MINUTES OF THE SPECIAL MEETING OF THE RIDGECREST CITY COUNCIL AND RIDGECREST REDEVELOPMENT AGENCY AND

City Council Chambers
100 West California Avenue
Ridgecrest, California 93555

March 12, 2010
6:00 p.m.

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded for the purpose of preparation of minutes.

CALL TO ORDER at 4:33pm

ROLL CALL

Council Members Present:	Mayor Pro-Tem Ron Carter, Council Members Tom Wiknich, Chip Holloway, and Jerry Taylor
Absent	Mayor Morgan
Staff Present:	Interim City Manager Harvey M. Harvey Rose; City Clerk Rachel J. Ford; Other Staff

APPROVAL OF AGENDA

Motion to approve agenda as amended Wiknich, second by Holloway, 4 ayes 1 absent (Mayor Morgan)

PLEDGE OF ALLEGIANCE led by Mayor Pro-Tem Carter

INVOCATION led by moment of silence

ORDINANCE AND RESOLUTIONS

1. **A Resolution Of The Ridgecrest City Council Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held On Tuesday, June 8, 2010, For The Purpose Of Submitting To The Voters An Initiative Measure To The Voters On Whether To Elect A Mayor As Required By The Laws Of The State Of California Relating To General Law Cities** **Rose**

This resolution rescinds Resolution 10-16 and amends the language to include three questions related to Elected Mayor. Language in Section 1 of Resolution 10-16 was formed as a statement and it was unclear both to the City and County what part would actually be printed on the ballot. In revising the ballot language, the maximum number of 75 words was exceeded and it is necessary to place a total of three questions on the ballot to stay within the regulations and at the same time present the questions originally called for in the initiative.

- Walt Maurer – great concerns about initiative, if you at meeting are resolving to put initiative on ballot, what is it. Last meeting discussing about questions to place on ballot. Do as separate opinion poll, fine, and no issue to county to do that. Initiative signed by citizens contains full text description and only thing found from this initiative as legally submitted and signed is quoted. Amends the municipal code, doesn't ask questions. City attorney wrote ballot title and summary. That is not what this resolution does. Here's issue, if what is sending to county is three question, when are resolution for this initiative? Three questions don't equate into this. Cannot qualify this and put something else on the ballot.
- Robert Eierman – know that I greatly support initiative process. Concept of this initiative is also supported. Think going to run into difficulty. Won't find provision in election code to allow gather of additional signatures? Once turned in and found insufficient, it's done. While nice concept, isn't appropriate legally. Is it reasonable for Wiknich and Holloway as proponents allowed to vote, should abstain.

Council Comments

- Council Member Taylor – have to agree with public on this, struggled with this initiative, Mr. Eierman comments and letters from the county questioning. Changing the wording also a problem. Not supportive.
- Council Member Wiknich – election code does not prohibit additional signature, other cities provide written guidance on collecting additional signatures. Challenge was put in and approved at both levels of city and county. Falls within the state, state of California elections division said code does not prohibit additional signatures so long as within the filing time to gather signatures. Initiative is to ask for questions to be put on November ballot. When put on the ballot in November these are the questions that will be present. June is to ask the council to put on the November ballot.
- Council Member Holloway – was a proponent of this, everybody got FedEx letter from county. A lot of time on phone today, concerned with original request. My concern, have not got anyone at kern county that supplemental signatures are accepted. County Asked to rescind previous resolution. Today's email states no supplemental signatures verified to County. As much as want to see go to ballot initiative, see similarities in text issue. We did this so cause wanted to do the right way. Did everything careful to do right, won't support at this time. Believe the relationship council members exerted, probably received special preference and can't support.
- Wiknich – don't have all the information, when I investigated supplemental signatures, was thru the state of California gave cities that allow. Not prohibited anywhere in code. City attorney made ruling and was put to county attorney who agreed with city attorney that there is nothing that prohibits it. There was nothing wrong, permitted now in other cities.
- Holloway – why did we get two letters from county? I was told unofficially that the state hires temporary employees; you could have received that information. Why so concerned at this point if their attorneys agreed.

