

JOHN SULLIVAN KENNY  
KELLY J. SNOWDEN\*  
JONZ NORINE  
MARGARET LONG  
LINDA R. SCHAAP

**KENNY, SNOWDEN & NORINE**  
A LAW CORPORATION  
[www.lawksn.com](http://www.lawksn.com)

REDDING LANDING  
2701 PARK MARINA DRIVE  
REDDING, CA 96001  
530-225-8990  
FAX 530-225-8944

\*Member - American Board  
Of Trial Advocates

January 10, 2012

Andrew L. Jared  
ALVARED-GLASMAN & COLVIN  
13181 Crossroads Parkway North  
Suite 400 – West Tower  
City of Industry, CA 91746

**Re: Petition for Recall of Dolores Lucero**

Dear Mr. Jared:

This responds to your letter dated January 3, 2012 received by the City of Shasta Lake via facsimile approximately one-half hour before the City Council meeting that addressed the calling of a recall election. Your letter alleges flaws in signature gathering which you believed warranted City Council refusal to call a recall election.

You complain the Staff Report failed to report a notice of intention to circulate a recall petition had been published. In fact, the notice of intention was published and a certificate of publication was received.

You also allege two persons who circulated the petition were not registered voters of the City of Shasta Lake, as required by Election Code § 11045. Even if your statements concerning the two circulators were true, it would not render the signatures gathered invalid. The Section 11045 does not say that the signatures so gathered would be void. There are a number of sanctions relating to improper signature gathering methods. (Election Code § 18600 et seq.) None suggest valid signatures should be disregarded. The Secretary of State's guidelines direct election officials to count signatures otherwise valid even if the circulator is not a registered voter of the City.

In addition, you should be advised that you may be relying on incorrect information. One of the circulators you named, who is not a resident of the City of Shasta Lake but an active community member, has stated that she circulated and signed no petition. The other circulator you named is a resident of the City of Shasta Lake but also has stated that she circulated no petition.

Andrew L. Jared  
January 10, 2012  
Page 2

You assertions regarding violation of Election Code § 11045 appear to be in error both in law and in fact. The City Council received the Certificate of Sufficiency from the Election Clerk as set forth in Election Code § 11227 and ordered the election as required by Election Code 11240. The City Council did what it was required to do and should not have done otherwise.

Very truly yours,

KENNY, SNOWDEN & NORINE

JOHN SULLIVAN KENNY  
JSK:jl/2497  
137768

c: Carol Martin  
Toni Coates