

1 MICHAEL G. COLANTUONO, State Bar No. 143551
MColantuono@CHWLAW.US
2 RYAN THOMAS DUNN, State Bar No. 268106
RDunn@chrlaw.us
3 GARY B. BELL, State Bar No. 288360
GBell@chrlaw.us
4 COLANTUONO, HIGHSMITH & WHATLEY, PC
300 S. Grand Ave., Suite 2700
5 Los Angeles, California 90071
Telephone: (213) 542-5700
6 Facsimile: (213) 542-5710

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
APR 08 2016
K. Rahlwes

7 Attorneys for Respondent CITY OF RIVERSIDE CITY CLERK COLLEEN NICOL;
8 Real Parties in Interest RIVERSIDE CITY MAYOR BAILEY, RIVERSIDE CITY
MAYOR PRO TEM SOUBIROUS, RIVERSIDE COUNCIL MEMBERS
9 GARDNER, MCARTHUR, and PERRY, and RIVERSIDE CITY ATTORNEY

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF RIVERSIDE**

12 GROVER TRASK, ELAINA GAMBERA
13 BENTLEY, and KELLI CATLETT

14 Petitioners,

15 v.

16 CITY OF RIVERSIDE CITY CLERK
17 COLLEEN NICOL, in her official capacity
18 REGISTRAR OF VOTERS REBECCA
19 SPENCER in her official capacity only,

20 Respondents

21 RIVERSIDE CITY MAYOR BAILEY,
22 RIVERSIDE CITY MAYOR PRO TEM
MEMBERS GARDNER, MCARTHUR, and
PERRY, and RIVERSIDE CITY ATTORNEY

23 Real Parties In Interest.

CASE NO. 1603840
Unlimited Jurisdiction

**~~PROPOSED~~ ORDER AFTER HEARING
ON PETITION FOR WRIT OF
MANDATE**

Date: April 8, 2016
Time: 1:30 p.m.
Dept.: 3

24
25 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

26 The hearing in the matter of the Petition for Writ of Mandate in the above-captioned court
27 came on for hearing in Department 3, at 1:30 p.m. on April 8, 2016. Petitioners were represented by
28 Petitioner Kelli M. Catlett. Respondent City of Riverside City Clerk and all Real Parties in Interest

Colantuono, Highsmith & Whatley, PC
300 S. GRAND AVENUE, SUITE 2700
LOS ANGELES, CA 90071-3137

Colantuono, Highsmith & Whatley, PC
300 S. GRAND AVENUE, SUITE 2700
LOS ANGELES, CA 90071-3137

1 (together, "the City") were represented by Michael G. Colantuono and Ryan Thomas Dunn of
2 Colantuono, Highsmith & Whatley, PC. Respondent Riverside County Registrar of Voters was
3 represented by Ronak N. Patel, Deputy County Counsel.

4 Having considered all the evidence and written and oral arguments, the Court finds good
5 cause exists to order as follows:

6
7 WHEREAS the Court ruled on the evidentiary objections submitted by the City as
8 documented in the attached Order on Evidentiary Objections; and

9 WHEREAS the Court finds the title and/or impartial summary given to Measure A by the
10 City of Riverside false, misleading, or inconsistent with the requirements of the Elections Code,
11 requiring amendment.

12 IT IS ORDERED AND ADJUDGED:

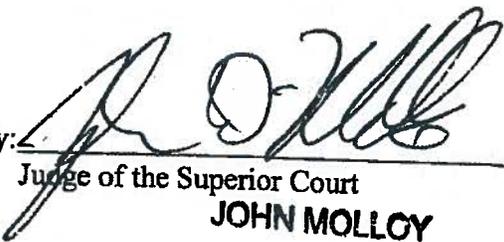
13 1. That the title and impartial analysis for Measure A be amended as set forth in the
14 attached exhibit;

15 2. That Respondent Riverside County Registrar of Voters Rebecca Spencer process
16 Measure A, as amended in the attached exhibit, for placement on the City of Riverside's ballot for
17 the June 7, 2016 election; and

18 ~~3. That the City's evidentiary objections are determined as set forth in the attached~~
19 ~~Order on Evidentiary Objections.~~ *J. D. M.*

20
21 IT IS SO ORDERED.

22
23 DATED: April 8, 2016

24 By: 

Judge of the Superior Court

JOHN MOLLOY

~~Measure A - Transferring State Misdemeanor Prosecutions to the City Attorney's Office~~
Transferring State Misdemeanor Prosecutions to the City Attorney's Office

City Attorney's Impartial Analysis
Clerk's

This measure is proposed by the Riverside City Council to amend the City Charter to establish the Office of City Prosecutor within the City's Attorney's Office. This amendment would grant the City Attorney authority to act as City Prosecutor charged with the duty of prosecuting misdemeanor offenses arising out of violations of state law occurring within the City of Riverside.

The City of Riverside is a Charter City, meaning that it follows the laws set forth in the state's constitution along with its own adopted City Charter. In a charter city, the charter may designate the city attorney as the "city prosecutor," having the primary duty to prosecute all state misdemeanors committed within the city. Standard California misdemeanors are offenses that are punishable by a county jail sentence of less than one year and a maximum \$1,000 fine. These include petty theft, trespassing, vandalism and graffiti, prostitution, and lewd conduct. *but are not limited to*

A "yes" vote is a vote in favor of establishing the Office of City Prosecutor to prosecute misdemeanor offenses arising out of violations of state law. A "no" vote will reject the proposed amendment such that misdemeanor offenses arising out of violations of state law would not be prosecuted by the City Attorney and instead continue to be prosecuted by the County District Attorney's Office.

If approved, the measure would not go into effect until January 1, 2017.

The above statement is an impartial analysis of Measure A.

RECEIVED

MAR 21 2016

City of Riverside
City Clerk's Office

~~Gary G. Geuss~~ Colleen J. Nicol
City Attorney City Clerk