- Wiknich – county clerk decision, reason they did not accept signature was their software was not set up to re-tabulate the results. It became evident to me they could not go further with supplemental signatures. City election falls under the city clerk and not the county clerk. County clerk has nothing to say about what we do and falls to our city clerk. Can have all the rules they want at county level, but city clerk can legally make that determination. Based on the fact that other cities allow in writing and not prohibited in code, do not see as special consideration to council members. This is legal and is the way to do it.
- Taylor – has city attorney weighed in on the letter?
- Harvey Rose – not on that letter. In past, this initiative calls for advisory vote in June and the vote in November would be whether to actually change the law. With regards to the signatures, both city and county attorney consulted and agreed that it was legal to correct the deficit in signatures using the city clerk to make that determination. Clear in state code that a candidate has additional time to correct the deficit. Not as clear with regard to initiative but two attorneys agreed it was.
- Holloway – read letter from county clerk. Not lawyer but seems clear

Motion to adopt was made by Wiknich, motion dies, and no second.

- Wiknich – going forward with what was approved last Wednesday.
- Holloway – is it possible to bring back to agenda to rescind that resolution.
- Harvey Rose – you have approved a petition and a resolution. This resolution clarifies the language. If we stand with that resolution, the county will be unable to formulate a question for the ballot.
- Taylor – which means nothing will happen
- Rose – means would miss the June election, could make the November election. Put city in strange position because initiative was found lawful and sufficient. No other choice but to place on ballot. Only thing that remains is the language of the question for the June ballot.
- Taylor – struggle with that issue, someone signs a petition and now we are changing that.
- Rose – only changing the language of the resolution. You have the traditional 3 choices, one is you can accept the questions will be on the November ballot rather than putting an advisory vote to the people in June, can accept to place the questions on the November ballot.
- Carter – any other comment from council.

PUBLIC COMMENT

- Al Huey – wanted to get into discussion of what we're talking about. Speaking of initiative on ballots, my experience you have an initiative and usually question is you vote in favor of or against, yes or no. Putting any other question out there, let the initiative speak for itself. Question of what voters will see. Question to approve or disapprove, yes or no.
- Walt Maurer – objection to going ahead with resolution to put these 3 questions is distinctly different. Not to supplemental votes, vested interest in what the attorney said. Personally don't have a problem. My objection was that the

initiative says one thing and the question that would appear. Recent example of measure N. Shall an initiative be approved that raises tax ... did not introduce additional aspects not contained in the initiative. Lead question about electing mayor, yes. The other two questions talk about two or four year term. Nothing that deals with that. Not there. Understand the intent of this initiative, to amend the municipal code. No issue with first question. Other questions introduce new elements that are not in the initiative. This is what Mr. Huey said, would expect the question to be the lead question, if passed then council should do exactly what is said here. Specific instructions are in the summary and not the text. Directs council to put on the ballot whether to elect and the other term questions. That is the appropriate time to hassle out those wordings and specific issues. This is what was signed and what should be on the ballot.

- Carter – cannot direct the item we just had, only items not on the agenda
- Ron Porter – initiative policy is to put forth the text of the initiative. Stepping over the bounds, allows the vote you want in November. Trying to modify is what is causing the problems.
- Robert Eierman – give you a reality check, you gentleman have been very worried about what might come down from state against the city. 10,000 per day fines. If you look at the law, it's a bullying number that is used. That is the maximum they can charge and that fine must be mitigated based on the size of the city and the severity of the violation. This would not be supported for Ridgecrest over los angels. You are getting a 7,000 fine now, can call a fine by Benz or the citizens or by you. Benz reputation, a lot of you have defended Benz who did have a good reputation in this town, but is now a by-gone era. A lot of people who will never drive a Toyota again and you have a large portion of people in this town who do not feel good about Benz anymore. Read excerpt from California constitution pertaining to initiatives. 1972 decision regarding impeding initiatives. Proud to be a citizen bringing suit against each of you because we are good citizens which includes Ann Barnett. We don't want city to pay a non-consolidated election fee so looking to save the city $91,000 by including Ann Barnett in suit and preventing her from printing the June ballot until this council puts the voluntary trash initiative on the ballot which will hopefully be next week.
- Craig Bradley – viewing population increase over last 60 days. Concern from public regards to live webcast of meetings. Wanted everyone know it is packed and out of bandwidth to allow more viewers than we have. Getting closer to going live UHF broadcast, FCC licensing on the way.

Close public comment and are now adjourned

Harvey Rose – will talk to county clerk on Monday to see if there is any way possible to use the resolution you have already adopted and put this on the ballot.

ADJOURNMENT at 5:12pm

Rachel J. Ford, CMC

Rachel J. Ford, CMC - City Clerk