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14 Party in Interest CITY COUNCIL OF THE
CITY OF RICHMOND
15

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF CONTRA COSTA**

18 COALITION FOR RICHMOND'S FUTURE
& DANIELA DICKEY,

Case No. N24-1181

19 Petitioners and Plaintiffs,

**RESPONDENT RICHMOND CITY
CLERK PAMELA CHRISTIAN'S AND
REAL PARTY IN INTEREST CITY
COUNCIL OF THE CITY OF
RICHMOND'S OPPOSITION TO
PETITIONERS' OPENING BRIEF ON
THE MERITS**

20 v.

21 PAMELA CHRISTIAN, the City Clerk of the
22 City of Richmond; KRISTIN B. CONNELLY,
County Clerk, Recorder and Registrar of
23 Voters; DOES I-V,

Judge: Hon. John P. Devine
Date: August 12, 2024
Time: 9:00 a.m.
Dept.: 9

24 Respondents and Defendants.

25 CITY COUNCIL OF THE CITY OF
26 RICHMOND; DOES VI-XV,

Action Filed: June 28, 2024

27 Real Parties in Interest.
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1 **I. INTRODUCTION AND SUMMARY OF ARGUMENT**

2 Petitioners Coalition for Richmond’s Future and Daniela Dickey (together, “Coalition”)
3 seek an order striking language in a ballot question (technically, the “ballot label”) for a measure
4 the Richmond City Council placed on the November ballot. The label is lawful and the Court
5 should therefore deny the request.

6 The Coalition bears an exceedingly heavy burden in asking this Court to rewrite a ballot
7 label. Those who draft ballot questions have “considerable latitude.” (E.g., *Yes on 25, Citizens for*
8 *an On-Time Budget v. Superior Court* (2010) 189 Cal.App.4th 1445, 1452.) A tax question must
9 “stat[e] the nature” of the proposed initiative. (Elec. Code, § 13119, subd. (a).) But it “need not be
10 the ‘most accurate,’ ‘most comprehensive,’ or ‘fairest’ that a skilled wordsmith might imagine.”
11 (*Martinez v. Superior Court* (2006) 142 Cal.App.4th 1245, 1248.) To prevail, the Coalition must
12 present “clear and convincing proof” the label is false, misleading, or does not comply with the
13 Elections Code. It has not.

14 The ballot label is not false, misleading, or partial toward one political viewpoint. It
15 contains no misstatements. It is not misleading to inform voters of some potential uses of funding
16 as well as the tax burden proposed — the sweet with the bitter. An open-ended list of potential
17 programs is not a mandate to spend funding on those alone so as to make a special tax under
18 California Constitution, article XIII C, section 1, subdivision (d). The Coalition’s desire to
19 eliminate spending discussion entirely or to focus on the most bureaucratic aspects of government
20 is not neutral — it is argument. It can appear in the Coalition’s anticipated “no” argument on the
21 measure but ought not appear over this Court’s signature.

22
23 **II. FACTUAL AND PROCEDURAL BACKGROUND**

24 **A. Oil Refining Burdens Richmond and its Residents**

25 In 2022, a State Auditor’s report advised the City of pressures requiring additional City
26 revenues to maintain its solvency. (Pet. RJN Ex. 3 [Staff Pres. at p. 3].) The draft FY 2024-25
27 budget, presented to City Council on May 7th, 2024, noted almost \$34 million dollars in funding
28 requests from City departments that the City could not fund. (Resp. NOL Ex. 1 [Staff Report at p. 2].)

1 That budget projected deficits within the next 2 years absent more revenue. (Resp. NOL Ex. 1 [Staff
2 Report at p. 2–3].)

