.62.030 [emphasis added].)²

This language reflected the reality that the City could continue collecting at 1% prior to January 1, 2023 as originally provided by City Measure A (2016), but once County Measure H (2017) begins collection of 0.25% on January 1, 2023, the City could only collect 0.75% without violating the 2% cap. Once County Measure H (2017) expires by its own terms on October 1, 2027, the City could again impose 1% without violating the 2% cap. The voter information materials distributed by the City explained that the purpose of this arrangement was to provide a “temporary reduction to 0.75 percent for years 2023 through 2027, to accommodate the Los Angeles County Measure H tax.” (Stip., Exh. D, at p. 1.)

In November 2024, the voters of Los Angeles County approved County Measure A (2024), which repealed the 0.25% TUT under County Measure H (2017) effective April 1, 2025 and imposed a new countywide 0.5% TUT that would *not* be subject to the 2% cap pursuant to a new statutory exception provided by Revenue and Taxation Code section 7286.01. The effect of this measure was that the total TUT within the City of Long Beach would rise by 0.25% effective April 1, 2025, but the total TUT subject to the 2% cap would reduce from 2% to 1.75%.³

² The measure amended chapter 3.62 of the city ordinances, which governs the City’s TUTs. Section 3.62.030 cited here dealt with transactions tax only. Section 3.62.050 separately addressed use tax. But because the language in both sections regarding the rate change over time is substantially identical, section 3.62.050 will not be separately quoted here.

³ The Department’s unopposed request for judicial notice of current tax rates in Los Angeles County and the City of Long Beach is granted. (Evid. Code, § 452, subd. (c).)

In December 2024, the City Council convened a special meeting to address this new development and adopted Ordinance No. ORD-24-0027 to provide for collection of the TUT at 1% starting April 1, 2025 (the new repeal date for County Measure H (2017)) instead of October 1, 2027. But the Department, which had collected the City's TUT at 0.75% since January 1, 2023 as provided by City Measure A (2020), refused to increase the rate to 1% as provided by ORD-24-0027 on the basis that such increase is a tax increase without approval of the voters in violation of the California Constitution. The Department continues to collect the City's TUT at 0.75% as provided by the rate schedule in City Measure A (2020).

In February 2025, Petitioners Long Beach Reform Coalition, Jane Nadeau, and Walter Ordonez (collectively "the Coalition") filed an action for writ of mandate, declaratory relief, and reverse validation in Los Angeles County Superior Court on the same ground asserted by the Department that ORD-24-0027 is an unconstitutional tax increase. In March 2025, the City filed an action seeking a writ of mandate and declaratory relief in Sacramento County Superior Court on the basis that the Department must collect the City's TUT at 1% as of the repeal of County Measure H (2017) on April 1, 2025 instead of October 1, 2027. In May 2025, by stipulation of the parties in both cases, the Coalition's action was transferred to Sacramento County Superior Court for coordination with the City's action. The parties in both cases also stipulated to key facts and documents and agreed to have both cases heard at this joint merits hearing.

LEGAL STANDARDS

A traditional writ of mandate may be issued "to compel the performance of an act which the law specially enjoins, as a duty resulting from an office[.]" (Code Civ. Proc., § 1085, subd. (a).) "Mandamus under section 1085 is used to compel a ministerial duty or to correct an abuse of discretion." (*Manderson-Saleh v. Regents of University of California* (2021) 60 Cal.App.5th 674, 692.) An administrative decision reviewed under section 1085 must be upheld "absent a determination the decision was 'arbitrary, capricious, or entirely lacking evidentiary support.'" (*Scott B. v. Bd. of Trustees of Orange County High School of the Arts* (2013) 217 Cal.App.4th 117, 122.) Legislative or quasi-legislative acts may also be challenged by traditional mandamus as well as an action for declaratory relief. (*Beach & Bluff Conservancy v. City of Solana Beach* (2018) 28 Cal.App.5th 244, 259.) Courts exercise independent judgment on purely legal questions raised in petitions for writ of mandate. (*Conlan v. Bonta* (2002) 102 Cal.App.4th 745, 753.)

DISCUSSION

The City's contention in both of these cases is that City Measure A (2020) authorized an increase of the TUT from 0.75% to 1% upon expiration of County Measure H (2017) on April 1, 2025. The Department and the Coalition both contend that City Measure A (2020) explicitly authorized such increase starting October 1, 2027, so that any increase prior to that date is an increase without voter approval in violation of article XIII C, section 2, subdivision (b) of the California Constitution. The issue presented is a purely legal question of whether City Measure A (2020) authorized collection of the TUT at 1% any earlier than October 1, 2027 so that separate voter approval was not necessary.

Interpretations of voter initiatives and ordinances are subject to the same principles that govern statutory construction. (*Robert L. v. Superior Court* (2003) 30 Cal.4th 894, 901 [voter initiatives]; *Atchley v. City of Fresno* (1984) 151 Cal.App.3d 635, 647 [ordinances].) The first step is to examine the language of the initiative or ordinance, "giving the words their ordinary meaning." (*Professional Engineers in California Government v. Kempton* (2007) 40 Cal.4th 1016, 1037.) "Absent ambiguity, we presume that the voters intend the meaning apparent on the face of an initiative measure . . . and the court may not add to the statute or rewrite it to conform to an assumed intent that is not apparent in its language." (*Ibid.* [internal quotation marks omitted].) External materials such as ballot summaries and arguments may be considered only if there is an ambiguity leading to more than one reasonable interpretation. (See *ibid.*)

The Court finds that the plain language of City Measure A (2020) unambiguously establishes that the City's TUT rate between January 1, 2023 and October 1, 2027 is to be 0.75%. The relevant language in City Measure A (2020) states that the rate will be 0.75% "on or after January 1, 2023 through September 30, 2027," and 1% "on or after October 1, 2027 (the sunset date for Los Angeles County Measure "H")." (Stip., Exh. H, at § 3.62.030.) There is no ambiguity regarding when the rate increases to 1% because the measure clearly states the effective date of the rate increase—October 1, 2027. The fact that County Measure H (2017) prematurely expired does not create an ambiguity either, because the rate change is tied to a specific date rather than variable conditions such as the premature expiration of County Measure H (2017).

