



**Sacramento
Housing &
Redevelopment
Agency**

**REPORT TO CITY COUNCIL
City of Sacramento**

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

CONSENT
October 11, 2005

Honorable Mayor and
Members of the City Council
of the City of Sacramento

Subject: CERTIFICATION OF THE ALKALI FLAT REDEVELOPMENT ADVISORY
COMMITTEE (RAC) ELECTION

Location/Council District: Alkali Flat Redevelopment Area, Council District 1

Recommendation: Staff recommends adoption of the attached City Council resolution
on page 23, which:

- Finds that the challenges submitted regarding the election process are not valid, and
- Certifies that the election and the electoral process complies with the provisions of the adopted Alkali Flat Redevelopment Advisory Committee, and
- Approves the RAC as elected.

Contact: Lisa Bates, City Community Redevelopment Director, 440-1316
Vickie Smith, Redevelopment Manager, 440-1399 x1417

Presenter: Vickie Smith, Redevelopment Manager, 440-1399 x1417

Department: Sacramento Housing and Redevelopment Agency

Summary: This report requests that the City Council certify the election of the Alkali Flat Redevelopment Advisory Committee (RAC).

Commission Action:

At its meeting on September 21, 2005, the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolution. The votes were as follows:

AYES: Burns, Burruss, Coriano, Fowler, Gale, Hoag, Piatkowski, Simon, Stivers.

NOES: None.

ABSENT: Gore, Shah.

Background Information:

In 2001, the Redevelopment Agency of the City of Sacramento (Agency) and City Council approved a policy concerning Project Area Committees and Redevelopment Advisory Committees which is known as the Agency's PAC/RAC Policy. This policy provides consistent guidelines for groups advising the Agency on redevelopment activities. The policy also recommends that an elected PAC transition to a RAC after three years.

The Alkali Flat PAC was formed in 1972 and advised the Agency on redevelopment matters until Council's approval in May of 2005 of the formation of a RAC in Alkali Flat to advise the Agency on redevelopment matters in the area. A map of the redevelopment area is included as Attachment I. This transition to a RAC was recommended by staff in order to bring all groups advising the Agency into conformance with the PAC/RAC Policy adopted in 2001. One exception to the adopted PAC/RAC Policy which was approved by Council in May of 2005 is the continuing of the Alkali Flat RAC as an elected body.

In June 2005, Agency staff began an extensive recruitment process for the new Alkali Flat RAC. Announcements were sent to all business owners, property owners and residents in the Alkali Flat Project Area. The notice provided the date, time and location of an Informational Forum, the Candidate Application submittal deadline, the election date, information on eligibility requirements, and an Agency contact name. Advertisements were published in the Sacramento Bee and staff made personal contacts in an effort to recruit candidates and promote participation in the election. Existing PAC members were invited and encouraged to file for a seat on the RAC. All interested persons were invited to attend an informational meeting held at the Boys and Girls Club in the Redevelopment Area.

The Alkali Flat RAC elections were held August 4, 2005, in accordance with the provisions of the "Procedures for the Election of Members of Redevelopment Advisory Committees" ("RAC Procedures"), as adopted by the City Council included as Attachment II. Ballots were counted by the City Clerk and witnessed by one SHRA staff person and two representatives from an impartial CPA firm. Eleven of the eligible candidates were confirmed by a majority vote for their respective seat. The ballots cast

for one seat were determined to be equal, so SHRA and City Clerk staff worked together to resolve the tie vote using the procedure outlined in the adopted election guidelines.

The final results were as follows:

| Name | Category |
|-------------------|------------------------------------|
| Marilyn Prosser | Business/Commercial Property owner |
| Fitzgerald Miller | Business/Commercial Property owner |
| Kevin Nagle | Business/Commercial Property owner |
| Lawrence Monroe | Community Service Organization |
| Renee Valle | Community Service Organization |
| Mark Montgomery | Community Service Organization |
| Patricia Kivela | Residential Tenant |
| Charlotte Delgado | Residential Tenant |
| Justin Vierra | Residential Tenant |
| Corinne Rosenblum | Residential Tenant |
| Cathleen Williams | Residential Property Owner |
| Catherine Camacho | Residential Property Owner |

The Agency received one letter and one e-mail message questioning the validity of the election results. A summary of the concerns and the Agency's response is provided in Attachment III. The issues raised concerned information posted on the website, relocation of the room at Boys and Girls Club where the election was held, and whether persons were allowed to vote in more than their applicable categories. Staff has concluded that all procedures were followed, no one was denied their right to vote and therefore that the election is valid. Staff recommends approval of the actions to certify the election of the Alkali Flat RAC.

RAC members serve for two-year terms and may serve for two consecutive terms. RACs shall exist for as long as tax increment funds remain with which to implement redevelopment projects, plans, programs and activities. When all redevelopment funds have been expended in a redevelopment area and projects are substantially complete, a RAC shall be terminated by action of the City Council.

Financial Considerations: There are no financial considerations associated with this report.

Environmental Considerations: The proposed action is an administrative function that is not a "project" subject to environmental review per the CEQA Guidelines Sections 15378(b)(2). NEPA does not apply.

Policy Considerations: The proposed action is consistent with adopted PAC/RAC policy adopted on May 17, 2005 meeting regarding the Alkali Flat Redevelopment Advisory Committee formation.