3 Refineries have operated in Richmond since 1902.¹ By 1960, the Richmond refinery was one
4 of the largest sources of petrochemicals in America. (*Id.*) During the 1980s, the refinery continued to
5 grow. (*Id.*) The refinery’s growth was accompanied by a steady increase in Richmond’s population
6 from approximately 70,000 in 1975 to 101,000 in 2003. (*Id.*)

7 The City estimates that in 2023, an average of 25,000 pounds of hazardous waste was
8 produced every day by oil refining in the City. (Pet. RJN Ex. 1 [Res. No. 63-24 at p. 1].) Each
9 year, the Richmond’s refining industry releases tens of thousands of pounds of toxic chemicals
10 into the San Francisco and San Pablo Bays, impacting wildlife and fisheries. (*Id.*) Odors and noise
11 from the refineries impact City residents’ quality of life. (*Id.*)

12 Experts estimate that particulate matter from the refineries is linked to 5 to 10 premature
13 deaths a year and increased risks of infant mortality, cancer and mental health issues. (Pet. RJN
14 Ex. 1 [Res. No. 63-24 at p. 2].) Richmond’s asthma rate is in the State’s 90th percentile, and
15 neighborhoods near the refineries are in the 97th and 99th percentiles. (*Id.*) These health impacts
16 limit Richmond residents’ opportunities in life, including earnings. (*Id.*) The US EPA estimates
17 the health impacts of oil refining in Contra Costa County range from \$70 to \$140 million annually.
18 (Pet. RJN Ex. 7 [Staff Report at p. 2].)

19 The Richmond refineries have a history of accidents adversely affecting residents. (Pet.
20 RJN Ex. 1 [Res. No. 63-24 at p. 2].) In 2012, an oil refinery explosion injured six employees and
21 sent 15,000 City residents to hospitals. (*Id.*) A significant diesel spill followed in 2021. In 2023, a
22 refinery flaring incident generated more than 100 complaints to the Bay Area Air Quality
23 Management District. (*Id.*) These incidents, including increased flaring since 2018, impact the
24 City’s emergency response and alert systems as well as its residents’ well-being. (*Id.*) For
25 example, at schools near the refinery fence line, students are taught to run inside when they see the
26 refinery start flaring. (*Id.*)

27 _____
28 ¹ < <https://richmond.chevron.com/about/history> > (as of July 23, 2024).

1 Refining activity in Richmond suppresses property values, reducing the City’s tax base and
2 further burdening residents, businesses and other property owners. (*Id.*)

3 The City could eventually be responsible to remediate refinery sites. A Philadelphia refiner
4 declared bankruptcy after an explosion caused closure of its refinery. This left no one to fund a 10-
5 year remediation costing more than \$1 billion. (*Id.*) The Richmond refinery’s owner admitted in
6 its 2023 annual report that it has made “no provisions ... for exit or cleanup costs that may be
7 required” when the refinery reaches the predicable end of its useful life. (*Id.*)

8
9 **B. Richmond Proposes a Tax on Oil Refining**

10 On May 21, 2024, the City Council heard a presentation from Communities for Better
11 Environment Action and Asian Pacific Environmental Network (together, “Proponents”) regarding
12 a local oil refining tax. (Pet. RJN Ex. 7 [Staff Report at p. 2].) The Council directed City staff and
13 the City Attorney’s Office to prepare documents to allow the Council to propose an oil refining
14 tax to voters in November. (*Id.*) The City Attorney’s Office then prepared the materials, including
15 the ballot label (also called the ballot “question” or “title”) — i.e., the question printed on ballots
16 calling for a “Yes” or “No” vote.

17 On June 4, 2024, the City adopted Resolution No. 47.24 calling for a general municipal
18 election on November 5, 2024. (Pet. RJN Ex. 1 [Res. No. 63-24 at p. 2].) On June 18, 2024, the
19 City adopted Resolution No. 63-24 to submit the proposed refining tax at the election. (Pet. RJN
20 Ex. 1 [Res. No. 63-24].) Consistent with Elections Code section 13119, subdivisions (a) & (b), the
21 City Council adopted this ballot label for the measure:

22 To fund general City services, **such as** clean air and water treatment, roads, parks,
23 fire and emergency response, toxic land cleanup, and improving community
24 health and youth services, **and for general government use**, shall the measure
25 establishing a business license tax on the privilege of conducting oil refining in
26 the City of Richmond at the rate of \$1.00 per barrel of feedstock refined in the
27 City of Richmond, providing approximately \$60 million to \$90 million annually
28 for 50 years, be adopted?

