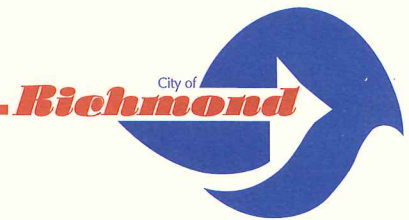


CITY ATTORNEY

BRUCE REED GOODMILLER



August 1, 2016

VIA E-MAIL AND U.S. MAIL

Margaret R. Prinzing  
Remcho, Johansen & Purcell, LLP  
1901 Harrison Street, Suite 1550  
Oakland, California 94612

Re: Considering the "Richmond Kids First Initiative" at an August 2, 2016 City Council Meeting

Dear Margaret:

I am writing in response to your letter last Friday morning to the Mayor and Councilmembers that you kindly emailed to me at noon. I responded by email within the hour, noting that the Council is formally on recess during the month of August and thus it holds no regular meetings during August. This fact is, and has been, noted on the City's website and is well-known to all, including the Kids First proponents.

Our City Clerk's Office reviewed the records for the last twelve (12) years and verified that there have been no regular meetings in August during this period, and likely for much longer. There can be no doubt but that for more than a decade the City Council has always been on recess during the month of August.

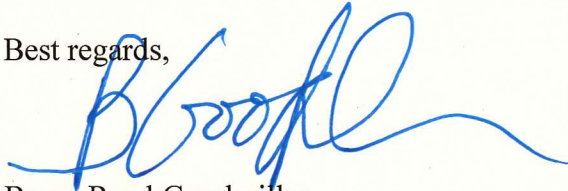
You erroneously suggest that the City Council had a duty to add the Kids First item to its July 26, 2016 agenda. It had no such duty. The County's results were not communicated to the City Clerk until July 25, 2016, far too late to be on the agenda considering the Brown Act 72-hour agenda posting requirement. Towards that end, City staff made every effort to include the certification on the agenda, having prepared the required paperwork and included a placeholder on the agenda well past the established agenda deadline. City staff waited until the end of the day Thursday before posting the agenda and waited again until the end of the day Friday to post a revised agenda, all in an effort to accommodate the proponents' last minute rush to beat the deadline. But the deadline passed with no results from the County.

In another show of good faith – and though it had no legal obligation to do so – the City Council made not one but two discretionary attempts to add the item to its July 26, 2016 agenda as an urgency matter under Government Code section 54954.2(b)(2). The first motion died for lack of a second and in the second try (after in effect suspending its rules to try again) the motion received two votes, far less than the supermajority required by the Brown Act.

You also erroneously assert that the Council has, or should have, a regular meeting on August 2, 2016 and that the Council is obligated to act on Kids First at that meeting. The Council certainly has no duty to hold a regular meeting on August 2, 2016, nor will it. The Elections Code requires the Council to consider the matter at its 'next regular meeting.' The Council is formally on recess during August and holds no regular meetings during that month, and has not for at least twelve years, likely longer. This fact is posted on the City's website and is well known to all, including the Kids First proponents who acknowledged it repeatedly on July 26, 2016. Accordingly, under its longstanding practice, the Council's next regular meeting will occur on September 20, 2016, at which time the Council will act on the petition.

I hope this is responsive to your letter to the Mayor and Council.

Best regards,



Bruce Reed Goodmiller  
City Attorney  
City of Richmond

cc: City Clerk  
City Manager  
Mayor and Councilmembers