

May 14, 2024

City Council
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945

RE: Measure B

Dear Council Members,

I have recently corresponded with City staff. One purpose of this letter is to provide a copy of those letters and email. In addition, I am including a summary of my findings and relevant commentary.

First, I would like to thank Mr. Kiser for his speedy response to my most recent request.

The question at hand is did the City's presentation of Measure B, both on the March 5 ballot and as published in the Nevada County Voter Information Guide comply with the California Elections Code, specifically Section 13119?

Section 13119 refers to the "measure" on the ballot. In the case of Measure B, the whole of the measure is Ordinance No. 826.

Referring to subsection (a) the regulation requires the ballot include the question: "Shall the measure (stating the nature thereof) be adopted?", i.e. the BALLOT QUESTION.

Section 13119 provides further instruction for the BALLOT QUESTION in that it ". . . shall be a true and impartial synopsis of the purpose of the proposed Ordinance and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure." (Please refer to my May 14, 2024, letter to Mr. Kiser for further edification of the above paragraphs.)

As you are aware, the BALLOT QUESTION for Measure B contained the following phrase: ". . . reducing the risk of catastrophic wildfire and extreme weather by funding additional firefighters, vegetation management, and emergency evacuation planning . . .". This phrase was not contained in the measure (Ordinance No. 826).

Elections Code, Section 13119 requires a description of the nature of the measure, nothing more. It also requires the statement be a true and impartial synopsis of the purpose of the measure. There is no leeway given. It cannot be argued that the offending phrase is part of the nature of the measure, or a true or impartial synopsis of the measure as it cannot be found in the Ordinance. In addition, the obvious purpose of including the phrase was to create prejudice for the measure.

From the above analysis, it is clear that the BALLOT QUESTION for Measure B as presented to the voters was unequivocally out of compliance with State of California Elections Code, and as such, the BALLOT QUESTION most certainly misled the voters.

In addition, the City Attorney's "Impartial Analysis" of the measure also contained the same phrase, the phrase notably not found in the measure being analyzed. And finally, you, acting as a member of the City Council, guaranteed the voters that "Measure B will fund FIREFIGHTERS, WILDFIRE RISK REDUCTION, and VEGETATION MANAGEMENT for Grass Valley", a guarantee also not found in the measure.

The voters of California approved Proposition 62 in 1984. Proposition 62 declared that "All taxes are either special taxes or general taxes. General taxes are taxes imposed for general governmental purposes. Special taxes are taxes imposed for specific purposes." There is no middle ground offered. The City of Grass Valley used the official ballot in an attempt to persuade voters that the tax revenue raised by Measure B would be used for the special purpose of reducing the risk of wildfire, all the while taking advantage of the lower total-vote threshold offered by a general tax initiative. This "middle ground" approach does not conform with Proposition 62.

It is true that the courts have emphasized that law must be interpreted to favor the will of the voters. Measure B has, at least for the time being, passed by a very slim majority. However, the City's conduct in the preparation of the ballot, and the publishing of the "Impartial Analysis" and the Council's "Argument in Favor of Measure B", both found in the Voter Information Guide, eviscerated the will of the millions of Californians who voted in favor of Proposition 62 which made a clear distinction between a general and a special tax.

Given these findings, the City Council must now set aside Ordinance No. 826 and begin the process anew, taking extreme measures to keep the entire process as either a general fund tax initiative or a special tax initiative.

It may not have been your initial intent to mislead the voters; however, should you choose to continue with Measure B, knowing its procedural flaws, then one might assume it was your intention from the beginning.

Sincerely,

Tim McCall
424 S. Auburn Street
Grass Valley, CA 95945

CC: Mr. Kiser, City Manager

Miranda Bacon

From: Dawna Johnson [REDACTED]
Sent: Wednesday, May 15, 2024 4:44 PM
To: bdofsupervisors@nevadacountyca.gov
Cc: Public Comments; publiccomment@nevadacityca.gov
Subject: Richmond City Council urges California to cut ties with PG&E amid rate hikes - WILL YOU STEP UP FOR US !

You don't often get email from [REDACTED] [Learn why this is important](#)

Nevada County Board of Supervisors, Grass Valley City Council, Nevada City City Council

I read recently that the Richmond City Council took action for their constituents regarding PGE due to the unsustainable rate hikes that are pinching everyones wallets. On top of our fire insurance woes, energy bills are hurting many of us, and has to be negatively affecting businesses as well. I urge you all to consider a similar action.