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(Pet. RJN Ex. 1 [Res. No. 63-24 at § 2], emphasis added.) The measure proposes a general tax requiring majority voter approval. (Pet. RJN Ex. 1 [Res. No. 63-24 at § 10]; Pet. RJN Ex. 1 [Res. No. 63-24 at Ex. A, § 13.58.020].) As a general tax, the measure places no limitation on the City Council’s discretion to expend the tax proceeds for any lawful purpose. (Pet. RJN Ex. 1 [Res. No. 63-24 at § 10]; Cal. Const., art. XIII C, § 1, subd. (a).) Its proceeds will be deposited in the City’s General Fund and available for any lawful purpose of the City. (Pet. RJN Ex. 1 [Res. No. 63-24 at Ex. A, § 13.58.250].) The measure’s CEQA declaration states “the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment.” (Pet. RJN Ex. 1 [Res. No. 63-24 at Ex. A, § 2, p. 15].)

C. Coalition Challenges the Ballot Label

On June 28, 2024, the Coalition filed its Petition for Writ of Mandate and Complaint against the City Clerk and the County Registrar of Voters, naming the City Council of the City of Richmond as a real party in interest. The Petition states causes of action for (1) writ of mandate; (2) injunctive relief; and (3) declaratory relief. The Petition seeks an order from the Court broadly barring the inclusion of the ballot label on the ballot and sample ballot, which is tantamount to removing the measure from the ballot. However, Petitioner’s opening brief on the merits more narrowly requests that the Court to prohibit Respondents from including the following language in the Ballot Label “such as clean air and water treatment, roads, parks, fire and emergency response, toxic land cleanup, and improving community health and youth services.” In effect, they want the question to inform voters of the tax, but not how it may be spent — the bitter, but not the sweet.

III. THE COALITION BEARS A HIGH BURDEN OF PROOF

The Coalition must demonstrate by “clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter” to invoke

1 this Court’s authority to order edits. (Elec. Code, § 9295; *Becerra v. Superior Court* (2017) 19
2 Cal.App.5th 967, 975.)

3
4 **IV. SUMMARY OF APPLICABLE LAW**

5 **A. Ballot label requirements**

6 A ballot label for a tax must “state the nature” of the proposal. (Elec. Code, § 13119; cf.
7 Elec. Code, § 13247, subd. (d) [rule for ballot labels generally].) The entire text of the ordinance
8 must be printed in the voter pamphlet or made available to voters on request so voters may have
9 access to the entire text and need not rely solely on the ballot label, which is limited to 75 words.
10 (Elec. Code, § 9223.) A tax ballot label “shall be a true and impartial synopsis of the purpose of
11 the proposed measure, and shall be in language that is neither argumentative nor likely to create
12 prejudice for or against the measure.” (Elec. Code § 13119, subd. (c), cf. § 9295 [rule for non-tax
13 measures.] A ballot label need not be the most accurate, most comprehensive, most complete, or
14 fairest statement “that a skilled wordsmith might imagine.” (*Martinez, supra*, 142 Cal.App.4th at
15 p. 1248; *Monette–Shaw v. San Francisco Bd. of Supervisors* (2006) 139 Cal.App.4th 1210, 1218,
16 fn. 5; *Horneff v. City and County of San Francisco* (2003) 110 Cal.App.4th 814, 820–821.) A
17 ballot label should not leave a voter “as much in the dark regarding the real purpose of the
18 proposed measure after reading the short [ballot] title as he was before he had read it.” (*Boyd v.*
19 *Jordan* (1934) 1 Cal.2d 468, 472.)

20 The title need only contain words that are neither false, misleading, nor partial. When a
21 ballot label meets that standard, courts are not free to substitute their judgment for the city
22 council’s. (*Martinez, supra*, 142 Cal.App.4th at p. 1248.)

23 Courts must give substantial deference to those who drafted the ballot label. (*Yes on 25,*
24 *supra*, 189 Cal.App.4th at pp. 1452–1453.) As *Yes on 25* stated, the drafter is afforded
25 “considerable latitude” in composing a ballot title. (*Ibid.*) Such deference recognizes that drafting
26 a 75-word-or-shorter ballot question “can be a difficult task where multiple reasonable
27 interpretations of [a measure] and the complex underlying legislation are possible.” (*Zaremborg v.*
28 *Superior Court* (2004) 115 Cal.App.4th 111, 117.)

