

James R. Ash
804 Prestwick Court
College Station, TX 77845

Friday, August 14, 2009

Glenn Brown
City Manager
1101 Texas Avenue
College Station, Texas 77840

Dear Mr. Brown:

I called your office within an hour of the posting of the Aug. 17, 2009 College Station City Council Agenda to alert your office and the City in general of a material error in the agenda regarding the Red Light Camera Petition that was certified to the City Secretary. What I pointed out in our conversation was that the City erroneously referred to the petition as "repealing" ordinance No. 3017, you can see the text in question below in fig.-1 below.

If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related subject. These comments will be referred to the City Council and City Manager.

1. Presentation, possible action and discussion of City Secretary examination of petition submitted by College Station electors to repeal Ordinance No. 3017 amending the Chapter 10 of the City's Traffic Code on red light camera enforcement.
2. Public hearing, presentation, possible action, and discussion on petition proposing an ordinance repealing City Ordinance 3017, amending Chapter 10 of the Traffic Code regarding Automatic Traffic Signal Enforcement (Red light cameras within the City of College Station).

Fig. 1

The petition that the committee of electors submitted to the City of College Station is clearly an exercise of elector's rights as defined in College Station City Charter Article X, §83. The wording of the ordinance proposed is to provide that photo traffic enforcement be declared unenforceable in College Station, TX. It is the intent of the petition to make a law, not to repeal a law.

In a recent radio interview Mayor Ben White asserted "the City does not have to take the petition to a vote in November." This fact coupled with the City's plans that you disclosed to me in our call today leave me troubled. I believe the City's actions threaten to undermine the foundation of the petition.

In our phone call you disclosed to me:

- The City intends to accept the petition as an Article X, §84 referendum petition per the instructions from the City Attorney.

- The City Attorney is aware of the clause in Article X § 84 that requires referendums be submitted within 20 days after enactment of ordinance in question.
- Neither the City Attorney nor the Council would move to exclude the petition based on the 20 day rule.
- The Council plans to move to final action during the August 27, 2009 regular meeting.

The proposed City actions as outlined by you in our call today are unacceptable.

The intention, titling, and wording of the petition submitted to the city is that of an Article X, §83 petition. Our intention is to write a law, not repeal a law.

Neither the City Attorney nor the City Council has the right or standing to convert the submitted §83 petition into a §84 petition.

The City Attorney and City Council can not simply choose to ignore the text of §84 regarding the 20 day time limit on referendums. The City Charter can not be ignored by the City Council and not even the City Attorney. If the Council acted outside the charter in ignoring the time clause, anyone that is subject to the charter would have grounds to challenge any ordinance predicated on the erroneous actions by the City.

Because of my concerns regarding this matter I request an immediate meeting with you and the City Attorney to sort this error out and come to an agreement that the city of College Station will abide by the City's Charter and accept the ordinance proposed by our petition under Article X, §83 of the charter. Texas law has long held that in the act of petitioning, electors become in fact the legislative branch of the local authority, and it is my intention to take what ever actions are required to insure that the petition is submitted under Article X, §83.

I look forward to your call to set a meeting time as soon as you and your staff are available. I am open for a meeting any time.

All the best,
Jim Ash
Elector
College Station, TX

CC: www.civilviolation.com, Ben White, College Station City Council, College Station City Attorney, local media, statewide media, and national media.

----- Original Message -----

Subject: Re: Red Light Camera Petition

From: "Glenn Brown" <Gbrown@cstx.gov>

Date: Sat, August 15, 2009 1:07 pm

To: "Jim Ash" <jim@jimash.org>

Cc: "John Cuoco" <jcuoco@abc40.com>, "Ben White" <Bwhite@cstx.gov>, "Carla Robinson" <Crobinson@cstx.gov>, "Dennis Maloney" <Dmaloney@cstx.gov>, "David Neeley" <Dneeley@cstx.gov>, "Dave Ruesink" <Druesink@cstx.gov>, "Harvey Cargill" <Hcargill@cstx.gov>, "John Crompton" <Jcrompton@cstx.gov>, "James Massey" <Jmassey@cstx.gov>, "Katy-Marie Lyles" <Klyles@cstx.gov>, "Kathy Merrill" <Kmerrill@cstx.gov>, "Lawrence Stewart" <Lstewart@cstx.gov>, "Mary Ann Powell" <Mpowell@cstx.gov>, "Mark Smith" <MSMITH@cstx.gov>, "Troy Rother" <Trother@cstx.gov>, "Wayne Larson" <Wlarson@cstx.gov>, <fullhart@kbtx.com>, <news@kbtx.com>, <sigman@kbtx.com>, <news@wtaw.com>

Mr. Ash

I have several comments regarding the email you sent this morning. First, let me remind you that you will have the opportunity to discuss any concerns regarding the wording of the agenda during the public hearing on the RLC item at Monday evening's Council Meeting. Secondly, I need to stress that absolutely no one from the City of College Station is trying to undermine the petition submitted by you, and signed by our valued and respected citizens. It is ludicrous to think that anyone from the City of College Station would attempt to sabotage this petition. Thirdly the City of College Station has a staff of five professional attorney's, including a City Attorney with almost 40 years of municipal law experience. The City Council and staff take our legal advice from the City's legal department. And finally, and probably most importantly, let me remind you again that the action to call the election will be on the August 27th Agenda. Even if there was a problem with the posting of the item on Monday's agenda (and I am certainly not saying there is a problem), any needed adjustments to the wording can be made before the posting of the RLC item for the Aug 27th meeting.

Glenn Brown

Glenn Brown

City Manager

979-764-3510

City of College Station--Home of Texas A&M University

>>> "Jim Ash" <jim@jimash.org> 8/15/2009 10:31 AM >>>

Glenn,

Attached is a letter that I will also fax to your office on Monday morning, and drop in the US mail.

I look forward to your response.

All the best,

Jim Ash

College Station, TX

281-224-1892