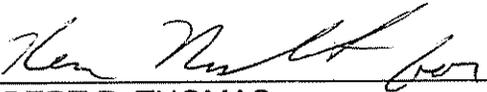
M/WBE Considerations: The proposed policy in this report has no M/WBE impact; therefore, M/WBE considerations do not apply.

Respectfully Submitted by:



ANNE M. MOORE
Executive Director

Recommendation Approved:



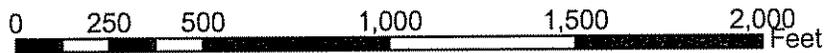
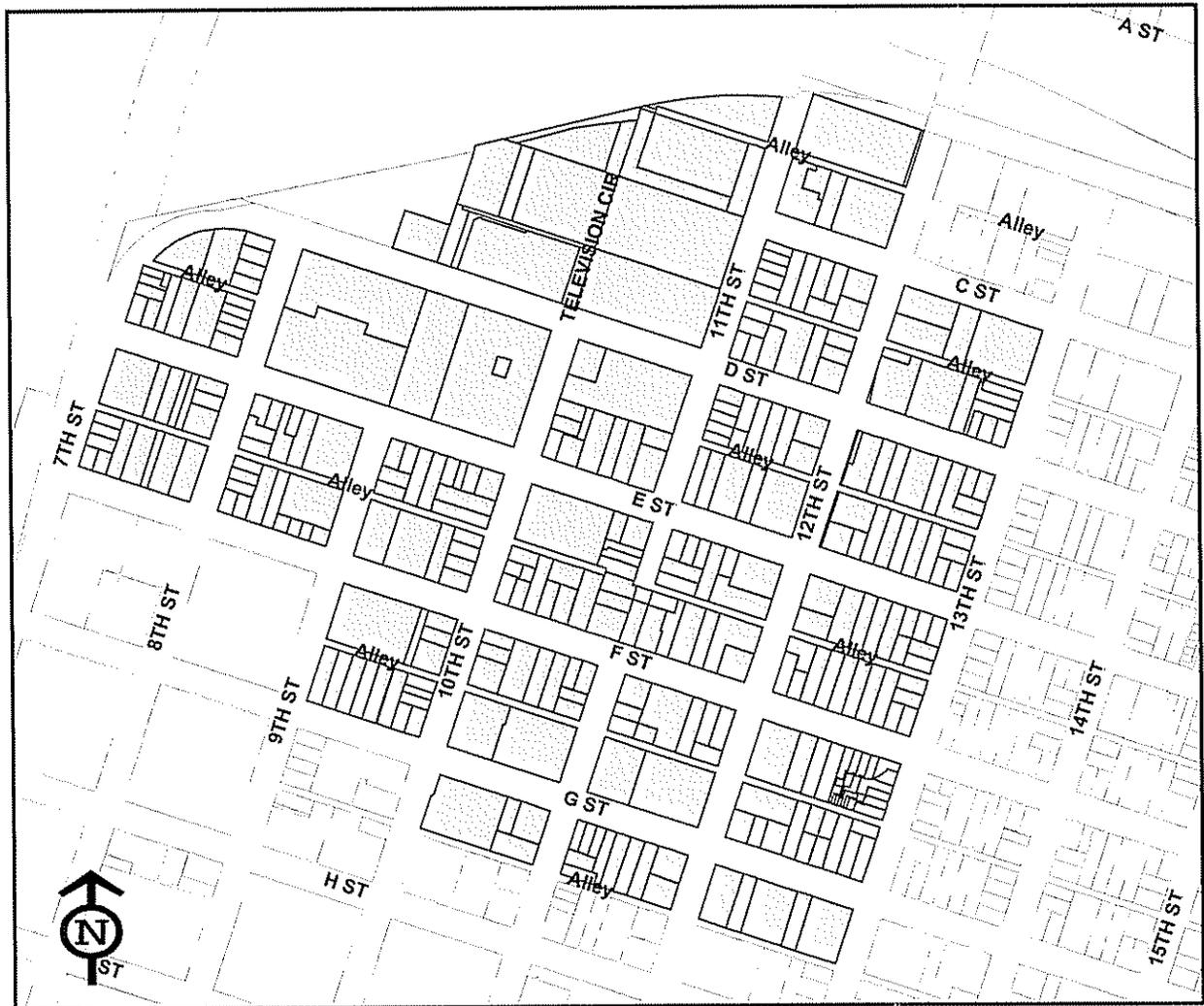
ROBERT P. THOMAS
City Manager

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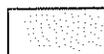
| | |
|-------|--|
| Pg 5 | Attachment I: Alkali Flat Redevelopment Area Exhibit |
| Pg 6 | Attachment II: Alkali Flat Election Operating Guidelines |
| Pg 22 | Attachment III: Election Process Issues |
| Pg 23 | City Council Resolution |

ATTACHMENT I

Alkali Flat Redevelopment Area



Legend

 Alkali Flat Redevelopment Area



**Sacramento
Housing &
Redevelopment
Agency**

**OPERATING GUIDELINES FOR THE ALKALI FLAT
REDEVELOPMENT ADVISORY COMMITTEE**

- I. **NAME:** The committee shall be known as the Alkali Flat Redevelopment Advisory Committee (“the Committee”).

PURPOSE. The Redevelopment Area Committee is established to encourage citizen participation in the redevelopment planning process and to provide community forums to propose and review community goals and objectives on matters within the Committee's jurisdiction.

