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6 Attorney for Petitioner

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF CONTRA COSTA

9 THOMAS BUTT,

10 Plaintiff/Petitioner

11 vs.

12 CITY OF RICHMOND, a California Charter City;

13 GAYLE MCLAUGHLIN, in her official capacity
14 as Vice Mayor and Mayor of the City of
15 Richmond;

16 GAYLE MCLAUGHLIN, in her individual
17 capacity;

18 DOES 1-10, INCLUSIVE,

19 Defendants/Respondents

Case No.:

**VERIFIED PETITION FOR WRIT OF
MANDATE (CCP 1085) AND
COMPLAINT FOR DECLARATORY
[CCP 1060] AND INJUNCTIVE
RELIEF.**

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22 **INTRODUCTION**

- 23 1. The voters of the City of Richmond amended its Charter at the November 4, 1980,
24 general election to add Article III-A, which provides for an elected Mayor of the City of
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1 Richmond and prescribes term limits for that office: “No person may serve as Mayor for
2 more than two full terms.” City of Richmond Charter, Article III-A, Sec. 3(a).

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4 2. The Mayor of Richmond is the chief elected officer and ceremonial head of the City, as
5 well as having certain specific prescribed administrative powers and duties.
- 6 3. The voters of the City of Richmond in 1980 also amended the Charter to create a Vice-
7 Mayor office. In the absence or disability of the Mayor, the Vice Mayor “shall serve as
8 the Mayor”. City of Richmond Charter, Article III-A, Sec. 4.

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11 **FACTS**

- 12 4. Since 1980 and until 2023, No person has ever served as Mayor for more than two full
13 terms.
- 14 5. Defendant Gayle McLaughlin served two full terms as Mayor of Richmond, from
15 January 2006 to January 2014. According to the clear language of the City Charter,
16 McLaughlin has termed out and may not serve as Mayor.
- 17 6. On January 17, 2023, the City Council of the City of Richmond appointed McLaughlin to
18 the Office of Vice Mayor for the January 2023 to January 2024 term.
- 19 7. On March 7, 2023, the elected Mayor of Richmond was absent and McLaughlin served as
20 Mayor.
- 21 8. On information and belief, Petitioners allege McLaughlin will unlawfully serve as Mayor
22 again, if the elected Mayor is absent or unable to serve as Mayor.
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1 9. The purpose of this action is to address and remedy this policy and practice of violating
2 the City Charter and to order the City of Richmond and/or its officers to abide by the City
3 Charter.

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5 10. The purpose of term limits is to limit the potential for public corruption.

6 11. Petitioner/Plaintiff seeks a writ directing Respondent(s) to void the appointment of
7 McLaughlin as Vice-Mayor, and to invalidate any actions taken by the City in violation
8 of the City Charter, including any action while McLaughlin served as Mayor.

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10 **PARTIES**

11 12. Petitioner THOMAS BUTT is an individual, over the age of 18, is a resident and elector
12 of the City of Richmond, and was elected Mayor of the City of Richmond, serving from
13 January 2015 through January 10, 2023. Petitioner is beneficially interested in the
14 outcome of the dispute herein.

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16 13. Respondent/Defendant CITY OF RICHMOND, is a California Charter City located in
17 Contra Costa County.

18 14. Respondent/Defendant GAYLE MCLAUGHLIN, in her official capacity as Vice Mayor
19 and Mayor is a member of the City Council of the CITY OF RICHMOND and appointed
20 Vice Mayor of the CITY OF RICHMOND.

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22 15. Defendant GAYLE MCLAUGHLIN, in her individual capacity is resident of the City of
23 Richmond, Contra Costa County.

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JURISDICTION AND VENUE

16. This Court has jurisdiction of the proceeding pursuant to CCP sections 526, 1060, and 1085, and article VI, section 10 of the California Constitution.