1 Substantial compliance suffices here. (E.g., *Horneff, supra*, 110 Cal.App.4th at p. 820,
2 citations omitted.) If label complies with the “chief purpose and points” of statute, it suffices. (*Yes*
3 *on 25, supra*, 189 Cal.App.4th at p. 1452.) Further, if reasonable minds can differ as to a ballot
4 label’s sufficiency, “it should be held sufficient.” (*Ibid.*) Only in a “clear case” should a court find
5 a ballot label insufficient. (*Epperson v. Jordan* (1938) 12 Cal.2d 61, 66; *Brennan v. Board of*
6 *Supervisors* (1981) 125 Cal.App.3d 87, 92, *Horneff, supra*, 110 Cal.App.4th at p. 820.)

7
8 **B. General vs. Special Taxes**

9 California law distinguishes “general” from “special taxes,” requiring majority approval of
10 the former and two-thirds approval of the latter, if proposed by government rather than as an
11 initiative. (E.g., *City and County of San Francisco v. All Persons Interested in the Matter of*
12 *Proposition G* (2021) 66 Cal.App.5th 1058, 1063.) “General tax” means any tax imposed for
13 general governmental purposes.” (Cal. Const., art. XIII C, § 1, subd. (a).) “Special tax” means any
14 tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed
15 into a general fund.” (*Id.*, § 1, subd. (d).) In short, “special taxes” are those imposed for specified
16 purposes and general taxes may be spent for any lawful purpose of the taxing agency. (E.g.,
17 *Owens v. County of Los Angeles* (2013) 220 Cal.App.4th 107, 131, fn. 13 [Tax not special because
18 “the tax would fund ‘essential services, including sheriff’s deputies, parks, libraries, street repairs,
19 and other general fund services.’” (original emphasis).])

20
21 **V. ARGUMENT**

22 **A. The Ballot Label Neither Falsely Describes a Special Tax Nor**
23 **Misleads Voters Regarding Use of its Proceeds**

24 Coalition makes two claims — the label’s mentioning possible uses of the tax is false and
25 misleading and makes the measure a special, not a general tax. Neither point can persuade.

26 The label is not false or misleading, but provides the public with accurate information
27 about the measure. A label contains false information if there is “objectively verifiable evidence of
28 untruth.” (*San Francisco Forty-Niners v. Nishioka* (1999) 75 Cal.App.4th 637, 649.) To determine

1 whether a ballot label is inaccurate, the Court applies an objective standard of verifiability.
2 (*Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th 1417, 1423.) California
3 case law instructs that the ballot question is “presumed accurate” (*Ibid.*). The Court should strike
4 an “outright falsehood” or an “objectively untrue” statement. (*Ibid.*) A statement is not objectively
5 false if it is “typical hyperbole and opinionated comments common to political debate.” (*Ibid.*) The
6 fact that better words could have been chosen or arranged differently is no basis for the Court to
7 conclude a label is inaccurate or misleading. (*Becerra, supra*, 19 Cal.App.5th at pp. 979–980.) A
8 difference of opinion as to the nature of a measure “does not rise to the level of clear and
9 convincing proof that the challenged language in the ballot title and summary and the ballot label
10 is misleading.” (*Yes on 25, supra*, 189 Cal.App.4th at p. 1454.)

11 The Coalition fails to present clear and convincing proof the label is false and misleading.
12 (Elec. Code, §§ 9295, 11319, subd. (c); *Becerra, supra*, 19 Cal.App.5th at p. 975.) As in *Owens*,
13 the label states tax proceeds are “for general governmental use” and the list of exemplary uses is
14 an open-ended list preceded by “[t]o fund general City services, such as” making clear these are
15 examples, not promises or restrictions. (*Owens, supra*, 220 Cal.App.4th at p. 131, fn. 13.) The
16 label states tax proceeds can be used “[t]o fund general city services” and for “general government
17 use.” The language following “such as” lists a non-exclusive examples of what the general fund
18 revenue may be spent on and each is a service the City does provide and for which it can use more
19 funding. The language is an accurate statement regarding the potential uses of tax proceeds. The
20 label does not contain language that misleads voters into believing tax proceeds can be spent on
21 the listed services alone.

