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Subject: MEDIA RELEASE: State Election Law Invalidates Oak to Ninth Petition

MEDIA RELEASE

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State Election Law Invalidates Oak to Ninth Petition

City Attorney's Office Upholds Transparency Requirement

(Oakland, CA) Today, the Office of the City Attorney issued an opinion directing the City Clerk to uphold state election law and to invalidate the Oak to Ninth Referendum Committee's petition to place the Oak to Ninth project on the ballot for voter approval.

The Referendum Committee omitted maps that would have disclosed to voters the public access in the project and attached the wrong ordinance to the petition. Under California Elections Code, these actions automatically disqualified the petition.

The City Attorney's opinion read: "...the failure to present the actual text of the ordinance challenged, or to attach the exhibits to the ordinance, is fatal to a referendum petition. Such failures to present the public with all the information necessary for an educated decision defeat substantial compliance because they subject the electors to confusing or misleading information and threaten the integrity of the election process...The City Clerk's rejection of the referendum Petition is based entirely upon the public's right to know fully, fairly and with precision what City Council action is being challenged. This Petition does not meet that standard of transparency and under the mandate of California law cannot be allowed to proceed."

"State law is crystal clear on this point," said Oakland City Attorney John Russo. "It is our duty to uphold state law and defend the public's right to full disclosure. Transparency is a value that must apply equally to all who participate in our democratic process."

The Oak-to-Ninth project runs from Fallon Street southeast to 10th Avenue between Interstate 880 and the estuary. The project includes approximately 30 acres of parks, 69,000 square feet of commercial space, with 3,100 condos and apartments, 465 of which would be affordable to families earning between \$25,000 and \$50,000 per year.

The full opinion will follow.

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