

INCORPORATION

OF THE

CITY OF EAST PALO ALTO

Record of Court Decisions

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LEGAL HISTORY

INCORPORATION OF EAST PALO ALTO

1980 - 1986

12-4-79
1-1980

October 23, 1980

East Palo Alto Citizens Committee for Incorporation (EPACCI) begins circulating a petition for incorporation of City of East Palo Alto.

September 16, 1981

On a 3-2 vote, the San Mateo County Local Agency Formation Commission (LAFCo) refuses to approve a sphere of influence for a City of East Palo Alto and terminates incorporation proceedings.

October 15, 1981

LAFCo reconsiders its ^{YD} prior decision and, on a 3-2 vote, approves a sphere of influence for a City of East Palo Alto, and incorporation proceedings continue.

April 16, 1981

San Mateo County Clerk verifies sufficiency of signatures on the incorporation petition.

November 16, 1981

LAFCo approves incorporation, on the condition that the East Palo Alto Sanitary District, which includes part of Menlo Park, be dissolved. The election is scheduled for April 13, 1982.

February 11, 1982

Menlo Park Annexation Committee files a lawsuit in San Mateo County Superior Court challenging LAFCo's approval of incorporation. After unsuccessful preliminary proceedings, the lawsuit is dismissed.

April 13, 1982

The election is held. Incorporation is approved, but dissolution of the sanitary district is disapproved by voters in Menlo Park. Incorporation cannot proceed.

September 21, 1982

A new application and petition for incorporation is filed with the San Mateo County Local Agency Formation Commission.

January 31, 1983

Incorporation is again approved by the San Mateo County Local Agency Formation Commission. Dissolution of the East Palo Alto Sanitary District is not made a condition of incorporation.

February 24, 1983

San Mateo County Board of Supervisors schedules incorporation election for June 7, 1983.

April 7, 1983

In a case filed challenging incorporation, the San Mateo County Superior Court issues a decision holding that the petition for incorporation is void because it was filed under the wrong statute.

May 20, 1983

On appeal by EPACCI, the Court of Appeal overturns the Superior Court decision, decides that the incorporation petition is valid, was filed under the correct statute, and that the election may go forward.

June 2, 1983

In response to a request by the challengers, the California Supreme Court issues an order allowing the election to proceed, but preventing the city's incorporation until the California Supreme Court can decide whether to review the decision of the Court of Appeal.

6-7-83 by vote of 1782 - 1767 - 15

June 14, 1983

The San Mateo County Board of Supervisors declares the election results: incorporation is approved by 15 votes and members of the city council are elected.

June 14, 1983

An election contest is filed in San Mateo County Superior Court, claiming that 274 illegal votes were cast in the election.

June 15, 1983

The California Supreme Court decides not to review the decision of the Court of Appeal. The election was conducted under the correct statute.

July 1, 1983

The City of East Palo Alto commences its existence.

October 20, 1983

After a trial which lasted three months, the San Mateo County Superior Court decides that a total of eight illegal votes were cast. Three were cast against incorporation and five were cast in favor of incorporation. The election results therefore resulted in approval of incorporation by 13 votes.

August 29, 1984

The Court of Appeal reverses the decision of the Superior Court, and issues a decision holding that as many as 94 votes were illegal because of technical defects.

August 21, 1986

The California Supreme Court issues a unanimous decision overturning the decision of the Court of Appeal and upholding the decision of the Superior Court. No votes were illegal because of technicalities. The election approving incorporation by 13 votes is confirmed.

2 - August 1983 - trial commenced
9-14-83 Judge John C. Crankshaft declares
defenses . . .