The Committee is an advisory committee to the City Council of the City of Sacramento (City), the Sacramento Housing and Redevelopment Commission (Commission), and the Redevelopment Agency of the City of Sacramento (City Agency), (the Commission and City Agency are collectively the “Agency”) regarding adoption of the Redevelopment Plan (Redevelopment Plan) for a Project Area (Project Area), and on all policy matters within the Agency's control that affect the Project Area.

The Committee is authorized to:

- a. Provide advice concerning those policy matters which deal with the planning and promotion of residential facilities or replacement housing, for those who may be displaced by project activities, and other policy matters which affect the residents of the Project Area, as requested by the Sacramento Housing and Redevelopment Agency (SHRA).
- b. Review and comment upon the planning and implementation of the redevelopment and community development plans and programs.

- II. AREA OF JURISDICTION. The Committee shall have jurisdiction in the designated Alkali Flat Redevelopment Project Area (See Attachment I).

III. **MEMBERSHIP:**

- a. **Size** – The Committee shall consist of twelve members.
- b. **Composition** – Committee membership shall be limited to the specified number of persons from each of the following categories:
 1. Three Community Based Organizations by their officially designated representative, which organizations are headquartered or conducting substantial activities in the Redevelopment Area.

2. A minimum of four residential tenants residing in the Redevelopment Area.
 3. Two (or fewer depending on the number of tenants elected) persons who own and reside in residential property in the Redevelopment Area.
 4. Three owners of a business in the Redevelopment Area or their designee.
 5. A RAC may include a high school student who resides within the redevelopment project area as a non-voting member.
- c. Term of Office – The term of office for RACs shall be two years with a limit of two consecutive terms
- d. Vacancy – Vacancies on the Committee shall be filled by an election open to residents of Alkali Flat. Recruitment flyers and applications shall be distributed throughout the redevelopment project area to attract individuals who may wish to serve on the Committee. The existence of any vacancies shall not prevent the RAC from carrying out its duties.
- e. Conflict of Interest/Disclosure Statement – Each member shall comply with the Conflict of Interest disclosure requirements as determined by the California Fair Political Practices Commission and with any other statutes, laws, rules, ordinances and regulations related to conflict of interest. At the request of the City Clerk, each member shall file a Conflict of Interest/Disclosure Statement.
- f. Stipend – The members of the Committee shall receive a stipend to defray the costs of meeting attendance at regular and special meetings of the full Committee.

ORGANIZATION

- a. Officers - The Committee shall have the following officers:
1. Chairperson - shall preside at all meetings, preserve order and decorum, and shall decide all questions of order at Committee meetings. The Chairperson shall be entitled to make or second any motion, discuss, vote on, and present any matter as a member of the Committee without having to relinquish the Chair.
 2. Vice Chairperson - shall assume and perform all duties of the Chairperson in the latter's absence from any meeting.
 3. Recording Secretary - shall record the official actions taken at regular and special meetings.

- b. The officers of the Committee shall be the Executive Committee.

Officers shall be elected annually by the Committee members. Each elected officer shall serve for one year. There are no limitations on the number of times a member may be re-elected to office.

- c. Subcommittees

- 1. The Committee may form standing subcommittees and ad hoc subcommittees as needed.

- d. Staff Responsibilities

- 1. Meetings of the Full Committee: Agency staff will provide staffing support for regular meetings, which will include preparation and mailing of the agenda and meeting minutes.
- 2. Standing Subcommittees: Staff will prepare and mail agendas for standing redevelopment subcommittees, and may attend all meetings of such standing subcommittees. An officer of each subcommittee, or a designate, is responsible for preparing meeting minutes.
- 3. Special Subcommittees: If short-term subcommittees or task forces are formed, staffing shall be provided by Committee members.

Staff shall retain chronological files and audio recordings of all Committee and standing subcommittee meetings as a record of Committee activity.

VI. OPERATIONS.

- a. Place of Meetings: All meetings of the Committee and subcommittees shall be open to the public and shall be held at a suitable place convenient to the residents and business owners of the Committee, as may be designated by the Officers. Agendas shall be duly posted 72 hours in advance of the meeting at the location of meeting.
- b. The Ralph M. Brown Act: To insure that the deliberations, as well as the actions, of the Committee are performed at meetings open to the public and as to which the public has been given adequate notice, the provisions of the Ralph M. Brown Act (Government Code Sections 54950-54961) apply.
- c. Regular Monthly Meetings: Regular general meetings shall be held once a month, as necessary. The meeting date and time shall be established by the Committee. Meetings may be canceled by the Chairperson, with concurrence of

Agency staff, if there are insufficient agenda items to warrant a meeting. Staff will distribute meeting cancellation notices at least 72 hours in advance of the scheduled meeting.

- d. Quorum: The quorum shall consist of a majority of the members then currently serving. A majority vote of the quorum shall constitute a sufficient number of members to transact any business, including the election of officers except as otherwise required by law.
- e. Attendance
 - 1. Unexcused Absences - A member who has had three consecutive unexcused absences from Committee meetings shall forfeit his or her membership.
 - 2. Excused Absences – An absence shall be considered excused if a member notifies the Chairperson or appropriate staff member, prior to the meeting time that he or she will be unable to attend a specific meeting due to illness, vacation, or other unavoidable circumstances. The Executive Committee shall review the membership of any member who has three consecutive excused absences from Committee meetings and shall forward its recommendation, for or against forfeiture, to the Committee for action. The full Committee shall determine by a majority of the quorum whether to declare forfeiture of the membership.
 - 3. Anyone with more than three absences within a 12 month period is subject to having membership review by the Executive Committee and referred to the full Committee as in Section VI.e.2. above.
- f. Committee Rules for Conduct of Business:
 - 1. Agendas will be prepared for each regular and special meeting of the Committee and shall be posted at the location of the meeting in a public place in the Project Area (community center, public library, etc.) at least 72 hours prior to the meeting.
 - 2. Meetings of the Committee shall be conducted in accordance with the Ralph M. Brown Act (Government Code Section 54950 et. seq.). The Committee Chairperson, Vice Chairperson, or an Acting Chairperson shall preside at each meeting.
 - 3. Robert's Rules of Order shall serve as a general guideline for conduct of all meetings, but may be suspended for working sessions, field trips, and similar situations.