I'm not sure if links are allowed in these emails, although I provided one below. If it doesn't work please google Richmond City Council PGE and read the NBC Bay Area link By **Terry McSweeney** • Published May 8, 2024 • Updated on May 9, 2024 at 12:07 am

[Richmond City Council urges California to cut ties with PG&E ...NBC Bay Area](https://www.nbcbayarea.com/news/local/richmond-richmond-city-council-urges-california-to-cut-ties-with-pg-e-amid-rate-hikes)[https://www.nbcbayarea.com/news/local/richmond...](https://www.nbcbayarea.com/news/local/richmond-richmond-city-council-urges-california-to-cut-ties-with-pg-e-amid-rate-hikes)

Sincerely,
Dawna Johnson
Grass Valley, CA
Nevada County D4

Miranda Bacon

From: Greta Watson [REDACTED] >
Sent: Tuesday, May 21, 2024 4:47 PM
To: Zac Quentmeyer; Public Comments
Subject: An unfortunate incident

Hi Zac and city council members,

I'm an avid tennis player, having played since I started with group lessons on the San Carlos, CA public courts at Burton Park in about 1960. Today I was subjected to an unfortunate event, one that could easily have been prevented with some forethought.

I was playing singles on Court 2 at Memorial Park this morning, enjoying it and playing pretty well. But then, a person on the pool deck above the court started the blower, blowing dust and pollen directly onto the court where we were playing. As a result of that, I not only had to stop playing, but I had to use an inhaler so I could breathe better, an inhaler that leaves me jittery for several hours afterward and affects my coordination.

Had the person using the blower looked down onto the tennis courts, he could have seen us and oriented the blower to miss sending all that debris onto us. Even better would have been for this to be done in the afternoons, when fewer players are on the court.

Greta Watson

P.S. Most players are right-handed so playing in the morning allows them to avoid looking into the sun when serving, except at Mautino Park, where the courts are aligned incorrectly.

Miranda Bacon

From: pamel [REDACTED]
Sent: Thursday, May 23, 2024 6:01 PM
To: Public Comments; COGV General Voicemail
Subject: Main/Mill crosswalk - accident

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Dear City of Grass Valley,
I've left a message with the engineering department and was advised I email this way too.

Last night at approximately 6:30pm, a woman rolled through the stop sign where Mill meets W. Main St. Despite my yelling she almost hit my son and hit my dog. If I hadn't pushed my son out of the way he would have been hit too.

The lady got out of her car after hitting my dog and claimed the sun was in her eyes and didn't see us but she did not stop, and she admitted she didn't, and she was wrong.

Miraculously everyone is fine. Shaken, but fine. We are lucky.

Downtown needs to be more pedestrian friendly. What can we do to slow cars down? Can we install speed bumps, more green spaces, larger flashing lights? People are barreling up and down West Main Street and not paying attention. I live on Main Street near High and see people speeding through daily. What is the process to request speed bumps at the very least? Do I need to start a petition? [I imagine everyone on this Nextdoor thread would sign it.](#)

I don't feel safe! We were hit at one of the most obvious crosswalks in downtown Grass Valley! Imagine how people - residents and tourists - are risking their lives every day at every crosswalk in town. We need safer intersections. How can I help?

Thank you,
Pamela Vadakan
426 West Main St
917.754.1652

Miranda Bacon

From: Susan Rogers [REDACTED] >
Sent: Tuesday, May 28, 2024 4:31 PM
To: Public Comments
Subject: Public Comment for May 28, 2024 agenda on Soccer Fields

You don't often get email from [REDACTED]: [Learn why this is important](#)

To: City Council members
Re: Options for Parks & Rec Spending

Please recommend to staff to go with Option B for spending the remaining available budget on Parks and Rec improvements.

It absolutely makes sense to fully fund, and to **finish**, projects which have already been started. Option B would do this. Finishing these projects would not only benefit the public use of these parks, it would also greatly reduce City staff administrative time and overhead by eliminating the need to keep those projects "on the radar" and to allocate future funds toward them. It would also reduce City Council's need to pay attention to those ongoing, unfinished projects and discuss how and when to fund them. My gosh, just please get them done and completed since you have the money.

If I understand Measure E correctly, it would seem that finishing the Parks & Rec projects that have already been started could free up more Measure E funds to fix our old, crumbling city streets. That would be a huge benefit to ALL city residents, not just those who are young and able enough to play soccer.

