

EXHIBIT A

EXHIBIT A

Measure N – City of Murrieta

39/39 100.00%

	Vote Count	Percent
YES	15,682	57.14%
NO	11,763	42.86%
Total	27,445	100.00%

EXHIBIT B

EXHIBIT B

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The people of the City of Murrieta do ordain as follows: The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure: **Prohibition on Automated Traffic Enforcement Systems.**

BALLOT TITLE AND SUMMARY

Ballot Title: Prohibition of Automated Traffic Enforcement Systems

Summary: The ordinance proposed by initiative petition would require the City Council to adopt an ordinance which would prohibit the installation of and require removal of any red light cameras or automated traffic enforcement systems in the City of Murrieta. The term "red light camera or other automated traffic enforcement system" means and includes any automated traffic enforcement system, as that term is used in California Vehicle Code section 21455.55 or any successor legislation, which is used to enforce any provision of the California Vehicle Code.

The ordinance proposed by initiative petition also prohibits the City Council and any officer or employee of the City or a governmental agency or governmental official having jurisdiction in the City, when acting in his or her official capacity, from taking any action that would directly or indirectly result in the authorization, approval or installation of any red light camera or other automated traffic enforcement system in Murrieta. Prepared by: /s/ Leslie E. Devaney Leslie E Devaney, City Attorney, City of Murrieta.

NOTICE OF INTENET TO CIRCULATE PETITIONS (Elections Code Section 9202, 9207)
 Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Murrieta for the purpose of passing the "MURRIETA PROHIBITION OF AUTOMATED TRAFFIC CAMERAS". A statement of the reasons of the proposed action as contemplated in the petition is: Red light Cameras have become a source of revenue for cities and do not make the intersections safer. Cameras increase rear end collisions and property damage with a minor reduction in other type of crashes. Proponents: /s/ Diana M. Serafin Diana M. Serafin Murrieta, CA 92562 /s/ Robin Nielson Robin Nielson Murrieta CA 92562

Text of the Initiative

THE PEOPLE OF THE CITY OF MURRIETA DO ORDAIN AS FOLLOWS:

SECTION 0: The ordinance proposed by initiative petition shall be known as the "MURRIETA PROHIBITION OF AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS ACT".

SECTION 1: The term "red light camera or other automated traffic enforcement system" as used in this section shall mean and include any automated traffic enforcement system, as that term is used in California Vehicle Code Section 21455.5, or any successor legislation thereto, which is used to enforce any provision of the California Vehicle Code.

SECTION 2: An ordinance shall be adopted by the City Council which would prohibit the installation of and require removal of any existing red light camera or other automated traffic enforcement system in the City of Murrieta.

SECTION 3: This City Council, any officer, employee of the City, governmental agency or governmental official having jurisdiction in the City when acting in his or her official capacity shall be prohibited taking any action which would directly or indirectly result in the authorization, approval or installation of any red light camera or other automated traffic enforcement system in the City of Murrieta.

SECTION 4: If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or application, and to this end the provisions of this measure are severable.

SECTION 5: This initiative may not be amended except upon voter approval.

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

1. Print Name	Residence Address only	City	For Clerks Use Only
Signature as Registered to Vote			
2. Print Name	Residence Address only	City	
Signature as Registered to Vote			
3. Print Name	Residence Address only	City	
Signature as Registered to Vote			
4. Print Name	Residence Address only	City	
Signature as Registered to Vote			

Send to: Limited Government Political Action (PAC), Murrieta CA 92562

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The people of the City of Murrieta do ordain as follows: The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure: **Prohibition on Automated Traffic**
BALLOT TITLE AND SUMMARY

Ballot Title: Prohibition of Automated Traffic Enforcement Systems

Summary: The ordinance proposed by initiative petition would require the City Council to adopt an ordinance which would prohibit the installation of and require removal of any red light cameras or automated traffic enforcement systems in the City of Murrieta. The term "red light camera or other automated traffic enforcement system" means and includes any automated traffic enforcement system, as that term is used in California Vehicle Code section 21455.55 or any successor legislation, which is used to enforce any provision of the California Vehicle Code.

The ordinance proposed by initiative petition also prohibits the City Council and any officer or employee of the City or a governmental agency or governmental official having jurisdiction in the City, when acting in his or her official capacity, from taking any action that would directly or indirectly result in the authorization, approval or installation of any red light camera or other automated traffic enforcement system in Murrieta. Prepared by: /s/ Leslie E. Devaney Leslie E Devaney, City Attorney, City of Murrieta.

