

## **SRICHMOND, CALIFORNIA, May 17, 2005**

The Regular Meeting of the Richmond City Council was called to order at 7:33 p.m., by Mayor Irma L. Anderson.

### **ROLL CALL**

**Present:** Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson.  
**Absent:** None.

### **COUNCILMEMBERS' CODE OF CONDUCT**

The City Clerk read the Councilmembers' Code of Conduct.

### **APPROVAL OF MINUTES**

On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the minutes of the Morning Open Session, held on May 3, 2005, by the following vote: **Ayes:** Councilmembers Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Butt and Penn. **Absent:** Councilmember McLaughlin (arrived later as indicated in these minutes).

### **STATEMENT OF CONFLICT OF INTEREST**

None (Councilmember McLaughlin arrived).

### **AGENDA REVIEW**

Continued to July 19, 2005, proposed resolutions to levy special assessment for lot clean ups, board ups, and inspection fees performed on certain properties in the City of Richmond. Total amount of special assessments is \$363,974.38.

On motion of Councilmember Viramontes, seconded by Councilmember Bates, added to the agenda the matter regarding the extension of time for Stevedoring Services of America (SSA), by a unanimous vote of the Council.

Withdrew from the agenda the matter regarding a proposed resolution supporting a joint local/state effort to accelerate redevelopment of California's closed military bases. The matter will be placed on a Local Reuse Authority meeting agenda in the future.

On motion of Councilmember Penn, seconded by Councilmember Butt, the Council voted unanimously to change the order of the agenda.

### **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING EXECUTIVE SESSION**

None.

### **OPEN FORUM FOR PUBLIC COMMENT**

Michael Ali offered a Cherokee Prayer for the City of Richmond.

Charlotte McIntyre gave comments regarding the stem cell research that will be done in the San Francisco Bay Area. She said that it is important that the City prepares its citizens through education and training to be able to get these types of jobs.

Chris Hammond thanked the City Council and Police and Fire for doing their jobs. He gave several comments regarding the portion of the City population who complain. He said that the complainers have to get involved if they want to see changes in their City. He said that volunteering one hour per week in the community will help the City to come together. It takes the efforts of a community working together.

Steven Portlock addressed the Council regarding his deep concern about the railroad tracks that run through Richmond. He stated that he appeared before the Council eight months earlier to request assistance from the City with the trespassing incidents occurring at his property. He stated that former Acting Police Chief Charles Bennett promised him some assistance but nothing has been done. He stated that the matter is one of security and safety. He stated that children walk along the railroad tracks and the fence that runs along the area of the water pump has been destroyed. He said that the issue is a huge liability for the City. He suggested that barbed wire be installed or some other type of deterrent to keep those individuals using the path to jump the fence and come onto his property and destroy it. Mayor Anderson directed a police officer to speak with Mr. Portlock.

James Jenkins commented on Councilmember McLaughlin's editorial regarding the proposed casino at Point Molate. Secondly, he said that on his residential block located near 36<sup>th</sup> Street there have been five leaks that necessitated East Bay Municipal Utility District making repairs and leaving the street in a worse state of disrepair. He stated that he has been in contact with the City's Engineering Division and the City Manager's office. He requested that the street be repaired.

Antwain Cloird, representing Local 324 labor union gave comments regarding the inability of his union members to get jobs on contracts awarded by the City of Richmond. He said that the City should look closely at the developers and hold them accountable for making jobs available for the citizens of Richmond.

Corky Booze stated that the amount of time allotted to each speaker is inadequate and that the Council should return to weekly meetings.

Inge Oliver gave comments on the neglect of Code Enforcement in her neighborhood. She particularly took exception to the illegal repair car shops in the neighborhood. She asked the Council to do something about the situation.

Kellie Hunter, representing United Heritage Industries, reported that she and 68 other volunteers from her company cleaned up the 4<sup>th</sup> Street Park. She stated that an example should be set for the young people in the City. She also challenged and encouraged the business community as well as residents to step forward and also volunteer.