By the way, if Measure E funds also could be used to add street-repair staff to the Public Works department, that would also be a substantial benefit to residents. I've spoken with the manager of the streets department and he has fewer people on his crew now to do much-needed street work in a timely way.

Please support Option B.

Thank you,

Susan Rogers

--

Susan Rogers
640 Charlene Lane
Grass Valley

Miranda Bacon

From: [REDACTED]
Sent: Tuesday, May 28, 2024 4:31 PM
To: Public Comments
Subject: Artificial Turf Fields at Rotary Sierra College ball field concerns

You don't often get email from [REDACTED]. [Learn why this is important](#)

Greetings,

I am concerned about the possibility of artificial turf being considered for the planned renovation of the ball fields at the Rotary Sierra College on Sierra College Drive. Artificial turf is a petroleum based plastic material and considered a scourge in the environment. Artificial turf from my reading is not maintenance free (weeds and drainage issues), hot to the touch in sunny locations (ball fields) and provides a rough surface on contact with knees, arms, legs and noses and cheeks when falling on it. I believe that our young players and athletes should have a safer and more pliable surface for their active play. And its not good for the environment. When this large expanse of plastic outlives its usefulness, it will be taken to a landfill where it will continue to live on and on – just like a plastic bag.

Thank you for listening to my concerns.

Barbara Rivenes
Grass Valley

Miranda Bacon

From: Tammy Gregerson [REDACTED] >
Sent: Tuesday, May 28, 2024 3:02 PM
To: Public Comments
Subject: Ceasefire Resolution

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear mayor and city council members,

My name is Tammy Gregerson and I am a long-time resident of the City of Grass Valley. Unfortunately, I am unable to make the meeting on the 28th.

I have attended many meetings over the past seven months, so I know you are all aware of the genocide in Gaza and the horrific murders of the Palestinian people, including children. If you haven't already, I encourage you to watch the videos from the past few days. They show people being burned alive and a decapitated baby.

I want to share something, in case it resonates with any of you. I used to think that I wasn't smart enough to comment on what was happening in Gaza, or that I had to know every detail of what led up to where we are at now and every detail of the daily happenings to have an opinion. I no longer think that. I don't think we need to have all of the details to know that genocide is **always** immoral and wrong.

I think that we can continue to educate ourselves while at the same time know that destroying a people and their culture is not only immoral, but also horrific and disgusting, and demonstrates the worst of us as a species.

I attended a rally a few weeks ago in downtown Grass Valley to show support for Palestine and to express that this genocide must stop now. While some people drove by and gave us the finger, the majority of people honked their horns and cheered in solidarity. The community supports Palestine.

The city of Richmond recently divested from companies doing business in Israel. Hayward had already done the same. More and more colleges, including Sac State are divesting as well. Cities have adopted ceasefire resolutions. At this point, it is embarrassing that our city hasn't done anything to state that we don't stand for genocide.

I am again urging you to add a ceasefire resolution to the agenda of your next meeting.

Thank you for your time,


Tammy

Miranda Bacon

From: WIRELESS CALLER - Voicemail box 8880 <noreply@voicemail.goto.com>
Sent: Tuesday, May 28, 2024 8:33 PM
To: Public Comments
Subject: Voicemail from ([REDACTED]) on May 28 2024 8:30 PM
Attachments: 1716953414-0000267a.mp3



You received a new voicemail message

 New voicemail message

Time: Tuesday, May 28 2024 8:30 PM

From: (530) [REDACTED]

Duration: 1 minute 15 seconds

Voicemail box: 8880

Transcript: Matthew Coulter, while you guys are babbling about this, I'd just like to let you know that your Zoom often crashes. When you're doing the presentations, I don't get to see the screen and you have put a lot of money towards the technology inside the city council chambers. I've been in meetings for it for many years, 50,000, 60,000, nothing ever gets fixed. The TVs don't work on the walls, the Zoom doesn't work, the microphones fail. And I still want to know who the city lawyer is. Is his first name city and last name lawyer, or is he somebody else incognito? I'd really like to know who that is that slandered me like that, because that's outrageous. And I think from what I've seen and who I've talked to, it's illegal. So I'm looking forward to talking more about that. But public comment in Grass Valley City Council chambers is a near impossibility. Look at all the people in the room waiting to speak.