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER.
 YOU HAVE THE RIGHT TO ASK.

5. Print Name _____ Signature as Registered to Vote	Residence Address only _____	City _____	For Clerks Use Only _____
6. Print Name _____ Signature as Registered to Vote	Residence Address only _____	City _____	_____
7. Print Name _____ Signature as Registered to Vote	Residence Address only _____	City _____	_____
8. Print Name _____ Signature as Registered to Vote	Residence Address only _____	City _____	_____
9. Print Name _____ Signature as Registered to Vote	Residence Address only _____	City _____	_____

DECLARATION OF CIRCULATOR (Must be in circulator's own handwriting.)

I, _____, am registered to vote or qualified to vote in the state of California. I circulated this section of the petition and saw each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. My residence street address is _____, CA. All signatures on this document were obtained between the dates of _____ and _____, 2011. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this _____ day of _____, 2011 at _____, California.

 Complete Signature of Petition Circulator)

EXHIBIT C

EXHIBIT C

RIVERSIDE SUPERIOR COURT

PUBLIC ACCESS

Print This Report

Close This Window

Minute Order

Case RIC1208403 - FLYNN VS. VINSON

RULING ON MATTER SUBMITTED 08/01/12 RE: ALTERNATIVE WRIT OF MANDATE/ORDER TO SHOW CAUSE

08/03/2012 8:30 AM DEPT. 02

HONORABLE JUDGE DANIEL A OTTOLIA, PRESIDING

CLERK: D CLEMENTS

COURT REPORTER: NONE

NO APPEARANCE BY EITHER PARTY.

WHEREAS, THIS MATTER CAME ON FOR HEARING ON PETITIONER STEPHEN FLYNN'S PETITION FOR AN

ALTERNATIVE WRIT OF MANDATE ON AUGUST 1, 2012, AND WHEREAS, THE COURT TOOK THIS MATTER UNDER

SUBMISSION, THE COURT NOW RULES AS FOLLOWS:

PETITIONER STEPHEN FLYNN CHALLENGES A BALLOT MEASURE, THE MURRIETA PROHIBITION OF AUTOMATED

TRAFFIC ENFORCEMENT SYSTEMS ACT (THE INITIATIVE), PUT FORWARD BY REAL PARTIES DIANA SERAFIN AND ROBIN NIELSEN. NOTWITHSTANDING THE FACT THAT THE INITIATIVE RECEIVED A SUFFICIENT

NUMBER OF VALID SIGNATURES TO QUALIFY FOR THE NOVEMBER BALLOT, PETITIONER CLAIMS THAT THE

INITIATIVE IS BEYOND THE POWER OF MURRIETA VOTERS TO ENACT BECAUSE TRAFFIC REGULATION IS

MATTER OF STATEWIDE CONCERN AND THE LEGISLATURE HAS DELEGATED THE REGULATION OF AUTOMATED

TRAFFIC ENFORCEMENT SYSTEMS (ALSO KNOWN AS RED LIGHT CAMERAS) SPECIFICALLY TO CITY COUNCILS.

PETITIONER ALSO CLAIMS THAT THE INITIATIVE IS NOT PROPER BECAUSE IT FAILS TO ENACT AN ACTUAL STATUTE

OR ORDINANCE. THE PETITIONER IS OPPOSED BY REAL PARTIES AS MORE PARTICULARLY DESCRIBED BELOW.

THE COURT FINDS THAT TRAFFIC REGULATION IS A MATTER OF STATEWIDE CONCERN. (E.G., MERVYNNE V.

ACKER (1961) 189 CAL.APP.2D 558, 561-562.) PURSUANT TO VEH. C. SECTION 21455.6, THE LEGISLATURE HAS SPECIFICALLY DELEGATED THE AUTHORIZATION OF AUTOMATED TRAFFIC ENFORCEMENT

EXHIBIT D

EXHIBIT D

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

DIANA SERAFIN et al.,

Petitioners,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

STEPHEN FLYNN,

Real Party in Interest.

E056868

(Super.Ct.No. RIC1208403)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of mandate. Daniel A. Ottolia,
Judge. Petition granted.

Lepiscopo & Associates Law Firm, Peter D. Lepiscopo, William P. Morrow,
James M. Griffiths and Michael W. Healy for Petitioners.

No appearance for Respondent.