4. Any member who does not abide by Roberts Rules of Order and/or the established meeting procedures shall have forfeiture of their membership reviewed by the Executive Subcommittee and referred to the full Committee as in Section VI.e.2 above.
5. Recording Secretary shall record the minutes taken at regular and special meetings. Staff is responsible for *finalizing* minutes of the regular and special meetings of the full Committee and distributing the minutes with the Agenda. The Committee at its next meeting shall approve all minutes.
6. Committee votes will be made by roll call with the exception of the minutes. Results of votes will normally be recorded as "YES," "NO," "ABSTENTION," or as "UNANIMOUS" if that be the case. In the event of a tie vote, the Chairperson may withdraw or amend his or her vote to break the tie.
7. The Chairperson may revise the order of items on the agenda at meetings or add items if appropriate to the circumstances. No action can be taken on matters not on the agenda, except matters specifically allowed under the Ralph M. Brown Act.
8. The order of discussion of Committee matters should typically be as follows: presentation of report, Committee questions, public testimony by proponents and opponents, then Committee discussion/action. The Chairperson may, in advance, impose reasonable time limits on any speakers including members of the Committee. Time shall be given for public testimony on matters within the jurisdiction of the Committee.
9. The Committee may recommend "approval," "approval with conditions," "denial," or "further study," in regard to proposals considered by the Committee.
10. In extenuating circumstances or circumstances involving complex matters the Committee may continue hearings on proposals.
11. The Committee recommendations shall be forwarded by Staff to the appropriate City governing body on each matter considered.
12. Special or emergency meetings of the Committee may be called by the staff, in consultation with the Executive Committee, as necessary subject to the requirements of the Ralph M. Brown Act. The Chairperson shall assure that advance notification of the meeting will be given to Committee members and shall include the date, time, meeting place, and agenda for the meeting.

13. Changing the time or date of regular meetings will be done in consultation with the Executive Committee.
14. The Committee may provide required notices to the press, residents, promoters of projects and others regarding Committee matters by mail, telephone, publications in the local press, through the body referring the matters, public posting, personal contact, or a combination of any, or all of these methods.
15. Agency shall distribute the roster of current Committee officers and members including their names, addresses, telephone numbers, and titles and duties to Committee members, and shall keep a copy on file in the Redevelopment Office and with the Office of the City Clerk. While this information is public information and can be obtained through the City Clerk, Committee members and the Agency shall release home addresses and telephone numbers of members to the public only if/as required by Public Law.
16. If a Committee officer position shall become vacant prior to the expiration of the official term, a special election will be held at the next regular Committee meeting to fill for the balance of the term of the vacated office.
17. Election of Committee officers shall be by secret ballot.
18. Elected Committee officers shall assume their new offices at the next meeting of the Committee following the election.
19. An elected Committee officer may be removed from office (but not from the Committee) by a two-thirds vote of the entire Committee membership taken by secret ballot.
20. Subcommittees, other than the Executive Committee, may be appointed by the Chairperson. Subcommittees may be standing committees or ad hoc committees. The term of the standing subcommittees shall be at the pleasure of the Committee Chairperson. The purpose of standing committees shall be to review projects and issues for consideration and actions as determined by the full Committee.
21. Matters referred to the Committee should normally be considered by the Committee not later than the next regularly scheduled meeting.
22. The Committee may, by unanimous vote of members present, suspend a provision of these rules for a single action of the Committee subject to the

requirements of the Ralph M. Brown Act. Immediately upon completion of such action, the full rules are automatically reinstated.

23. The Committee, as a committee of the whole or as individuals, shall not be allowed to use their position or their meetings to further personal or political purposes.

VII. INTERPRETATION OF RULES. These rules are adopted pursuant to California Health and Safety Code Section 33385. It is intended that these rules shall comply with said Section and the entire Community Redevelopment Law (California Health and Safety Code Section 33000 et. sea.) as of the date of their adoption. In the event of a conflict between these rules and all applicable laws, including the Community Redevelopment Law, the applicable law shall control.

VIII. OPERATING GUIDELINES. These rules shall become the Operating Guidelines of the Committee upon approval of the City Council and the Redevelopment Agency of the City of Sacramento. The operating guidelines can be amended by the Sacramento Housing and Redevelopment Commission.

IX. PROCEDURES FOR THE ELECTION OF MEMBERS OF REDEVELOPMENT ADVISORY COMMITTEES

1. [Sec. 100] GENERAL
 - A. [Sec. 101] Purpose

The purpose of this document is to set forth a set of Procedures relating to the election of Redevelopment Advisory Committee members.
 - B. [Sec. 106] Short Title

This Communitywide Procedure for the Election of RAC Members Thereof shall be known and cited, as the "RAC Procedures."
2. [Sec. 200] DEFINITIONS

Whenever the following terms are used in these RAC Procedures, unless otherwise defined, such terms shall have the meaning ascribed to them in this Section 200.