22 The Coalition alleges the label misleads because most of the City’s general fund covers
23 employee wages and benefits. (Op. Br. at p. 13:6-12.) However, that is true of any service
24 organization, including this Court. Omitting this rather obvious fact from the 75 words permitted
25 for a ballot label does not mislead. Paying City employees **does** produce services. For example,
26 the police and fire department staff provide “fire and emergency response.” The FY 2023–2024
27 budget appropriated 79.1% and 84.5% of those departments’ budgets to staffing costs. (Resp. NOL
28 Ex. 2 [Budget Excerpts at pp. 11, 19].) Yet, these are expenditures for public safety and emergency

1 services — how else would the City provide them? The same is true for road repairs, parks
2 management, toxic land cleanup, and health and youth services. For each of these, funds pay City
3 employees to repair streets, manage parks, clean up toxic spills, and provide health and youth
4 services.

5 *Huntington Beach, supra*, 94 Cal.App.4th at p. 1417 does not support the Coalition. That
6 Court found a ballot label for a tax on a power plant was inaccurate and misleading due to
7 “verifiable falsity” and because the language “deliberately confuse[d] the proposed tax with the
8 existing [utility users] tax.” (*Id.* at pp. 1432–1434.) The label misstated that the power plant did
9 not pay the City’s existing utility users tax. (*Id.* at p. 1434.) But the Coalition identifies no
10 statement in the ballot label that is a verifiable falsity or inaccurate. Nothing in the measure
11 misleads voters as to the nature of the measure — it is a general tax to fund City services
12 including, but not limited to, those identified in the label.

13 Coalition relitigates *Owens* and similar cases, which bind this Court. The claim must fail.

14 **B. The Ballot Label is not Biased**

15 A ballot label is partial if it “signals to voters the council’s view of how they should vote,
16 or casts a favorable light on one side of the term limit issue while disparaging the opposing view.”
17 (*Martinez, supra*, 142 Cal.App.4th at p. 1248; *McDonough v. Superior Court* (2012) 204
18 Cal.App.4th 1169, 1174.) Language that does not “hint at how the electorate should vote” or
19 “disparage one side or the other” is not partial. (*Ibid.*) A measure may be held impartial even if it
20 lists some of the services a general tax may fund. (*Owens, supra*, 220 Cal.App.4th at p. 125.)

21 The Coalition presents no clear and convincing proof the label is false and misleading —
22 just a preference for different language that advocates its hostility to this tax. (Elec. Code, § 9295;
23 *Becerra, supra*, 19 Cal.App.5th at p. 975.) The Coalition cites two cases for the claim – *Citizens*
24 *for Responsible Government v. City of Albany* (1997) 56 Cal.App.4th 1199 and *McDonough,*
25 *supra*, 204 Cal.App.4th 1169. Both are distinguishable. *Citizens* involved a proposal to amend
26 zoning requirements to allow a poker club at a horse-racing track. (*Citizens, supra*, 56 Cal.App.4th
27 at p. 1205.) The ballot label ended with the phrase “in order to provide revenue for the City of
28 Albany, create jobs, provide for an Albany Bay Trail, and allow Albany waterfront access?” (*Id.* at

1 p. 1225.) *Citizens* found this to be advocacy. (*Ibid.*) But it is one thing to tout a new land use as a
2 source of funding for a closed list of desirable services and another to describe a funding measure
3 by identifying some of the services it might fund. Funding was not the primary purpose of
4 Albany’s card-room measure, but it is the primary purpose of Richmond’s measure here.
5 The measure in *Citizens* was presented to voters during a hot public debate over public access to,
6 and commercial development on, the East Bay shoreline. As the court explained,

7 In short, while proponents viewed the [ballot] proposal as a means to create a
8 segment of the Bay Trail with public access and adjacent open space, opponents
9 discounted the significance of these short-term gains and viewed the proposal as
10 an obstacle to the realization of long-term plans for open space and public access.
11 By describing the measure as a means to ‘provide for an Albany Bay Trail, and
12 allow Albany waterfront access,’ the ballot language favored the perspective of
13 the proponents of the measure.”

