

The City of East Palo Alto, at this point in its evolution, has had to fight more legal battles - including the most endangering one, its right to even exist - than possibly any other new California city.

The reason East Palo Alto exists, we firmly hold, is that a group of community residents garnered enough strength, wisdom, and courage to take a concept all the way from a mere symbol on a piece of paper to successful fruition at the voting booth.

In December 1979, the East Palo Alto Municipal Council, an advisory body to the San Mateo Board of Supervisors on East Palo Alto matters, convened a citizens committee to study the pros and cons of three political alternatives for the community: annexation to Menlo Park; incorporation of the area; or maintenance of the status quo (remain unincorporated and continue to be a mere step-child to San Mateo County).

At its first meeting members of the committee adopted the name 'East Palo Alto Citizens Committee on Incorporation (EPACCI); it decided to not consider annexation to Menlo Park because it would just exchange one external government for another; additionally, it decided to not consider the status quo because the members understood that option was really no option at all. By mutual agreement, the Municipal Council and EPACCI decided that the committee would pursue incorporation, operating on its own without support or interference from the Municipal Council.

EPACCI submitted two applications to the Local Agency Formation Commission (LAFCO) within a two year period. The first submission ended with an April 1982 election; there were four ballot propositions. All propositions passed overwhelmingly with one exception: consumers in the sanitary district residing in Menlo Park vetoed incorporation by 42 votes. (See enclosure.) Many citizens residing in East Palo Alto could not vote on this proposition because they belonged to another sanitary district. Outsiders defeated incorporation. Imagine that!

Soon after this election, EPACCI received a waiver from LAFCO at the request of the San Mateo Board of Supervisors to submit a second application for incorporation; this resulted in a second election within two years. Incorporation opponents sued in Superior Court trying to prevent the election (EPACCI lost); EPACCI appealed the verdict (EPACCI won); incorporation opponents lost the next round when the California Supreme Court refused to consider their appeal. On 7 June 1983, community residents again affirmed incorporation of the area. A city was born - the City of East Palo Alto. Immediately after this vote, cityhood opponents began a series of maneuvers that challenged the City's right to

exist. They charged that the election was a fraud, alleging that absentee ballots had been tampered with and that votes at the polling booths had been forged. After 15 long, drawn-out days in Superior Court, Judge John Cruikshank in a landmark pronouncement of 14 September 1983 declared, "I find no evidence of voter fraud." Cityhood opponents filed an appeal; it is still pending.

The City Council established a rent moratorium on 1 July 1983 to protect many community residents who were at great risk due to exorbitant rent increases or unjust evictions. After input from a Rent Task Force and several public hearings, the Council on 23 November 1983 passed a rent stabilization and unjust eviction ordinance; it affected all landlords holding more than 4 rental units; it allowed for a rent increase which was tied into the consumer price index, and also allowed pass through of excessive maintenance and other costs.

The cityhood opponents - speculating landlords and developers and certain East Palo Altans who had been promised support in their try for various elected positions¹ - submitted a petition to the City seeking to have the rent ordinance repealed. On 23 December 1983, after notification that a sufficient number of signatures on the petition had been certified, the Council set an election for April 1984 rather than abdicate its responsibility to tenant members of the community by repealing the ordinance. That same night the Council adopted an urgency rent control ordinance providing for an 8% rent increase and individual adjustments with justification beyond this amount in order to protect tenants until the election was decided. In response to this urgency ordinance, opponents filed a lawsuit charging that the ordinance was unconstitutional. Last week a Superior Court judge denied them the injunctive relief they sought.

At the same time that cityhood opponents circulated the referendum petition, they also began circulating an initiative petition; if the initiative drive ever reaches the ballot box and passes, the City, for all intents and purposes would be unable to do anything in the area of constructive housing legislation.

On 26 January 1983, these same cityhood opponents began an attempt to recall Mayor Barbara Mouton, Vice Mayor James Blakey, Councilman Ruben Abrica, and Councilman Dr. Frank 'Omowale' Satterwhite. These opponents fully understand that their pockets are no longer going to be filled at the expense of this community. They have declared all-out war on us.² Our City is under siege!

1. The Tri-County Apartment Owners Association and the powerful California Apartment Owners group, with support from former congressman 'Pete' McCloskey, have promised Edrick Haggans (referendum and recall petitioner) that he would be Mayor of East Palo Alto; John Bostic (recall petitioner) support for a state senate race; and Councilwoman Gertrude Wilks (incorporation foe) support for Bd/Supervisor bid.

2. To date, cityhood opponents have spent approx. \$300,000; \$200,000 was spent from 7/1/83 through 9/14/83; and \$17,000 last month on the referendum petition effort. They have a big war chest.