Bell, McAndrews & Hiltachk, Charles H. Bell, Thomas W. Hiltachk and Paul Gough for Real Party in Interest.

The court has read and considered the record in this proceeding and has concluded that issuance of a peremptory writ in the first instance is required to resolve this matter as expeditiously as possible. (Code Civ. Proc., § 1088; *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 178-179; *Alexander v. Superior Court* (1993) 5 Cal.4th 1218, 1222-1223, disapproved on another ground in *Hassan v. Mercy American River Hospital* (2003) 31 Cal.4th 709, 724, fn. 4.)

The Supreme Court has stated that “it is usually more appropriate to review constitutional and other challenges to ballot propositions or initiative measures after an election rather than to disrupt the electoral process by preventing the exercise of the people’s franchise, in the absence of some clear showing of invalidity.” (*Brosnahan v. Eu* (1982) 31 Cal.3d 1, 4 (*Brosnahan I.*))

The Supreme Court later explained, “preelection review of an initiative measure may be appropriate when the challenge is not based on a claim that the substantive provisions of the measure are unconstitutional, but rests instead on a contention that the measure is not one that properly may be enacted by initiative. (See, e.g., *American Federation of Labor v. Eu* (1984) 36 Cal.3d 687 [initiative may not be used to apply for the convening of a federal constitutional convention]; *McFadden v. Jordan* (1948) 32 Cal.2d 330 [initiative may not be used to revise, rather than to amend, California Constitution].)” (*Independent Energy Producers Assn. v. McPherson* (2006) 38 Cal.4th 1020, 1029 (*Independent Energy.*))

Independent Energy concerned an initiative measure that conferred additional regulatory authority upon the Public Utilities Commission. It was challenged on the basis that the California Constitution permits only the Legislature, and not the people through the initiative process, to confer additional authority upon that agency. The Supreme Court determined that “preelection review of such a claim is not necessarily or presumptively improper.” (*Independent Energy, supra*, 38 Cal.4th at p. 1030.) While it was not improper, the Supreme Court cautioned that courts presented with such a preelection challenge should bear in mind that this type of challenge could also be made after the election. This was unlike procedural challenges, such as those relating to the petition-circulating process, which could be remedied only prior to an election and that usually will become moot after an election. “[B]ecause this type of challenge is one that can be raised and resolved after an election, deferring judicial resolution until after the election—when there will be more time for full briefing and deliberation—often will be the wiser course.” (*Ibid.*)

In fact, in *Independent Energy*, the Court of Appeal had intervened prior to the election and directed that the initiative measure be removed from the ballot. At the time of the Court of Appeal’s decision, the period for public inspection of the material to be included in the ballot pamphlet was about to commence. The Supreme Court granted an emergency petition and voted to grant review, ordering the ballot measure back on the ballot. The measure was defeated at the election, but the Supreme Court issued its opinion elucidating the rules regarding preelection review. It opined that the Court of Appeal’s intervention was understandable because it believed that the measure was

unquestionably invalid, but the Supreme Court granted review and ordered the measure be restored to the ballot because it was not convinced that it was invalid.

As in *Independent Energy*, it was not improper for the trial court to grant preelection review of this challenge, but we must conclude that it was unwise. We acknowledge that courts have intervened in similar circumstances and ordered removal of an initiative measure from the ballot, such as in *Committee of Seven Thousand v. Superior Court* (1988) 45 Cal.3d 491. However, these rulings occurred somewhat earlier in the ballot process. In addition, the trial court may not have addressed all issues arising from this matter, including the effect of the severability clause. Even if the severability clause is ultimately determined not to have any impact on the overall validity of the initiative, the failure to address the issue demonstrates that it was ill-advised for the trial court to entertain the challenge. Real party in interest delayed several months before bringing a legal action to remove the proposal from the ballot, and this delay, combined with the fact that the measure can be challenged after the election if it is approved, are decisive factors in persuading this court to order that the proposal remain on the ballot.

DISPOSITION

Let a peremptory writ of mandate issue directing the Superior Court of Riverside County to set aside its order granting real party in interest's petition for writ of mandate and the writ of mandate issued on August 6, 2012, and to issue a new and different order denying the petition.

Petitioner is directed to prepare and have the peremptory writ of mandate issued, copies served, and the original filed with the clerk of this court, together with proof of service on all parties.

Real party in interest's request for judicial notice is granted.

Petitioners are to recover their costs.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

McKINSTER
Acting P. J.

We concur:

KING
J.

CODRINGTON
J.