

Once the Waterfront is Gone, We Can Never Get It Back.

OAK TO NINTH REFERENDUM COMMITTEE

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Citizen petition blocked by City at Oak to Ninth Developer's request

The Better Oak to Ninth Referendum Committee responded with indignation today that attorneys for developer Mike Ghielmetti and Signature Properties have persuaded Oakland City Attorney John Russo to stop the counting of petitions filed by the referendum committee on August 17. The same law firm prevented citizens from having a say in Albany Waterfront development.

Despite this questionable challenge, the Better Oak to Ninth Referendum Committee is confident the petitions are in conformance with state laws governing referendums. This included collecting and filing the petitions within the 30-day submission period, even though the city did not make a copy of the legislation available until several days after the council hearing. Although we continue to research the issue, our attorney advises us that the referendum will likely stand up to the developer's challenge.

It is a common tactic for developers to nitpick legal issues in their attempts to disqualify citizen efforts to use their legal rights to challenge a city decision by means of a referendum petition. The Alameda County Registrar of Voters has not yet completed the review of the petition signatures, for which they have thirty business days. In any event, the developer's challenge is premature.

The referendum committee views the action of the City Attorney as caving in to pressure from the developer. While the developer claimed there were five separate problems with the petitions, including not having been translated into Vietnamese, the City Attorney rejection was based on not having the full final ordinance included. Ironically, it was the City Clerk's office that put the ordinance up on the City's website and directed the referendum committee to download it from the website.

The referendum committee expects to challenge the City's action halting the signature count in court. The committee strongly believes that once the court has reviewed the facts, the petition will be found to be fully legal, and the complaint declared to be groundless. The committee continues taking all actions needed to ensure that the petition count goes forward.