 - A. [Sec. 201] Agency

"Agency" means the Redevelopment Agency of the City of Sacramento and any Agency staff, consultants, assignees, delegates and City Departments who may be assigned the duties and responsibilities for implementing these RAC Procedures.
 - B. [Sec. 202] City

"City" means the City of Sacramento, California.

- C. [Sec. 203] City Council
“City Council” means the legislative body of the City of Sacramento.
- D. [Sec. 204] Project Area
“Project Area” means the area within the boundaries described in the Preliminary Plan for each Redevelopment Project approved and adopted or amended by resolution.
- E. [Sec. 205] Redevelopment Project
“Redevelopment Project” means the redevelopment project which is being considered for adoption or amendment pursuant to the CRL, for which proposed boundaries were selected by the said Planning Commission
- F. [Sec. 206] Redevelopment Advisory Committee
“Redevelopment Advisory Committee” means the committee formed and selected pursuant to Section 33385 of the CRL and in accordance with these RAC Procedures.
- G. [Sec. 207] Resident
“Resident” means any person who owns, rents, leases or otherwise lawfully occupies as his or her principal residence a dwelling unit with the Project Area.
- H. [Sec. 208] Resident Property Owner
“Resident Property Owner” means any Resident who presents satisfactory written evidence of ownership of all or a substantial fee interest in the dwelling unit which he or she occupies within the Project Area.
- I. [Sec. 209] Residential Tenant
“Residential Tenant” means any Resident who presents satisfactory evidence that he or she lawfully occupies a dwelling unit or is a party to a residential rental or lease agreement for a dwelling unit which he or she occupies within the Project Area.
- J. [Sec. 210] Business
“Business” means any lawful enterprise conducted for the purpose of making a profit by a person or legal entity within the boundaries of the proposed Project Area primarily:
1. For the purchase, sale, lease, or rental of personal and real property, and the manufacture, processing, or marketing of products, commodities, or any other personal property; or
 2. For the sale of services to the public; or
 3. For any other legally defined business purpose.
- K. [Sec. 211] Business Owner

“Business Owner” means any person or legal entity which presents evidence of ownership and operation of a business enterprise within the proposed Project Area, or the ownership of property in the Project Area for investment purposes and not for personal occupancy.

L. [Sec. 212] Community Based Organization

“Community Based Organization” means any existing nonprofit corporation or association of persons and/or entities, which has its headquarters or a site office within the Project Area, as defined by Section 204 above or has a substantial number of constituents who are persons and/or entities who reside or conduct business in the Project Area formed for the purpose of serving the community, and is generally recognized by persons within the Project Area as a community organization. Community Based Organizations also include religious institutions physically located within the Project Area.

M. [Sec. 213] Communitywide

The whole of persons residing within a Project Area, entities conducting business within a Project Area, owners of property within a Project Area, and community organizations, including religious institutions physically located within a Project Area.

3. [Sec. 300] PUBLICIZING THE OPPORTUNITY TO SERVE ON THE PROJECT AREA COMMITTEE

A. [Sec. 301] Written Notice by Mail

The Agency shall publicize the opportunity to serve on the RAC by providing written notice by first-class mail to all residences, businesses, and community organizations, including religious institutions and other non-profit organizations, within the Project Area at least 30 days prior to the election of RAC members.

The notice(s) shall indicate the time, place, location and opportunity to serve on the RAC prior to any of the public meetings, hearings or plebiscite required by these RAC Procedures.

Additionally, the Agency shall mail written notice of all meetings, or hearings to be considered by or on behalf of the Agency or the City Council pursuant to these RAC Procedures relative to the formation and selection of the RAC, to all residents, business and community organizations in the Project Area, provided that the Agency can obtain mailing addresses for the individual residents, businesses or occupants at a reasonable cost. Such mailed notices shall be mailed by first-class mail, but may be addressed to “Occupant.”

In lieu of providing separate notices for publicizing the opportunity to serve on the RAC and for each meeting, hearing, or plebiscite, the Agency may provide a single combined notice pursuant to this Section stating all of the dates, times, and locations of any meetings, hearings and plebiscites.

If the Agency has acted in good faith to comply with the notice requirements of this section, the failure of the Agency to provide the required notice to residents or businesses unknown to the Agency or whose addresses could not be obtained at a reasonable cost, shall not in and of itself, invalidate the information or actions of the RAC.

B. [Sec. 302] Publication

The Agency shall publish notice of the opportunity to serve on the RAC and all meetings, hearings or plebiscites to be conducted by or on behalf of the Agency or the City Council in accordance with these RAC Procedures relative to the formation and selection of the RAC.

The notice(s) shall be published at least one (1) time in a newspaper of general circulation within the City, and at least ten (10) days prior to the date established for each such meeting, hearing or plebiscite.

C. [Sec. 303] Public Meeting(s)

The Agency shall conduct a minimum of one (1) public meeting to explain the establishment and functions of, and the opportunity to serve on, the RAC (the "Information Meeting").

One basic purpose of the Information Meeting shall be to give the attendees sufficient information upon which to base a decision as to whether to become a candidate. This shall include information regarding the development plan (i.e., the status of the plan and examples of activities that would be undertaken in the Project Area) and the role of the RAC in the redevelopment process.