Ronald Coleman, a local contractor, stated that whatever can be done to bring back "Pride and Purpose" to the City of

Richmond through motivation of the business community and the residents should be done.

Teresa Armstrong expressed United Heritage, Incorporated's support of the City Council.

Miguel Ortiz gave comments regarding his efforts to make a difference in the community of Richmond. He related his experience at a recent City Council meeting where complaints regarding the poor conditions of the Nevin Street Park were vocalized. He stated that no one brought a solution to the Council and there are times when leadership by example is a solution.

Gerald Bilbo gave comments regarding his participation in the 4<sup>th</sup> Street/Nevin Avenue Park clean up.

Kevin Hampton, Owner of United Heritage, Incorporated, addressed the Council regarding the clean up. He requested the commitment from the faith-based organizations, businesses, and the community to commit to coming together once a month to contribute to the community through volunteerism, "Contribution to Community Service Day".

Pastor Carleton Leonard stated his concurrence with the previous speakers' comments. However, he said that reciprocity is needed, and that the members of the City Council should be lead by example.

Janie Anker gave comments regarding the Cinco de Mayo celebration. She stated that the event was a melee that was predictable and pre-planned.

Jerome Smith read a poem by John Haynes.

Levent Celik gave comments regarding undue taxation on the citizens of Richmond. He said that he received a \$250 citation from the Richmond Police Department. He stated his frustration with being shuffled from department to department.

Reverend Andre Shumake announced that a Black on Black Crime Summit will be held in the City of Richmond, on June 4, 2005, at LaVonya Dejean Middle School, from 9:00 a.m. to 5:00 p.m. He stated that a Three-Year Action Plan will be developed with the goal of zero homicides in the City of Richmond. He invited the City Council and the public to attend.

Andres Soto announced that Richmond High School Alumni All Star Jazz Band will host a benefit concert for the Richmond High School Music Program. He said that the concert will be held at the Richmond High School Little Theater. He stated that the little league baseball team that utilizes the field located at the Martin Luther King, Jr., Community Center put all of the garbage in piles, but the garbage has not been picked up by city staff. He also commented that the citation process is inadequate, specifically, because they are in English only, and the Spanish speaking residents do not understand what it is they are receiving.

Lynda McPhee addressed the Council regarding a union labor issue involving the Disabled Person's Recreation Center and the National Institute of Arts and Disabilities (NIAD). She requested that the Council handle the matter in a manner that is fair to all involved.

## **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Diane Harrison-Allums, Recreation and Parks, introduced the 2004 Snow Ball Queen, Rachel Monzone, representing Pinole Valley High School. Ms Harrison-Allums also introduced the first runner up, Tan Saephan, representing Middle College High School; and Mimi Ho, representing De Anza High School. Jerrold Hatchett, National Brotherhood Alliance, and Latressa Alford, Field Representative for Congressman George Miller, presented Ms. Monzone with a \$2,500 scholarship. Ms. Monzone will attend San Francisco State University where she plans to major in Journalism. Ms. Saephan was presented a \$1,500 scholarship, and she will attend UC Berkeley, where she plans to pursue a major in the fields of Psychology and Sociology. Mr. Hatchett and Ms. Alford presented Mimi Ho, who plans to attend UC Berkeley and major in Molecular and Cellular Biology with a \$1,000 scholarship. Ms. Alford thanked Councilmember Marquez; Chris Hammond; Geneveva Calloway, City of San Pablo; Maria Allegria, City of Pinole; and Supervisor John Gioia. Mayor Anderson stated that the City of Richmond also has certificates for the participants and volunteers.

City Clerk read a proclamation declaring June 4-12, 2005, as *Affordable Housing Week* in the City of Richmond. Mayor Anderson presented the Proclamation to Steve Duran, Community and Economic Development Director.