17. Venue is proper in this Court pursuant to CCP § 394.

STATUTORY BACKGROUND

18. City of Richmond Charter, Article III-A, Sec. 3(a): “No person may serve as Mayor for more than two full terms.”

19. City of Richmond Charter, Article III-A, Sec. 4: “In the absence or disability of the Mayor, the Vice Mayor shall serve as the Mayor.”

PROCEDURAL BACKGROUND

20. As set forth above, Gayle McLaughlin is termed out and may not serve as Mayor. Despite the clear and unambiguous bar to further serving as Mayor, McLaughlin served as Mayor in direct violation of the City Charter.

21. The purpose of term limits in the City Charter is to limit the potential for public corruption.

FIRST CAUSE OF ACTION

(Writ of Mandate Directing City to Set Aside and Vacate any Action Taken in Violation of the City Charter CCP§ 1085 against Respondent CITY OF RICHMOND and GAYLE MCLAUGHLIN as Mayor)

1 22. The paragraphs set forth above are realleged and incorporated herein by reference.

2 23. Respondents have a clear, present and ongoing ministerial duty to follow the term limits
3 set forth unambiguously in the City Charter. Respondents, and each them, violated that
4 clear ministerial duty by allowing Gayle McLaughlin to serve as Mayor of the City of
5 Richmond.
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7 24. Petitioner has no other plain, speedy, or adequate alternative remedies at law.
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10 **SECOND CAUSE OF ACTION**

11 **(Injunctive Relief ordering GAYLE MCLAUGHLIN, as an individual, not to serve as**
12 **Mayor of the City of Richmond)**

13 25. The paragraphs set forth above are realleged and incorporated herein by reference.

14 26. Petitioner seeks injunctive relief directing
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17 **THIRD CAUSE OF ACTION**

18 **(Declaratory relief against Respondent City of Richmond)**

19 27. The paragraphs set forth above are realleged and incorporated herein by reference.

20 28. An actual controversy exists and has now arisen between Petitioner and Respondent City
21 regarding City's violations of the term limit provisions in City Charter.
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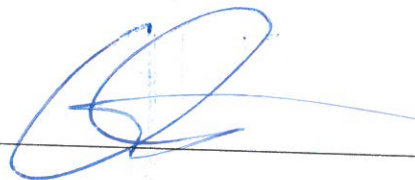
1 29. Petitioners/Plaintiffs seek a judicial declaration that Gayle McLaughlin is termed out,
2 may no longer serve as Mayor, and that her doing so violates the Charter of the City of
3 Richmond.
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5 **RELIEF REQUESTED**

6 WHEREFORE, Petitioners pray for judgment and further relief as follows:

- 7 30. For a peremptory writ of mandate directing Respondents, and each of them, to abide by
8 the term limits set forth in Richmond's City Charter, and to vacate and set aside any
9 action taken by the City in violation of the City Charter.
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11 31. For injunctive relief directing Gayle McLaughlin not to serve as Mayor of Richmond in
12 violation of the City Charter.
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14 32. For Declaratory relief that Defendant McLaughlin continuing to serve as Mayor, after
15 having already served two full terms as Mayor, violates the Charter of the City of
16 Richmond.
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18 33. For an award to Petitioner of his attorney's fees and costs of suit (including all necessary
19 and reasonable litigation costs) as authorized by CCP §§ 1021, 1032, 1033.
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21 34. For such other and further relief as the Court deems proper.

22 Dated this 27th Day of April, 2023.

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25 Daniel Butt, attorney for Plaintiff
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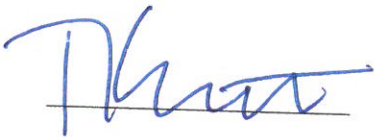
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VERIFICATION

I am the Petitioner in this action. I have read the foregoing Petition and know the contents therein, and the same to be true of my own knowledge, except to those matters stated therein on information and belief, which I believe to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Date: April 27, 2023



Name: Thomas Butt