Information regarding the types of issues the RAC might be considering and the time commitments required by RAC members shall be available. Agency staff shall also inform the audience of the requirement for RAC members to file Conflict of Interest Statements and copies of these forms shall be available upon request.

The categories of membership to be filled on the RAC and the qualifications for each category shall be reviewed with the audience. An overview of the election process shall be given, including the nature of documentation required for candidacy and voting, any special timing or other rules, and the provisions of Section 601 of these RAC procedures regarding filing a challenge to the election or election process.

Once all questions have been answered regarding the role of the RAC and the qualification of candidates, Candidate Information Forms, as defined in Section 509 of these RAC Procedures shall be made available to those attending the Information Meeting.

Interested persons shall be permitted to take the Candidate Information Form with them to be completed and returned at or prior to the time set forth in Section 510, if they chose to become a candidate.

Persons attending the information Meeting shall also be provided with a Voter Qualification Form. Voters may pre-qualify by returning the Voter Qualification Form along with the required documentation to the Agency offices prior to the election. Those who have not pre-qualified may be qualified at the Election Meeting described under Section 508 of these RAC Procedures.

Also at the Information meeting, the Agency shall distribute copies of the following documents:

1. RAC Procedures;
2. A copy of the Redevelopment Plan for the Project Area; and
3. Any other materials the Agency Staff determines would be useful, including materials regarding conflicts of interest.

The number of copies of the above referenced documents and materials to be made available at the meeting shall be sufficient to meet the estimated number of attendees anticipated. Additional copies of the materials shall be available to the public at a place or places designated by the Agency.

The Agency may limit the number of documents or materials to be distributed to any one person, family or legal entity to one (1) set in order to avoid excessive and unnecessary costs. Any person or entity may request additional copies of the documents, at a reasonable duplication cost.

D. [Sec. 304] Posting and Distributing Notices

The Agency may post notice or distribute flyers regarding the opportunity to serve on the RAC at conspicuous locations throughout the Project Area. Such notices may be posted in the following locations:

1. Office of the City Clerk;
2. City Hall Public notice board;
3. Public buildings in the Project Area.

E. [Sec. 305] Display Advertisement

The Agency may place notice of the opportunity to serve on the RAC in a display advertisement in a newspaper of general circulation within the City.

F. [Sec. 306] Public Service Announcements at Other Meetings

The Agency may make announcements to the general public at any of its regular meetings held prior to any of the public meetings, hearings or plebiscites required by these RAC Procedures, announcing the opportunity to serve on the RAC.

G. [Sec. 307] Foreign Languages

The Agency may determine to translate any of the notices or announcements referred to in these RAC Procedures into another language or languages and place advertisements in foreign language publications to effectively carry out the purpose of these RAC Procedures.

H. [Sec. 308] Other Mechanisms to Publicize Opportunity to Serve on PAC

The Agency may include notice of the opportunity to serve on the RAC in any published and/or mailed notice which the Agency circulates.

4. [Sec. 400] RAC MEMBERSHIP

A. [Sec. 401] Adequate Representation

The RAC shall only include when applicable, elected representatives of residential owner occupants, residential tenants, business owners, and community based organizations within the Project Area. Each group shall be adequately represented.

B. [Sec. 402] Categories and Numbers of Members in Each

The RAC shall consist of twelve members in the following representative categories and numbers:

| Category | Number of Members |
|---|-------------------|
| 1. Residential Owner Occupants | 2 |
| 2. Residential Tenants | 4 |
| 3. Business Owners | 3 |
| 4. Representatives of Community Based Organizations, Including Religious Institutions | 3 |
| TOTAL | 12 |

C. [Sec.403] Insufficient Number of Candidates in Membership Categories

In the event there is an insufficient number of candidates elected to any category of membership of the RAC, such seats will sit vacant until the next election. The existence of any vacancies shall not prevent the RAC from carrying out its duties as required.

D. [Sec.404] Filling Vacancies

Should a RAC member resign or otherwise vacate his or her seat, the seat shall sit vacant until the total number of sitting members falls below seven (7). In the event the total RAC membership falls below seven, a special election will be held to fill the vacancies.

E. [Sec.405] Holding of Office

No RAC member shall hold a seat more than two consecutive full terms. Terms shall be two years in length.

5. [Sec. 500] RAC ELECTION

A. [Sec. 501] Eligibility

1. [Sec. 502] General Eligibility Requirements Applicable to Candidates and Voters in All Membership Categories

Any Resident, Business Owner, or representative from a Community Based Organization who is eligible for RAC membership is also eligible to vote in a RAC election.

2. [Sec. 503] Eligibility Requirements for Residents and Business Owners

In order to qualify to vote for or serve as members of the Residents and Business Owners categories of the RAC a person must present proof that he or she is at least 18 years or older and is either a Resident, owns property, or is a Business Owner within the Project Area. Proof of eligibility shall consist of a California driver's license or California identification card and such other proof as required pursuant to the provisions set forth in Sections 504 and 505 of these RAC Procedures.

3. [Sec. 504] Required Proofs for Property Owner Categories

Persons seeking to prove their eligibility for the categories relating to the ownership of real property in the Project Area, such as Residential Owners occupant must, in addition to the proof required by Section 503 above, also provide evidence of current ownership of property within the project area by such means as a copy of a bill for the property, such as a recent mortgage, utility or property tax bill or similar documentation showing present property ownership. Agency may request further substantiation, such as a copy of a deed, trust deed or rental agreement.