City Clerk announced a presentation by members of the Centennial Advisory Committee acknowledging the City of Richmond's 100<sup>th</sup> Anniversary and upcoming celebratory events. Judy Morgan, Richmond Chamber of Commerce, invited everyone to share the birthday cake. The caked was donated by Costco. Ms. Morgan gave an update of the recent activities that occurred leading up to the 100<sup>th</sup> Anniversary grand finale celebration. Copies of the Historic Point Richmond Walking Tour brochures. They will be available at the Richmond Museum, Richmond Main Public Library, Chamber of Commerce, Hotels, and other locations. Ms Morgan announced that the Centennial Point Richmond Stroll will be held on Thursday, May 19<sup>th</sup>. Additionally, the Centennial Senior Night Out will also be held on Thursday, May 19, 2005. The Centennial Festival by the Bay will be held on August 6, 2005. The website for information regarding the planned Centennial activities is [www.richmondcelebration.com](http://www.richmondcelebration.com). Ms. Morgan also announced Centennial memorabilia for sale. She thanked Committee Members: Cheryl Maier, Rodney Hiram, Diane Harrison, and Ted Smith. Corky Booze gave comments on the plans for the City's Centennial Celebration.

Sal Vaca, Employment and Training Director, presented an update regarding contributions for the Summer Youth Employment Program. Mr. Vaca reported that to date the fund raising efforts have netted more than \$186,000. He noted that the \$200,000 goal is within reach. He thanked each City Department for setting aside a percentage of their budget to help reach the goal. Mr. Vaca acknowledged Rubicon Programs for their contributions in the amount of \$6,000, and Cushman and Wakefield for their \$2,000 contribution. Mayor Anderson thanked everyone for their generosity. Mayor Anderson especially thanked the Public Works

Division for their contribution through the efforts of Rich McCoy, Assistant City Manager.

### **CONSENT CALENDAR**

On motion of Councilmember Penn, seconded by Councilmember Griffin, all items marked with an asterisk (-\*) were approved by the unanimous vote of the Council.

\*-Authorized an agreement with Maze and Associates to perform the City's Annual Audit for the year ending June 30, 2005, was presented. The agreement includes options for Maze and Associates to provide audit services for the next two fiscal years. The total amount of the contract is \$224,795.

A proposed approval to award a repair contract with Karber's Auto Body to repair City vehicle number 260 was presented. The total cost of the repairs is \$10,515.88. The repair costs will be funded from the Services Auto Pars account string. Roscoe Ward, Public Services gave an overview of the matter. The following individual spoke on the matter: Corky Booze. Following discussion, on motion of Councilmember Griffin, seconded by Vice Mayor Rogers, approved the contract award by the following vote: **Ayes:** Councilmembers Penn, Bates, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** Councilmembers Butt and Viramontes. **Abstentions:** None. **Absent:** None.

\*-Adopted the following resolutions regarding policies for the administration of the Risk Management Program:

- a. Adopted **Resolution No. 66-05** authorizing the Risk Manager to contract annually for actuarial studies to determine funding requirements for retained risks as recommended in the Financial recovery Action Plan.
- b. Adopted **Resolution No. 67-05** authorizing the Risk Manager to contract for claims audits of retained losses every two years as recommended in the Financial Recovery Action Plan.
- c. Adopted **Resolution No. 68-05** implementing a loss-experience based cost allocation plan to determine the allocation of retained risk fund charges to City departments as commended in the Financial Recovery Plan.
- d. Adopted **Resolution No. 69-05** establishing a policy that the City funds its retained risk fund (for reserves and claim payments) at an 80% confidence level as of Fiscal Year 2005/06 and thereafter as recommended in the Financial Recovery Plan.

\*-Adopted **Resolution No. 70-05** supporting USTA Tennis Center and authorizing budget appropriations upon award of a grant from the United States Tennis Association and receipt of donations.

Withdrew a proposed resolution supporting joint local/state effort to accelerate redevelopment of California's closed military bases.