14 (*Id.* at p. 1227.) *Citizens* faulted the label as taking sides in an active political fight. (*Id.* at
15 p. 1228.) Finally, *Citizens* reviewed an order sustaining a demurrer. (*Ibid.*) It remanded because
16 “factual issues remain to be decided.” (*Id.* at p. 1229.) Therefore, it is not a final ruling on the
17 contested ballot question.

18 *McDonough* is distinguishable, too. *McDonough* did not rule that a ballot label may not list
19 public services a revenue measure may fund. (*McDonough, supra*, 204 Cal.App.4th at p. 1175.)
20 The problem there was that the label suggested a “No” vote on a pension “reform” measure would
21 necessarily lead to reduced public services. *McDonough* found the label’s listing of services to be
22 “protected” gave the impression that failure of the pension propose meant “the public will lose fire
23 and police protection and be deprived of popular community resources.” (*Ibid.*) And, this was a
24 secondary holding. The primary holding of the case is this:

25 We believe that the ballot title, “PENSION REFORM,” is such a “clear case.” The word
26 “reform” in both definition and connotation evokes a removal of defects or wrongs. By
27 combining this charged word with “pension” in the title, all in capital letters, the city
28 council has implicitly characterized the existing pension system as defective, wrong, or

1 susceptible to abuse, thereby taking a biased position in the very titling of the measure
2 itself.

3 (*Id.* at pp. 1174–1175, footnote omitted.)

4 The label challenged here is neutral, describing the good (services to be funded) and the
5 bad (the proposed tax). Nothing in this language is advocacy. The measure does not argue for or
6 against the measure. Unlike *Citizens*, it does not take sides in a partisan fight. Unlike *McDonough*
7 it does not argue that a “no” vote means service cuts. (*Compare, e.g., Martinez, supra*, 142
8 Cal.App.4th at 1248 [label not misleading by omitting that term limits measure would lengthen
9 existing limits] with *McDonough, supra*, 204 Cal.App.4th at pp. 1174–1176.)

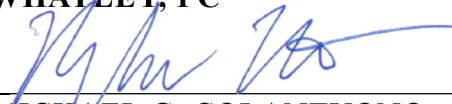
10 Coalition opposes this tax and can be expected to file a “no” argument and to campaign
11 against it. It is free to argue that the funding is unneeded or will fund only salaries and benefits.
12 But it is not free to use this Court’s writ power to rewrite the ballot label to include information
13 which is not necessary to an understanding of the measure.

14 **VI. CONCLUSION**

15 *Owens* and similar cases foreclose the Coalition’s argument that the measure is a special
16 tax because its label identifies some of the City services it might fund. That and the other
17 authorities cited here preclude the claim that identifying such services is false, misleading, or
18 argumentative. This suit must fail. Accordingly, the City urges the Court to deny the relief sought
19 and leave the Coalition to assert its position in the political debate, rather than in court. If, as
20 Prussian military theorist Clausewitz wrote, “War is the continuation of politics by other means,”
21 then, so too, litigation. This dispute should return to the forum of politics. Richmond voters can
22 and will decide this dispute.

23 DATED: July 31, 2024

**COLANTUONO, HIGHSMITH &
WHATLEY, PC**


MICHAEL G. COLANTUONO
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Attorneys for Respondent RICHMOND CITY CLERK
PAMELA CHRISTIAN’S and Real Party in Interest
CITY COUNCIL OF THE CITY OF RICHMOND

28 p’

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PROOF OF SERVICE

Coalition for Richmond's Future, et al. vs. Pamela Christian, et al.
Contra Costa Superior Court Case No. N24-1181

STATE OF CALIFORNIA, COUNTY OF NEVADA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Nevada, State of California. My business address is 420 Sierra College Drive, Suite 140, Grass Valley, CA 95945-5091.

On July 31, 2024, I served true copies of the following document(s) described as **RESPONDENT RICHMOND CITY CLERK PAMELA CHRISTIAN'S AND REAL PARTY IN INTEREST CITY COUNCIL OF THE CITY OF RICHMOND'S OPPOSITION TO PETITIONERS' OPENING BRIEF ON THE MERITS** on the interested parties in this action as follows:

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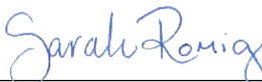
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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address sromig@chwlaw.us to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 31, 2024, at Grass Valley, California.



Sarah E. Romig