

**From:** Rich charley [mailto:richcharley@hotmail.com]

**Sent:** Saturday, August 14, 2021 10:07 PM

**To:** Council District 3 <District3@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 8 <District8@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; City Manager <CityManager@longbeach.gov>

**Subject:** Rex Richardson Agenda item is Illegal! The Recall Newsome Ballot is NOT a measure!

**-EXTERNAL-**

Good evening,

I read Rex Richardson's agenda item pushed on Friday to be on Tuesday's City Council agenda item. His letter and agenda item is Legally incorrect opening the entire City Council of Long Beach to be sued. Please be advised.

1. This Recall is Not a Measure. There were three Measures that were going to be added to this CAMPAIGN to Recall Governor Newsome ballot but failed to meet the deadlines. Many Democrats wanted these three Measures to be added to this Recall CAMPAIGN Ballot: Proposition 53 (Increasing California General Funds for cities Infrastructure) Proposition 54 (Stop Race based data collecting, race and gender classification for employment). Both these MEASURES were moved to our next General Election in 2022. Another Measure on the 2022 Election ballot will be Recycling Fees and incentives. Many thought these measures would bring more people out to vote in the Recall Campaign. This is NOT the Measure Recall Governor Newsome!

This Recall is our California right under the Constitution, for or against Newsome. This Recall took almost a year to gather signatures, the Supreme Court of California gave this Recall more time because of the Pandemic. Rex Richardson misleads you on the time element, claiming Voters should just wait for two more years! Rex Richardson's agenda item is not factually true nor legally accurate. If the Recall is a Non-Partisan one, then read Rex Richardson's agenda item specifically saying, "Politically Motivated Recall". Elizabeth Warren is telling us that this is a Trump recall. Mayor Garcia is tweeting, telling us this is a Republican Recall. Rex Richardson is saying on his social media that this is Republican Recall. Cindy Allen and Mary Zendejas are also saying this a Trump, Republican Recall. If true, then the City of Long Beach City Council cannot vote, discuss or pass this resolution due to Hatch Laws. If this not a Trump Recall Campaign then the City of Long Beach are violating multiple Secretary of California laws. If this is a Republican Trump Recall, then let President Joe Biden and VP Kamala Harris hold a rally here in Long Beach next week. Both Biden and Harris are coming to California next week to fight this Recall. The City Council of Long Beach are injecting Partisan Politics into our City Hall Chambers.

2. Rex Richardson plagiarizes the Secretary of States own laws and regulations page explaining what a Recall is read (Since 1911....on his agenda item). Not many people have looked nor researched this "rushed, illegal, plagiarized, not factual, Hatch Act Violations, inaccurate data". This was intentionally rushed because Politically Biden and Harris are coming? Three people on this agenda items are registered Democrats and need their money for re-elections in 2022? This agenda item or "Resolution" should have been done earlier! This Resolution needs to be looked over by the City Manager and City Attorney before it comes to the City of Long Beach City Council.


I appreciate Rex Richardson vigor and wanting this Recall to Fail but this Resolution in its current Form is illegal. This Resolution needs the language to be changed. The City Council can be sued by injecting

Partisan Politics into our beloved City Council Chambers. I am sending the last email and this email to a few Political Law-Firms challenging the legality of Rex Richardson's illegal Resolution.

Measures do not give the voters an option of selecting another replacement Candidate. Measures are strictly Yes-No. Rex Richardson's agenda even explains how bad this option is! Rex Richardson needs to contact his local State and House of Representative and submit his Resolution there NOT at our local City Council meeting where they vote on Long Beach. A vote against this Resolution puts the other 5 City Council Seats in jeopardy by the way they Vote. District 3, 5 and 7 have TONS of Republicans and voting for this resolution will help their opponents. This is yet another reason why this Resolution is illegal, unfair to the City Council members now forced to inject themselves into Partisan Elections. I am attaching more proof this Resolution needs to be tabled until the City Manager and City Attorney check for legalities. I feel sorry for the three Districts that might be FORCED to vote on this painting themselves into a box. Vote NO on Rex Richardson Resolution and there goes your Democrat support in 2022. Vote Yes and District 7 Uranga can say good bye to any Republican Votes, Villages of Cabrillo etc. Mungo is in a 3 person race currently but, a big name Republican in CD5 might be running and this is not fair to Stacy Mungo. I really care and like Districts 3 and 5 city councilwoman and this Resolution should NOT be okay.

Thanks,

Rich



The recall has been passed since 1911. It provides an attempt to remove elected officials before the end of their term. An election can be initiated if a majority of voters sign a recall petition within a certain period.

QUESTIONS & ANSWERS

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20:49 ↗

📶 LTE

🔒 politico.com



**2003 recall history:** Few may remember that California's only gubernatorial recall election in 2003 featured two ballot measures. Proposition 53 was placed on the ballot by the Legislature to increase California's general fund spending on infrastructure. Proposition 54 was an initiative led by Republican businessman and activist Ward Connerly to stop state and local governments from collecting race-based data and classifying students, contractors and workers on the basis of race.