Proposed resolutions authorizing liens and assessments on properties for the following was presented. Dave Harris, Administrative Sergeant, Police Department gave an overview of the matter. The following individual spoke on the matter: Corky Booze.

- a. Liens and assessments on properties with outstanding balances for police response to false alarms. Total receivables in the amount of \$136,850. Following discussion, on motion by Councilmember Penn, seconded by Councilmember Griffin, adopted **Resolution No. 71-05** by the unanimous vote of the Council.
- b. Liens and assessments on properties with outstanding balances for vehicle abatement. Total receivables in the amount of \$32,869.50. Following discussion, on motion by Councilmember Penn, seconded by Councilmember Griffin, adopted **Resolution No. 72-05** by the unanimous vote of the Council.

\*-Adopted **Resolution No. 73-05** acknowledging the completion of the improvements within Subdivision 8497, Metro Walk of the Richmond Transit Village located adjacent to the Richmond BART Station.

\*-Adopted **Resolution No. 74-05** authorizing a Joint Public Hearing of the Richmond Redevelopment Agency and the Richmond City Council to consider the proposed amended and restated redevelopment plan for the Redevelopment Project Area No. 10-B, Nevin Center, and submission of the proposed amended plan, and the accompanying report to the City Council and final Environmental Impact Report (EIR) to the Richmond Planning Commission and the Richmond City Council.

\*-Adopted **Resolution No. 75-05** establishing budget appropriations for funds received through ticket sales and donations from the annual High School Snow Ball.

## **PUBLIC HEARINGS**

On motion of Councilmember Griffin, seconded by Councilmember Penn, voted unanimously to continue the public hearing to July 19, 2005, in the matter of a proposed resolution to levy special assessment for lot clean ups, board ups, and inspection fees performed on certain properties in the city of Richmond. The total amount of the special assessments is \$363,974.38.

Continued to June 21, 2005, appeals by Margaret Judkins, Jay Fenton, Cochise Potts, and Ethel Dotson to the Planning Commission's approval of the Parkway Commerce Center Project EID/TM 02-07: Parkway Commerce Center TIC at John Street and Collins Avenue.

## **AGREEMENTS**

A proposed agreement regarding Stevedoring Services of America (SSA) was presented. Jim Matzorkis, Port of Richmond

Executive Director presented an overview of the matter. He stated that previously, the Council approved termination of a lease with SSA at Terminal # 3, effective May 18, 2005. He stated that SSA agreed to the termination so that the Port could enter into an agreement with a third party. At this time, the new agreement with the perspective lessee has not been consummated and SSA is requesting a 30-day extension on the termination date, making the new termination June 18, 2005. Following discussion, on motion of Councilmember Bates, seconded by Vice Mayor Rogers, extended SSA's termination agreement to become effective June 18, 2005, by the following vote: **Ayes:** Councilmembers Penn, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** None.

### **RESOLUTIONS**

None.

### **ORDINANCES**

Introduced a proposed ordinance for first reading for a Library Impact Fee to create a revenue source for the Richmond Public Library. The revenue will be used for infrastructure costs, library materials, and capital needs of the library. Monique le Conge, Librarian, gave an overview of the matter. She stated that the proposal addresses the future needs of the library. She emphasized that the proposal does not address current deficiencies, but it anticipates future needs resulting from new development. It was noted that the ordinance if adopted allows for levying of the fee only, and not establishment of the fee. Everett Jenkins, Acting City Attorney, concurred regarding the levying of the fee and establishing the fee. The following individuals spoke on the matter: Tarnel Abbott, Mary Oshima, and Mike Ali. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Penn, to give first reading to the ordinance passed, by the unanimous vote of the Council.

