

RICHMOND, CALIFORNIA, August 17, 2005

The Special Meeting of the Richmond City Council was called to order at 8:15 p.m., Mayor Irma L. Anderson, who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Butt, Bates, Marquez, Thurmond and Mayor Anderson. **Absent:** Councilmembers Griffin, McLaughlin, Rogers, and Viramontes.

COUNCIL AS A WHOLE

In the matter to Consider Rescinding a Resolution calling and providing for a Special Election to be held on November 8, 2005, for the purpose of submitting to the voters an ordinance amending the City of Richmond Transactions and Use Tax Ordinance to increase the tax rate by one-half percent (1/2%); Consider Rescinding a Resolution Giving Notice of the Holding Of A Special Election To Be Held On Tuesday, November 8, 2005, To Submit To The Voters An Ordinance Amending the City of Richmond Transactions and Use Tax Ordinance; Consider Rescinding a Resolution Requesting the Board of Supervisors of the County of Contra Costa To Consolidate a Special Election To Be Held On Tuesday, November 8, 2005, with the Special Statewide Election To Be Held On The Date Pursuant To Section 10403 of the Elections Code. Leslie Knight, Asst. City Manager, gave an overview of the matter. She stated that as of August 16, 2005 the County Registrar of Voters informed the City that it did not have verification of the required number of signatures to place the initiative on the November 8, 2005 Ballot and it is unlikely that they will be able to complete the count by 5 p.m. August 17, 2005. Elections Code Section 9605 states that the “deadline for the City of Richmond to withdraw the Transaction and Use Tax Measure from the November 8, 2005 ballot is the 83rd day before the election, which is August 17, 2005. If the petition is not withdrawn, the City can incur cost and liability for the November 8, 2005 Election, including the counting of the signatures and up to 1/3 of \$5 per registered voter. It is recommended that the Council consider rescinding and withdrawing the actions taken by the Council on August 12, 2005 by withdrawing Resolution numbers 121-05, 122-05, and 123-05. There was a correction on Resolution 121-05 to read: ‘Resolution of the City Council of the City of Richmond, California, to consider *withdrawing and rescinding* the calling of and providing for a special election..... It is also proposed that the City wait until about 4:45 p.m. August 17th to determine what the status is in the petition count. Steve Wier, Contra Costa County Clerk, stated that a random check of the signatures was performed and it required the petition validity rate to be over 110%. The random check performed was 104%; therefore an exact count has to be performed. The check will not be completed by 5p.m. August 17th. As of August 16th, 2,388 signatures were checked the validity rate is 63.7%, 1,522 are valid. The City needs 3,941 valid signatures to qualify to place the measure on the ballot. So far, 6.8% of the signatures were out of the district, 24.2% are not registered, some persons registered late, ten could not be identified, nine persons didn’t sign the petition, eleven signatures did not match, and three were in the wrong County. Councilmember Marquez asked if the count continues how much time does the City have to file a court order

to stop the measure from going on the ballot. Mr. Weir replied that after 5 p.m. August 17th, it will require a court order. The standard number of days that the County gives to change an election is 63 days before the election. Fifteen days from today is the County's "drop dead date". If the School Board and the State go to ballot as well, the cost to the City will be approximately \$66,000, if the City of Richmond stands alone in the election the cost will be approximately \$150,000 to \$200,000. If the signature count does not qualify, a City Council meeting will need to convene immediately to vote to ask a judge to remove the measure from the November 2005 Ballot. Ms. Knight suggested that the Council should also consider giving staff approval to hire an election attorney should he/she be needed for possible court actions if the measure needs to be removed from the ballot. Elections Attorney must be place on the agenda. Bruce Soublet stated that before the Council votes on the matter, an emergency item regarding the issue of hiring an Election Attorney must be placed on the agenda. On motion of Tony Thurmond, seconded by Councilmember Butt to place on the agenda for consideration emergency action to contract with an Elections Attorney to advise the City on the matters that have been discussed. **Ayes:** Councilmembers, Bates, Butt, Marquez, Thurmond, and Mayor Anderson. **Noes:** one. **Abstentions:** None. **Absent:** Councilmembers Griffin, McLaughlin, Rogers, and Viramontes. A motion was made by Councilmember Marquez, seconded by Councilmember Bates to not rescind or withdraw Resolutions 121-05, 122-05, 123-05. Mayor Anderson commented that she supports the citizenry, but will vote no due to legal procedures not being followed. **Ayes:** Councilmembers Bates, Butt, Marquez, and Thurmond. **Noes:** Mayor Anderson. **Abstentions:** None. **Absent:** Councilmembers Griffin, McLaughlin, Rogers, and Viramontes.

ADJOURNMENT

There being no further business, adjourned the meeting at 9:10 p.m.

City Clerk

(SEAL)

Approved:

Mayor