4. [Sec. 505] Required Proofs for Residential Tenant and Business Categories

Persons seeking to prove their eligibility for the categories relating to the holding of tenancies in the Project Area, such as (1) Residential Tenant or (2) Business Owner must also provide evidence of their current residential tenancy or business operation or ownership by such means as a copy of a lease of property within the Project Area, copies of rent receipts, utility bills, or copies of business licenses or permits or similar documentation.

5. [Sec. 506] Eligibility Requirements for Representatives of Community Based Organizations

In order to qualify to vote for the Community Based Organization representative(s), a person must present proof that he or she is 18 years of age or older and is a Resident, Business Owner or an eligible representative of a Community Based Organization within the Project Area. Proof of eligibility shall be as set forth in Sections 503 through 505, inclusive. If for any reason, the person elected is no longer able to represent the Community Based Organization, the Community Based Organization is authorized to appoint a replacement from within the organization to complete the remainder of the term.

In order to determine the eligibility of a representative from an existing Community Based Organization for membership on the RAC, the following evidence must be submitted:

- a. Evidence of the existence and operation of the organization within the Project Area, such as articles of incorporation, by-laws, nonprofit status, income tax return, business license or such other documentation;

- b. A resolution, letter or minutes of the organization's board of directors designating its single representative and authorizing such person to act on its behalf; and
- c. Such other documentation which the Agency staff may deem necessary to carry out the intent of this Section.

Each Community Based Organization shall designate in writing only one person to vote on its behalf for representatives of Community Based Organizations.

6. [Sec. 507] Multiple Qualifying Conditions

A person with multiple qualifying conditions shall be entitled to cast only one vote, regardless of the number of properties which that person owns or other conditions which otherwise provide the basis for qualification. All persons eligible to vote for residents and business owners are also eligible to vote for Community Based Organization representatives.

Entities and businesses which are not natural persons such as partnerships or corporations, shall select only one person to run for election or to vote on behalf of that entity, even if that entity may be qualified in more than one category. In addition, a business qualifying for multiple categories shall select one category in which to run or to vote. As an example and not as a limitation of the foregoing, if a partnership owns property in one part of the Project Area and conducts a business in another part of the project Area, only one partner may run or vote in only one selected category; one partner may not run or vote in one category and other partner run or vote in another category.

Notwithstanding the foregoing, residents of the Project Area who share interests in residential (e.g., Residential Owner Occupants, Residential Tenants) qualifying them to run for a category on the RAC may each run or vote for that category, provided that there is a disclosure of their joint interest. For the purposes of these RAC Procedures, "Residents" excludes corporations or other business entities.

If at any time a RAC member's status changes such that the member no longer meets the qualifications of the position held, or the basis on which the qualification is made no longer applies, such RAC member must resign or be terminated by the RAC from the position.

B. [Sec. 508] Election Process

1. [Sec. 509] Candidate Information Forms

In order to facilitate the election of a representative RAC, any person desiring to serve must complete and provide the Agency with a "Candidate Information Form" no later than the time set by the Agency, which shall be no less than one week after the public meeting to explain the RAC as provided for in Section 303 of these RAC Procedures. Nominations for candidates may also be taken from the floor during the Information meeting in accordance with parliamentary procedure. Any person nominated from the floor shall submit the Candidate Information Form immediately after his or her nomination, not later than 5:00 PM on the following day. Copies of Candidate

Information Forms will be made available at the Information Meeting and will otherwise be available by request at the office of the Agency.

The Candidate Information Forms will call for:

- a. The name and address of the candidate, including “qualifying address,” if different;
- b. The membership category for which the candidate is running;
- c. A brief statement of the candidate’s qualifications to be made available for the elections (no more than 75 words), and
- d. Proof of eligibility as required in Section 505 and 506.

2. [Sec. 510] Election Registration

Persons desiring to vote must register at the polling site. Any person eligible to vote, or to be a candidate in more than one membership category (other than voting for representatives of Community Based Organizations) must choose only one of the categories. Proof of eligibility must be provided for the category chosen.

3. [Sec. 511] Balloting

Persons eligible to vote shall be entitled to cast votes only in the category for which he or she is eligible to vote, and for representatives of Community based Organizations. Persons representing Community Based Organizations shall only vote for candidates in that category.

Ballots shall be provided for each membership category. Voting shall be conducted by secret ballot. The Agency staff may set up private booths, but such booths are not required. The Agency staff shall make a reasonable effort to insure private voting. Simply folding the ballot and passing it to an authorized election assistant will suffice.

The tallying of ballots shall be completed by an independent third party paid or by the City Clerk’s Office. Ballots, Candidate Information Forms and other records or documents relating to the election shall be maintained by the City Clerk or Agency staff for a period of at least two years.

4. [Sec. 512] Results

Agency staff shall post the verified winners of each category of membership as soon as possible after the tallying for each category. The candidate or candidates with the highest number of votes in the applicable membership category shall be elected. A tie vote will be broken by a predetermined procedure that is legally authorized by the Secretary of State Procedures.