Introduction of a proposed ordinance for first reading of an ordinance deleting Chapter 6.40 of the Richmond Municipal Code, in its entirety, and adding a new Chapter 6.40 regarding Residential Rental Dwelling Unit Inspection and Maintenance was presented. Everett Jenkins, Acting City Attorney, gave an overview of the matter. The following individuals spoke on the matter: Bob Sutcliffe, Corky Booze, Jerome Smith, Theresa Karr, Terry Murphy, Duane Chapman, Cherysse Walton, Torm Nompraseurt, and Arlene Bradley. Discussion ensued regarding public comment on the matter. Councilmember Viramontes stated that she would be willing to organize a noticed 'work group' meeting for the purpose of a discussion about changes and or amendments to the ordinance. Following the work group meeting the matter will go before the Finance, Administrative Services, and Economic Development Standing Committee for the purposing of formalizing the matter to be presented to the entire Council. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Penn, concurred with the 'work group' meeting concept and format.

### **COUNCIL AS A WHOLE**

In the matter to consider appointments and reappointments to Boards and Commissions, Mayor Anderson made the following

recommendations: (1) **Commission on Aging:** Beverly Wallace, Incumbent, term expiring May 19, 2007; **Housing Advisory Commission:** Emily White, Incumbent, term expiring November 1, 2006; (3) **Economic Development Commission:** William Acevedo, term expiring March 30, 2007; and (4) **Police Commission:** Emile De Vera, term expiring November 1, 2005. The following individuals spoke on the matter: Jerome Smith and Andres Soto. Discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Penn to approve the recommendations. Further discussion ensued. Councilmember Bates withdrew his original motion and made a motion to approve the Mayor's recommendations for appointments and reappointments and vote separately on the proposed Police Commission appointment which will be voted on separately. The motion was seconded by Councilmember Penn and passed, by the unanimous vote of the Council. Following further discussion, on motion of Councilmember Bates, seconded by Councilmember Penn, approved the appointment of Emile De Vera to the Police Commission by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** Councilmember Viramontes. **Absent:** None.

In the matter of a review and discussion of the events that occurred at the 2005 Cinco de Mayo Celebration. Mayor Anderson made a brief statement commending the exemplary performance by Richmond Police Officers. Mayor Anderson stated that Andres Soto, community resident would report on the celebration and make suggestions for improvement. Terry Hudson, Interim Police Chief, would report on preparation, resources, and plan of action for the event, and Al Martinez, Chairperson of the Police Commission, and Don Casimere, Investigative and Appeals Officer will report on the matter as a whole. The following individuals spoke on the matter: Jerome Smith, Pastor Carleton Leonard, Corky Booze, Andres Soto, Naomi Williams, Marie Ries, and JoAnn Tillmon. Following discussion, Councilmember Marquez stated that the matter is on the Public Safety, Public Services Standing Committee Agenda He invited interested persons to attend a meeting on Wednesday, May 18, 2005, at 9:00 a.m., in the Council Chamber.

In the matter to consider providing policy direction concerning a possible ballot measure to increase local revenues and to provide enhanced, stable funding for library services for the City of Richmond. Bill Lindsay, City Manager, gave an overview of the matter. He stated that staff's recommendation is for the Council to authorize the retention of a consultant to complete a voter-opinion survey. He stated that the survey will provide needed and helpful information on how the measure should be structured. The following individuals spoke on the matter: Mike Ali and Charlotte McIntire. Following discussion, a motion was made by Councilmember Viramontes seconded by Councilmember Marquez, to authorize the City Manager to retain the services of a consultant to complete an opinion survey. A substitute motion was made by Councilmember Bates, seconded by Councilmember Marquez, not to conduct a poll and, based upon cost and whether there will be a Statewide November election, to go directly to the ballot. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates, Marquez, and Griffin. **Noes:** Councilmembers Butt, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Abstentions:** Councilmember Penn. **Absent:** None. The original motion to retain a consultant, passed

by the following vote: **Ayes:** Councilmembers Butt, Penn, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Bates and Marquez. **Abstentions:** None. **Absent:** None.

