

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF YOLO  
1000 MAIN STREET  
WOODLAND, CA 95695

FILED  
YOLO SUPERIOR COURT  
DEC 26 2019  
  
DEPUTY

CASE TITLE: WOLSTONCROFT VS. COUNTY OF YOLO

CASE NO: CVPT-18-1854

I, the undersigned, certify under penalty of perjury that I am a Deputy Clerk of the above-entitled Court and not a party to the within-entitled action; that on December 26, 2019 I served true and correct copies of the foregoing/attached ORDER AFTER HEARING by depositing the same, enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Post Office at Woodland, California addressed as follows:

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At the time of said mailing there was regular communication by United States Mail between the said place of mailing and the places addressed.

Dated: December 26, 2019

SHAWN C. LANDRY  
COURT EXECUTIVE OFFICER

By:   
R. Vitale, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF YOLO

BONNIE WOLSTONCROFT, WILLIAM C. ) Case No.: CVPT-18-1854  
UNKEL and MICHAEL WILKES, )

Petitioners and Plaintiffs, )

**ORDER AFTER HEARING**

v. )

Hearing: December 3, 2019

COUNTY OF YOLO, et. al, )

Time: 9:00 a.m.

Respondents and Defendants. )

Department: 8

At the above-captioned date and time, the Court heard oral argument on the petitioners' and plaintiffs' (hereafter "petitioners") writ of mandate pursuant to Code of Civil Procedure section 1085 and their complaint for reverse validation pursuant to Code of Civil Procedure section 863. At the end of oral argument, the Court upheld its previously-issued tentative ruling, denying the petitioners' writ of mandate and reverse validation proceeding.

Eric J. Benick appeared as counsel for the petitioners.

Michael Colantuono appeared in Court as counsel for the respondents and defendants (hereafter "respondents"), and John Jones appeared telephonically via CourtCall.

After the Court heard oral argument from the parties, and having confirmed its tentative ruling, counsel for the petitioners verbally requested a statement of decision. The Court took the matter under submission solely to examine the matter of a Statement of Decision supporting the tentative (now final) ruling.

However, Petitioner did not specify what principal controverted issues he wanted addressed by the Statement of Decision as required by Rule of Court 3.1590(d). Moreover, because the arguments were based entirely on issues of law and not on disputed facts, a Statement of Decision is not required here. (See, e.g., *Young v. California Fish and Game Commission* (2018) 24 Cal.App.5th 1178, 1192 [Petitioner for writ under C.C.P. 1085 and 1094.5 was not entitled to a Statement of Decision because "[i]t is axiomatic that a statement of

1 decision is required only as to issues of fact decided by the trial court ... not as to issues of law,  
2 ...[and] [n]o statement of decision was required”] (*internal citations omitted*).

3 Therefore, the COURT HEREBY CONFIRMS AND MAKES FINAL ITS TENTATIVE  
4 RULING AS FOLLOWS:

5  
6 Petitioners Bonnie Wolstoncroft, William C. Unkel, and Michael Wilkes’s request for  
7 judicial notice is DENIED, as it is not relevant to the Court’s determination of petitioners’  
8 petition for writ of mandate. (*People v. Rowland* (1992) 4 Cal.4th 238, 268, fn. 6.)

9  
10 Respondent County of Yolo’s request for judicial notice is DENIED, as it is not relevant  
11 to the Court’s determination of petitioners’ petition for writ of mandate. (*Rowland, supra*, 4  
12 Cal.4th at p. 268, fn. 6.)

13  
14 Petitioners’ motion to augment alleged administrative record is DENIED. Petitioners  
15 have failed to provide sufficient legal authority to overcome the well-recognized rule, which  
16 limits the Court’s review to the administrative record. (*San Joaquin County Local Agency*  
17 *Formation Commission v. Superior Court* (2008) 162 Cal.App.4th 159, 167; *Western States*  
18 *Petroleum Ass 'n v. Superior Court* (1995) 9 Cal.5th 559, 574.) Moreover, petitioners have not  
19 shown that the identified documents, in their request to augment, fall into any recognized  
20 exception allowing the Court to admit such documents. (*Outfitter Properties, LLC v. Wildlife*  
21 *Conservation Bd.* (2012) 207 Cal.App.4th 237, 251.)

22 Respondent’s evidentiary objections are DENIED AS MOOT, based on the Court’s  
23 denial of petitioners’ motion to augment.

24  
25 Petitioners’ petition for writ of mandate and reverse validation proceeding is DENIED.  
(Cal. Const., arts. XIII C & D.) The Court finds as follows:

26  
27 1. The water fees are not taxes under California Constitution, article XIII C, section 1(e).  
28 The fees are being imposed upon each parcel as an incident of property ownership. (Cal. Const.,  
article XIII D, § 2; *Richmond v. Shasta Community Services Dist.* (2004) 32 Cal.4th 409, 427.)

1 2. Respondent has complied with the procedural requirements of California Constitution,  
2 article XIII D, section 6(a). Respondent's notice included the amount of the fee proposed to be  
3 imposed upon each identified parcel and the basis upon which the amount of the proposed fee  
4 was calculated. (25 AR 208-210.) Respondent properly declined to count protests never  
5 received, or delivered after the public hearing. (Cal. Const., article XIII D, § 6, subd. (a)(2); 25  
6 AR 210; 37 AR 535, 537; 68 AR 588.)

7 3. Respondent has complied with the substantive requirements of California Constitution,  
8 article XIII D, section 6(b). The fees fund services immediately available to the property owners  
9 in question. (*Capistrano Taxpayers Assn., Inc. v. City of San Juan Capistrano* (2015) 235  
10 Cal.App.4th 1493, 1497 [*"Capistrano"*].) Respondent has sufficiently shown that the fees are  
11 proportional to the cost of services attributable to the parcel. (*Griffith v. Pajaro Valley Water*  
12 *Management Agency* (2013) 220 Cal.App 4th 586, 601; cf. *Capistrano, supra*, 235 Cal.App.4th  
13 at p. 1497 [find that the City "had to correlate its tiered prices with the actual cost of providing  
14 water at those tiered levels."].)

15 **IT IS SO ORDERED.**

16 DATED: December 26, 2019



Hon. Peter M. Williams  
Judge of the Superior Court