6. [Sec. 600] RAC APPROVAL

a. [Sec. 601] Validity Challenges

Decisions made by the Agency regarding eligibility to become a RAC member candidate or to vote, the sufficiency of evidence provided in support of such eligibility, interpretation of these RAC Procedures, or any other matter pertaining to the implementation of these RAC Procedures shall be final; provided, however, that any person or group who believes that any such decision was arbitrary or not made in good faith, or who believes that any matter relating to the formation and selection of the RAC

or these RAC procedures was or is unfair, arbitrary, unreasonable, unjust or illegal, may file a written challenge to the election or electoral process stating the facts of the situation and the reason why it is being challenged.

b. [Sec. 602] City Council Finding and Approval

After the election of the membership of the RAC, and adoption of a resolution by the City Council determining the validity of any challenges to the election or electoral process filed with the City Clerk within the time prescribed in Section 601, the City Council shall adopt a resolution finding that the election and the electoral process complies with the provisions of these RAC Procedures, and approving the RAC as elected. This action shall take place only after the validity of all challenges has been determined by the City Council. Notice of the date of City Council finding regarding RAC formation and RAC approval shall be announced at the Information Meeting, and notice shall be provided to residents and businesses in accordance with Section 300 of these RAC Procedures.

7. [Sec.700] GENERAL PROVISIONS

A. [Sec. 701] Implementation

The Agency, by its Executive Director, is authorized to formulate and take all actions necessary or appropriate to implement guidelines and interpretations consistent with these RAC Procedures.

8. [Sec. 800] AMENDMENT OF RAC PROCEDURES

The City Council may amend these RAC Procedures to make any necessary adjustments or changes to effectively form and elect the RAC. Any such amendment shall be adopted only after a duly noticed public hearing.

ALKALI FLAT RAC ELECTION ISSUES

Inadequate Notice of the Election

The notice that was mailed out used records from the County Assessor's office in terms of property ownership and street addresses (i.e., tenants, businesses and community based organizations). Agency staff was informed of one instance where an individual did not receive the initial mail out regarding the election. This individual received subsequent mailings after staff corrected the list. Information about the date of the election was also posted on the Agency's web site. To the extent that an eligible voter did not receive the notice of the election, it was due to the accuracy of the County's records. As noted on page 16 of the RAC Guidelines (Attachment II), the failure of the Agency to provide notice to someone whose address could not be reasonably obtained is not a reason for invalidation of the election.

Incorrect Website Information

The error in the website notice was whether a business owner would be eligible to vote for the community based organization (CBO) member. The ballot provided to all business owners included voting for the CBO member. Therefore, regardless as to the accuracy of the information that was posted on the website, business owners were given the correct ballot and their voting rights were not affected.

Voting Irregularities

The determination of which categories of persons could vote for which categories of RAC candidates was based solely on the adopted Alkali Flat RAC Guidelines and consistency with the Project Area Committee statute is not required. The concern expressed by one individual was that a voter was allowed to vote in more than one category. A comparison of the voter list and the ballots received did not reveal any additional ballots. We have not received any affidavits from eligible voters to support the claim that they were not allowed to vote in their applicable categories or were allowed to vote in categories for which they were not eligible.

Polling Place Change

The polling place was the Boys and Girls Club. The room in the Boys and Girls Club in which the Agency staff were located where ballots were distributed and received was moved from the Police Department office due to air conditioning problems. There was a "RAC election" sign posted on the front office door, so anyone who wanted to vote could have easily found the correct room at the polling place. If a voter did not see that sign, they could have asked someone at the facility to direct them to the RAC election location. We have not received any affidavits from eligible voters to support the claim that they were unable to vote because they could not find the polling office.

Ballots Chain of Custody

The Agency hired an auditor to monitor the election who locked, sealed, and signed the ballot box seal after the election. The auditor broke the seal in front of the City Clerk at the time the ballot box was delivered to the Clerk to oversee counting of the ballots.

RESOLUTION NO. 2005 -

Adopted by the Sacramento City Council

ON DATE OF

CERTIFICATION OF THE ALKALI FLAT REDEVELOPMENT ADVISORY COMMITTEE (RAC) ELECTION

BACKGROUND

- A. On May 27, 2005, the Guidelines for the Alkali Flat Redevelopment Advisory Committee ("Guidelines") were adopted.
- B. The Alkali Flat Redevelopment Advisory Committee election was held on August 4, 2005, in accordance with the election procedures set out in the adopted Guidelines.
- C. Issues were raised regarding the validity of the election procedures and an investigation determined that no eligible voters were prevented from exercising their right to vote nor allowed to vote in categories for which they were not eligible.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL CERTIFIES THAT:

Section 1: The nomination process and election procedures for the Alkali Flat Redevelopment Advisory Committee were conducted in compliance with the adopted Redevelopment Advisory Committee Election Procedures.

Section 2: The election challenges that were submitted have been evaluated and the City Council finds that the election process and voting were properly conducted.

Section 3: The City Council hereby certifies that the members elected to the Alkali Flat Redevelopment Advisory Committee, based on the election held on August 4, 2005, are:

| | |
|-------------------|------------------------------------|
| Marilyn Prosser | Business/Commercial Property owner |
| Fitzgerald Miller | Business/Commercial Property owner |
| Kevin Nagle | Business/Commercial Property owner |
| Lawrence Monroe | Community Service Organization |
| Renee Valle | Community Service Organization |
| Mark Montgomery | Community Service Organization |
| Patricia Kivela | Residential Tenant |
| Charlotte Delgado | Residential Tenant |
| Justin Vierra | Residential Tenant |
| Corinne Rosenblum | Residential Tenant |
| Cathleen Williams | Residential Property Owner |
| Catherine Camacho | Residential Property Owner |

Section 4: The Alkali Flat Redevelopment Advisory Committee members shall serve for a two year term commencing on October 6, 2005.