

# Pinole recall bid has more than enough signatures, clerk says

**PINOLE: Now Contra Costa has to certify vote on council members; timing may boost chances for a special election**

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By Tom Lochner

**F**oes of Pinole Mayor Maria Alegria and City Councilman Stephen Tilton filed petitions with the city clerk Thursday, saying they have collected more than enough valid signatures to force a recall election.

The clerk, Patricia Athenour, found that the petitions contained more than the required minimum number of signatures and forwarded them to the Contra Costa County Clerk's Office for verification, she said later Thursday.

The filing's timing could boost the chance the city will call a special election rather than consolidate a recall with the Feb. 5 primary, though neither scenario could be ruled out Thursday. But Jeff Rubin, spokesman for recall sponsor Concerned Citizens of Pinole, said the election calendar did not influence the group's decision to file Thursday.

"We could have gone for another couple of weeks and gotten more signatures," Rubin said, "but we felt this was the right time to do it."

Sponsors had until Sept. 20 to collect at least 2,225 signatures, representing 25 percent of the city's 8,898 registered voters, on each of two individual petitions.

Rubin said Thursday that his group had collected 2,521 "good" signatures on its petition to recall Alegria and 2,475 on the one to recall Tilton.

Sponsors accuse Alegria and Tilton of a "suspect" relationship with Gary Wong, a restaurateur and friend of the two who has failed for almost two years to make payments on more than \$400,000 in city loans. Sponsors also fault the two council members for voting in May not to renew the contract of former City Manager Belinda Espinosa.

Alegria has countered that she has made it a top priority of her mayoralty to collect on Wong's loans. Tilton has noted that the loan fiasco began long before he came onto the council in November. Both have said confidentiality concerns and the terms of Espinosa's severance agreement with the city bar them from commenting on her tenure as city manager and their reasons for voting not to renew her contract.

The recall drive originally targeted three council members. The third target, David Cole, resigned Monday, two weeks after he announced he had joined the U.S. Army.

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The council is expected to decide soon whether to appoint someone to finish Cole's term, which runs to November 2010, or put his seat up for election.

Tilton, in a statement Thursday, characterized the recall attempt as "politics at its worst possible level."

"The time for healing is now," Tilton wrote. "I call upon my fellow council members to put the citizens' and the city's welfare before personal politics and get back to solving Pinole's problems."

Council members are evenly split on the subject of a recall, with two targets and two recall backers, Mary Horton and Pete Murray.

Elections officials have 30 days to check the validity and sufficiency of the signatures, said Candy Lopez, Contra Costa County assistant registrar of voters. Sept. 29 falls on a Saturday, so the 30-day clock runs to Oct. 1

Horton said she is confident the signatures are in order because the recall group has been diligent with names and addresses.

"We cross-referenced against the (county) voter registration logs," she said.

If the signatures check out, Athenour would certify sufficiency and validity to the council at the following regular meeting. The council then would have 14 days to schedule an election for 88 to 125 days in the future, Lopez said. If the council does not act within 14 days, county elections officials have five days to call an election.

For the recall to coincide with the primary, it would need to be called at most 125 days before, or no earlier than Oct. 3. There are regular Pinole City Council meetings scheduled for Sept. 18, Oct. 2 and Oct. 16.

Lopez could not predict the likelihood that signature-checking might be done early, say before Sept. 18. If Athenour were to certify the signatures at the Sept. 18 council meeting, the council would have to call an election within 14 days, or by Oct. 2, 126 days before the Feb. 5 primary. If the council does not act, the county elections office would have until Oct. 7 to call the election — 121 days before the Feb. 5 primary.

Tilton said he doubts a recall can prevail, especially not on Feb. 5, when the presidential primary is likely to generate a large turnout.

Rubin said a special election might be preferable from a different perspective.

"A special election would be narrowly focused on Pinole," Rubin said, "with people going to the polls for one specific reason and not worrying about a presidential primary and whatever else is on the ballot."

A stand-alone recall election would cost the city about \$69,000; putting a recall on the Feb. 5 ballot would cost about \$25,000, according to a county estimate.

"The amount of Gary Wong's delinquency is far greater than the cost of a (special) election," Rubin said.

As of this month, Wong would have to pay \$81,000 to bring his loans up to date. Additionally, the city has logged about \$85,000 in legal and other fees trying to collect on the loans.