Despite relatively high turnout for an off-year election, 2003 voters overwhelmingly rejected both proposals, with nearly an identical share of 64 percent opposed.

**What's next:** The medical malpractice initiative

20:48 ↗

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🔒 politico.com



Governor Gavin Newsom speaks with reporters in San Diego  
Nelvin C. Cepeda/The San Diego Union-Tribune via AP

**No initiatives on California recall he**

If more than 50% of voters answer a question, the candidate who wins the most votes means if a majority of California voters vote to remove a governor from office and replaced with someone else. This process undermines our democratic process of electing a governor with a potential

The next regularly scheduled gubernatorial election is on November 7 (primary) and November 8 (general election). It is a democratically appropriate course of action for opponents to wait for the 2022 election

Similar resolutions are under consideration in several counties, including in the cities of Ventura and Santa Barbara County, including in the cities of Ventura and Santa Barbara County

Although cities cannot take positions on a ballot measure, not a candidate election, a ballot measure that will impact the

## **Fiscal Impact**

Over the past year and a half California continues to grapple with the economic pandemic. As new variants arise in the face of this global crisis, it is irresponsible to spend billions of millions of dollars on a political

During this pandemic, California is facing a crisis in its state's history. The money being allocated is being utilized to strengthen that recovery, address unemployment, and covering health care and ongoing issues such as homelessness.

Since 1911, when California began the process of recall made against state officeholders, it has become one. Recall elections have become a direct expression of the will of the people and remove some of the most powerful of voters, rather than as a tool to

Sent from my iPhone



**From:** Rich charley [mailto:richcharley@hotmail.com]

**Sent:** Saturday, August 14, 2021 6:29 PM

**To:** Council District 5 <District5@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; City Manager <CityManager@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 8 <District8@longbeach.gov>

**Subject:** The Recall Newsome Agenda item added for this Tuesday's City Council Meeting violates the Hatch Act. Violates Government Code 19990 and is illegal.

**-EXTERNAL-**

Good Afternoon,

Long Beach City Councilwoman and men and Mayor are elected as a non-partisan. Every District in Long Beach have Democrats, Republicans, and Independents.

The language in Rex Richardson's Agenda item has some contradictions. Mayor Garcia, Rex Richardson, Mary Zendejas and Cindy Allen all have social media posts, tweets etc. on the need for Trump to be Impeached. Great.

Opponents of the two Impeachment Trials said, "It's a waste of time and money". Republicans said, "impeachment goes against our Democratic Process". I disagreed because it allows us voters to remove someone from elected office. Fast Forward a year.

Please read the language Rex Richardson uses in the agenda item. Instead of introducing legislation on opposing the recall....why don't City of Long Beach City Council change how recalls are done here?

2. Please read the Hatch Act. If the City Council takes the agenda item up, I am filing a complaint with multiple agencies. Department of the Interior, Secretary of State all tells us that an elected non-partisan official cannot talk, campaign, use their power to influence Long Beach voters while on the clock. All the people listed are well-known in Long Beach and can go against the Recall of our Governor on their own time.

3. This agenda item is infusing partisan politics in our local city council. Republicans voted for Cindy Allen, I worked on her campaign. Robert Fox blasted me for leaving his crooked campaign. This agenda item sets a bad precedent that Long Beach City Council now is partisan and acting like the California Senate or House by debating this Recall.

This agenda item being rushed to the floor and having our City of Long Beach opposing this recall using tax payer dollars is illegal. I don't like Trump. I am a Democrat. I also respect our ability to Recall, Impeach etc. Why are Long Beach City Council members getting involved in State Governor Recall?

Hey, Robert Garcia could have put his name as an alternative and the Recall passes with 51 percent, he would now be Governor of our State in a month. Please stop this illegal Agenda Item. I am attaching the Hatch Act from the Department of the Interior. I am also showing a complete contradiction, Impeachment Yes vs. Recall No. please understand I am against the Recall and was for the Impeachment, but we need to be consistent and not based on what political party is doing what.

Can you honestly say, "If we had a Republican Governor being recalled would the people listed be saying and doing this agenda item"???

Please don't not do this agenda item and let's keep making amazing progress in our City.

17:37 ↗



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wptv.com



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**Sen. Rick Scott calls  
impeachment trial 'a  
complete waste of time'**



17:36 ↗

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thehill.com



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*January 01, 2021 - 02:00 PM EST*

## Democrats wasted two years on impeachment instead of much needed infrastructure



16:42 ↗



◀ Safari



## Tweet



**Robert Garcia** ✓

@RobertGarcia

Donald Trump is the first and only President to be impeached, lose the popular vote, and not get reelected. certainly made history.

