

Daily Journal

DECEMBER 5, 2012

MUNICIPAL LAW WALKING THE TIGHTROPE

TOP MUNICIPAL LAW ATTORNEY



Courtesy Photo

Michael G. Colantuono

Colantuono & Levin, Los Angeles

Specialties: Constitutional Law and Municipal Litigation

Among his significant matters, Colantuono recently prevailed in the state Supreme Court on behalf of 47 cities in a dispute with Los Angeles County. At issue was how two 2004 revenue measures associated with the state budget affected the duty of cities to reimburse counties for their share of the cost to operate the property tax system. *City of Alhambra v. County of Los Angeles*, S185457.

“The question was whether the Legislature intended these property taxes, paid in lieu of other revenues, to count as property taxes to cities to which property tax administration fees would apply,” Colantuono said.

Many, but not all, counties took the position that it did.

“The result was to allow L.A. County to withhold about \$10 million per year more from cities than it did previously,” he said. “We estimate the statewide impact at \$40 million per year.”

Colantuono said he will be returning to the trial court to decide the statute of limitations, and then determining how much each city is due.

“Unless the Legislature revisits the question of how we fund our property tax system, counties will continue to bear the load they had historically borne,” Colantuono said. “The cities will pay only for the share the Legislature assigns to them.”

As for his strategy on the case, Colantuono said, “The case is not a complex one. It’s a matter of construing dense sections of our tax laws. The case required patience and the analytical focus to make sense of statutes that no English teacher could love.”

Meanwhile, the county has petitioned for a rehearing, which Colantuono considers “unusual,” adding, “It’s bold in its willingness to tell the court that they got the facts and law wrong.”

—Pat Broderick