Miranda Bacon

From: HOFFMAN LARRY - Voicemail box 8880 <noreply@voicemail.goto.com>
Sent: Tuesday, May 28, 2024 5:13 PM
To: Public Comments
Subject: Voicemail from [REDACTED] on May 28 2024 5:10 PM
Attachments: 1716941406-00002600.mp3

Follow Up Flag: Follow up
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New voicemail message

Time: Tuesday, May 28 2024 5:10 PM

From: [REDACTED]

Duration: 1 minute 57 seconds

Voicemail box: 8880

Transcript:

My name is Larry Hoffman. I live at 266 North Auburn Street. I'm leaving this public comment after 5 p.m. to be played during the virtual comments regarding Item 8, Measure E, park funding on tonight's agenda. I find it somewhat disturbing that staff decided to take an all-or-nothing approach to funding the Sierra College soccer field project. As I recently wrote in the local paper op-ed, there is nothing wrong with the field as it exists, yet the staff verbiage about the condition of the field suggests otherwise, including mentioning a rundown baseball field that doesn't even exist on that site. Spending \$4 million to make a venue that attracts out-of-town organizers to a self-professed state-of-the-art facility demonstrates how the city staff is overwhelmingly looking at making money rather than taking care of its own residents. We are still dealing with limited funds to fix our aging streets and infrastructure. While parks and recreation are getting an alliance here thanks to the

dedicated lease grant agreement the city wrote about three years ago. It's time those of you on the city council start representing the older folks here who are the majority. We know that only a few of the city staff actually live in town, but they are the ones deciding what to spend, and then pushing it on you for your blessing with little resistance. I thank you, Tom, for standing up at the last meeting regarding this ill-advised Sierra College project. I will close by saying that some of us are watching these meetings and recognizing how little input the staff and council solicit or acknowledge from its citizens, let alone act upon our needs. You all need to take a good look in the mirror to ask yourself, who do you really represent? Thank you.

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333 Summer St, Boston, MA 02210, United States

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Miranda Bacon

From: HOFFMAN LARRY - Voicemail box 8880 <noreply@voicemail.goto.com>
Sent: Tuesday, May 28, 2024 5:06 PM
To: Public Comments
Subject: Voicemail from [REDACTED] on May 28 2024 5:02 PM
Attachments: 1716940976-000025f0.mp3

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Flag Status: Completed



You received a new voicemail message



New voicemail message

Time: Tuesday, May 28 2024 5:02 PM

From: [REDACTED]

Duration: 1 minute 24 seconds

Voicemail box: 8880

Transcript:

Hi, here's my opinion. The demographics of grass valleys show that the predominant age group of our population is over 65. So why would anybody that age or older prefer to run or land on our skid onto an astroturf rather than a natural gas? Right. Think about this. Why would the majority of our population want to support a four million dollar change to enhance an already beautiful and functional soccer field. Have you asked your constituents what they need or want? There must be a better way to spend four million dollars for the benefit of the recreation of our community. Why is the senior center slash community center taking so long to open? Please pay attention to whom your constituents are. It is we who pay the taxes. We live here in Grass Valley. It's our street that needs repair. It's our infrastructure that needs repair. Stop wasting our money on what we don't need. Thank you. Joyce Hoffman.



CITY OF GRASS VALLEY CITY COUNCIL MEETING

GENERAL PUBLIC COMMENT SIGN IN SHEET

WELCOME to the City of Grass Valley City Council meeting! Public Comments provide an opportunity for the public to address the City Council on any subject which is not on the agenda but in the jurisdiction of the council. If you wish to speak, please indicate in the appropriate box when you sign in and take the number corresponding to your name. Each individual can have up to 3 minutes of public comment. At the beginning of the meeting, there will be an allotted 30 minutes of general public comments and the remainder of comments will be heard at the end of the agenda. Speakers will be called in order of the numbers given.

When you are recognized by the mayor:

1. Please stand before the podium and give your name and address. (optional)
2. Please limit your comments to three minutes per speaker.
3. If previous speakers have made the same point, you may simply indicate your support or disagreement, unless you have new information.

Thank you for your participation.

| #'s | Print Name or N/A | Address (optional) | Self/Business (optional) |
|-----|----------------------|-----------------------|-----------------------------|
| 1 | Bjorn Jones | — | City Staff |
| 2 | Venus Paxton | 440 Henderson | IFM |
| 3 | Lorie/Paul | 313 Railroad NE | Sierra Harvest |
| 4 | Shirley Osgood | GV | |
| 5 | Liz Newman | GV | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
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