16:23 · 08/11/2020 · [Twitter for iPhone](#)

**126** Retweets **19** Quote Tweets **1,055** Likes



**Lizzie P.** @onetreatise · 08/11/2020

14:58 ↗

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🔒 calhr.ca.gov

## May State employees work on political campaign in the workplace during work hours?

No. State employees may not work on political campaigns during work hours or in work areas; they not use State equipment or resources for that purpose. Also, an employee's participation in political activity cannot conflict with the Department's Incompatible Activities Policy.

Government Code section 19990 provides that "a state officer or employee shall not engage in any employment activity or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee." Activities and

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🔒 calhr.ca.gov

## What is “partisan political”?

The term “partisan political” appears in most of the MOUs. Partisan political means taking a position in support of or opposition to a party or candidate. Partisan political activity is prohibited in the State workplace. Distribution of Union literature that supports or opposes a ballot initiative is not partisan political activity. Should you have questions about whether Union literature is of a partisan political nature, contact CalHR Labor Relations.

## What are examples of Union political expression?

Some examples: posters, fliers, newsletters, email, social media feeds, and “tweets.” In addition, Union messages may be found on T-shirts, baseball caps, buttons, pins, mousepads,

10:07 ↖

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## Tweet



**Robert Garcia** ✓

@RobertGarcia

Governor [@GavinNewsom](#) made history for the LGBTQ+ community when he took the first national stand to support gay marriage as Mayor of San Francisco. He stood up for us when few people would and helped launch a national movement. We won't forget to vote NO on the Recall.

07:12 · 14/08/2021 · [Twitter for iPhone](#)

The California Secretary of State is responsible for overseeing recalls for state officers, including for constitutional offices (Governor, Lieutenant Governor, Attorney General, etc.), state legislators, and justices of the Supreme and Appellate Courts. Local recalls are overseen by county or city elections officials.

The recall process is outlined in the California Constitution (Article II, Sections 13-19) and the California Elections Code (Sections [11000-11110](#), [11300-11380](#)).

The recall has been part of California's political system since 1911. It provides a mechanism for the public to attempt to remove elected public officials from office before the end of their term of office. Before a recall election can be initiated, a certain number of voters must sign a recall petition within a specified amount of time.



14:38 ↗



◀ Messenger



[http://longbeach.legista...](http://longbeach.legistar.com)  
📍 longbeach.legistar.com



2 of 5



VICE MAYOR  
**REX**  
RICHARDSON

The recall ballot will have two questions:

1. Should the elected official be removed from office?
2. If the official is removed, who should take their place?

If more than 50% of voters answer “yes” to the first question on the recall ballot, the candidate who wins the most votes in the second question will become governor. This means if a majority of California voters want to recall the governor, he will be removed from office and replaced with someone who will likely receive less than 50% of the vote. This process undermines our democracy and perpetuates a dangerous precedent of electing a governor with a potentially very small percentage of the vote.

The next regularly scheduled gubernatorial election in California will take place on June 7 (primary) and November 8 (general) in 2022. The fiscally responsible and democratically appropriate course of action would have been for the governor’s opponents to wait for the 2022 election cycle to vote for an alternative candidate.

Similar resolutions are under consideration in many other cities across Los Angeles County, including in the cities of West Hollywood and Culver City.<sup>1</sup>

Although cities cannot take positions in candidate elections, the recall is a ballot measure, not a candidate election. It is within the City’s legal rights to take a position on a ballot measure that will impact our residents.

14:38 ↗

◀ Messenger

📶 LT



http://longbeach.legista...  
📍 longbeach.legistar.com



Page 2 of 2



VICE MAYOR  
**REX**  
RICHARDSON



**City of Long Beach Memorandum**  
*Working Together to Serve*

## REQUEST TO ADD AGENDA ITEM

**Date:** August 17, 2021  
**To:** Monique De La Garza, City Clerk  
**From:** Vice Mayor Rex Richardson, Ninth District  
**Subject:** Request to Add Agenda Item to Council Agenda of August 17<sup>th</sup>

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Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers sign below request that the attached agenda item (due in the City Clerk Department Friday, 12:00 Noon) be placed on the City Council agenda via the supplement agenda.

14:36 ↗

📶 LT



I hope you're OK ❤️ you sure look cute! Love your shades!

Like Reply



Write a comment...



**Vice Mayor Rex Richardson** ✓

21h · 🌐

Next week, I'm asking the City Council to pass a resolution in opposition to the deceptive California

It's irresponsible, dangerous, and takes 💰 away from beating COVID-19. It's bad for Long Beach.

Thanks to [Suely Saro](#), [Councilwoman Mary Zendeja](#) and [Councilwoman Cindy Allen](#) for joining us in making this important stand.

[bit.ly/3jXuXnB](https://bit.ly/3jXuXnB)

Thanks,  
Rich  
Sent from my iPhone