In the matter to consider directing the City Manager to commence a Request for Qualifications/Request for Proposals (RFQ/RFP) process for management and promotion of Richmond Convention Center. Steve Duran, Community and Economic Development Director, gave an overview of the matter. He stated that it is believed that the Convention Center is an underperforming venue which could be a profitable enterprise. He stated, on behalf of Rich McCoy, Public Services Director, that it is his belief that the current employees can be retained even if the management of the Convention Center is outsourced. On motion of Councilmember Butt, seconded by Councilmember Penn, authorized the City Manager to commence a Request for Qualifications/Requests for Proposals for management and promotion of the Richmond Convention Center by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

In the matter to consider amending Chapter 6.06 of the Richmond Municipal Code pertaining to the Historic Structures Code to: (1) Downsize the Historic Preservation Advisory Committee, (2) Provide more flexibility for appointee qualifications, and (3) Incorporate minor operations revisions that satisfy State of California requirements for Richmond to become a Certified Local Government. On motion of Councilmember Griffin, seconded by Councilmember Penn, amended Chapter 6.06 of the Richmond Municipal Code pertaining to the Historic Structures by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

In the matter of a discussion on the Civic Center Revitalization Project: (1) status of the Request for Qualifications/Request for Proposals (RFQ/RFP), (2) the selection process, and (3) direction to staff. Steve Duran, Community and Economic Development Director gave an overview of the matter. Mr. Duran stated that four teams are left and the teams have been interviewed. He stated that a matrix will be provided and the City Council will be provided with submittals by the candidates. The following individual spoke on the matter: Kevin Hampton. Following discussion, the report was accepted by the Council.

In the matter to consider directing the Redevelopment Agency staff to forward all proposals for the development of the Civic Center Master Plan to the full City Council for review. Steve Duran, Community and Economic Development Director gave an overview of the matter. The following individual spoke on the matter: Mike Ali. Following discussion, the report was received and accepted by the Council.

In the matter of a Status Report on implementation of the Fence Ordinance Amendment. Richard Mitchell, Interim Planning Director, presented a status report on implementation of the Fence Ordinance. Mr. Mitchell stated that the survey will be completed June 30, 2005. After completion and review by the Planning

Department he requested that staff be allowed to come back to Council to present the results.

Withdrew the matter to consider waiving vendor business license fees for the Juneteenth celebration

In the matter to consider authorizing the City of Richmond to enter into Mills Act Agreements. Mr. Lindsay, City Manager, stated that each individual contract would have to come before the Council for financial analysis. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, authorized entering into Mills Act Agreements by the following vote: **Ayes:** Councilmembers Butt, Penn, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** None.

In the matter of a discussion regarding revenues from Measure Q, ½ cent sales tax. Vice Mayor Rogers gave an overview of the matter. The following individual spoke on the matter: Corky Booze. A motion was made by Councilmember Bates, seconded by Councilmember Penn, to refer the matter to Public Safety, Public Services Standing Committee followed by the Finance, Administrative Services, and Economic Development Standing Committee for review by the unanimous vote of the Council.

#### **COMMUNICATIONS**

None.

#### **REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS**

This item was waived by the unanimous consent of the Council.

#### **Reports of Chairpersons of:**

Finance, Administrative Services, and Economic Development Standing Committee:

Public Safety Public Services Standing Committee

Rules and Procedures Standing Committee

Report from the Mayor:

#### **General Reports from Councilmembers and Staff**

#### **Referrals to staff from the City Council**

**ADJOURNMENT**

There being no further business, adjourned the meeting at 12:02 a.m., in memory of Jay Vincent, strong advocate of public access to the Shoreline and Bay Trail. The services will be held at 2:00 p.m., at the Richmond Yacht Club on Wednesday, May 18, 2005, to meet again on Tuesday, June 7, 2005, at 7:00 p.m.

---

City Clerk

(SEAL)

Approved:

---

Mayor