

Cityhood election is off

LAFCO officer misses Thursday filing deadline

By Steve Taylor

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REDWOOD CITY — Hopes for an April 1982 incorporation election in East Palo Alto apparently died Thursday.

Paperwork had to be filed to keep the proposed election on schedule. However, B. Sherman Coffman, executive officer of the San Mateo County Local Agency Formation Commission (LAFCO), decided not to file it.

That means that if a cityhood election is held, it will probably occur in June 1982, November 1982 or a later date.

The decision by Coffman, who prefers to see East Palo Alto annexed to Menlo Park, was not a surprise. He had hinted to LAFCO at a Monday night meeting he did not intend to certify voters' petitions for incorporation and schedule a LAFCO hearing on the issue.

A timetable to hold an election on April 13, 1982, has been accepted by LAFCO. It included the certification deadline.

However, the commission itself is already behind schedule in actions it is supposed to take.

LAFCO was to have decided on East Palo Alto's "sphere of influence" at Monday night's meeting. However, the panel canceled an earlier action killing the cityhood drive and agreed to meet Oct. 15 to see if it wants to change its mind.

Coffman said this morning his decision does not have to delay an incorporation election date. LAFCO can speed up later actions to meet the final December deadline to call an April 1982 election.

However, LAFCO has not had a history of taking action quickly.

Coffman also maintained that a delay could ultimately save the incorporation drive.

Had he filed the papers, LAFCO would need to decide on cityhood within 70 days. Since the commission is already behind schedule, it may not have acted on time, and the petitions would have been voided.

"But that's not really an issue now. The sphere of influence has not been determined yet," Coffman said.

He noted it is against LAFCO policy to certify incorporation petitions before a sphere of influence decision is made. He told the commission that Monday night.

Also, state law governing LAFCOs in every county gives executive officers like Coffman the power to decide such matters, Coffman said. LAFCO could only recommend he take an action, but it could not order him to do so.

Coffman warned that any change in LAFCO policy could cause legal problems later on. Supporters and

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opponents of incorporation could seek a judge's ruling overturning whatever decision LAFCO makes if the commission acts irregularly, he said.

"Attorneys from all directions are

looking at this," Coffman said. Both sides have hired lawyers to help their causes.

The Board of Supervisors has pledged to spend the money, but Coffman said earlier promises in other cases have been broken.

"The risks have to be considered. We don't have to add flouting the law to it," Coffman said.