The City argues that the language is ambiguous because the rate change is tied not only to the specific date of October 1, 2027, but also to "the sunset date for Los Angeles County

Measure ‘H’” as set forth in the parenthetical in section 3.62.030. The City also points to section 3.62.140, which is intended to provide clarifications to the Department that the City will collect at 0.75% “until Measure ‘H’ sunsets on October 1, 2027,” and that the City “shall again be authorize to levy and collect” at 1% “[w]hen Measure ‘H’ sunsets on October 1, 2027[.]” (*Id.*, at § 3.62.140.) According to the City, these provisions could be reasonably interpreted as treating the expiration of County Measure H (2017) (whenever that may be) as the condition triggering the rate increase from 0.75% to 1%, notwithstanding the specified dates.

The Court does not find this reading reasonable. The City assigns too much weight to the “sunset” language. The mentions of the “sunset” of County Measure H (2017) do nothing more than explain the significance of October 1, 2027 as the expiration date for County Measure H (2017), given that the purpose behind the rate change was to accommodate that measure in complying with the 2% cap. **The City’s reading would require the Court to disregard the dates specified in the measure as to render them meaningless.**

The City’s reading of the relevant provisions, essentially, is that they were intended to provide for an automatic increase of the TUT from 0.75% to 1% upon early termination of County Measure H (2017) prior to the original sunset date of October 1, 2027. This reading is arguably consistent with the general spirit and motivation behind City Measure A (2020), which was to eventually impose a permanent 1% TUT following a temporary rate reduction to account for County Measure H (2017). But the language of City Measure A (2020) does not suggest that the voters, at the time they approved the measure, intended such automatic increase or even contemplated the possibility of premature expiration of County Measure H (2017).

The Court finds, based on an interpretation of the plain language of City Measure A (2020), that the City’s TUT must not be higher than 0.75% until October 1, 2027. The City’s Ordinance No. ORD-24-0027, to the extent that it increased the TUT to 1% prior to October 1, 2027 without voter approval, violates the constitutional prohibition on tax increases without voter approval.

CONCLUSION

For these reasons, the petition for writ of mandate and related relief in case 25WM000047 is denied. The petition for writ of mandate and related relief in case 25WM000112 is granted.

In case 25WM000112, in addition to a judgment in favor of Petitioners, a peremptory writ shall issue commanding Respondent to take action specially enjoined by law in accordance with the Court's ruling, but nothing in the writ shall limit or control in any way the discretion legally vested in Respondent. Respondent shall make and file a return within 60 days after issuance of the writ, setting forth what has been done to comply therewith.

* * *

This tentative ruling shall become the Court's final ruling unless a party wishing to be heard so advises the clerk of this department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its request for hearing.

The parties may appear remotely through the use of Zoom. The parties may join the Zoom session by audio and/or video through the link/telephone number which can be obtained by contacting the clerk of the court at dept12@saccourt.ca.gov or (916) 874-7661 no later than 4:00 p.m. the day before the scheduled hearing. In the event that a hearing is requested, oral argument shall be limited to no more than 30 minutes per side.

Parties requesting services of a court reporter will need to arrange for private court reporter services at their own expense, pursuant to Government Code section 68086 and California Rules of Court, rule 2.956. Requirements for requesting a court reporter are listed in the Policy for Official Reporter Pro Tempore available on the Sacramento Superior Court website at <https://www.saccourt.ca.gov/court-reporters/docs/crtrp-6a.pdf>. Parties may contact Court-Approved Official Reporters Pro Tempore by utilizing the list of Court Approved Official Reporters Pro Tempore available at <https://www.saccourt.ca.gov/court-reporters/docs/crtrp-13.pdf>

A Stipulation and Appointment of Official Reporter Pro Tempore (CV/E-206) is required to be signed by each party, the private court reporter, and the Judge prior to the hearing, if not using a reporter from the Court's Approved Official Reporter Pro Tempore list. Once the form is signed it must be filed with the clerk.

If a litigant has been granted a fee waiver and requests a court reporter, the party must submit a Request for Court Reporter by a Party with a Fee Waiver (CV/E-211) and it must be filed with the clerk at least 10 days prior to the hearing or at the time the proceeding is scheduled

if less than 10 days away. Once approved, the clerk will be forward the form to the Court Reporter's Office and an official reporter will be provided.

In the event that this tentative ruling becomes the final ruling of the Court, counsel for the Department and the Coalition are directed to prepare separate judgments (one for each case) incorporating the Court's ruling as an exhibit thereto. Counsel for the Coalition is also directed to prepare a writ of mandate. Counsel are directed to submit the judgments and the writ of mandate to the City's counsel for approval as to form, and thereafter submit them to the Court for signature, in accordance with California Rules of Court, rule 3.1312.