

Three of five reportedly ready to oust Bostic

By Michael Shapiro
Times Tribune staff

East Palo Alto Mayor John Bostic faces a battle to remain mayor at tonight's City Council meeting.

Three of five council members — the majority required to oust Bostic — have indicated that they will vote to remove him from the mayor's office.

On July 8, Bostic pleaded no contest to a misdemeanor charge of illegal election filing, prompting

council members William Vines, Warnell Coats and Pat Johnson to question the desirability of his continued service as mayor.

"I don't think it's a good image that the mayor of East Palo Alto has been convicted of a crime," said Coats, who placed the "request for reorganization" on the council agenda.

Bostic vowed to try to remain as mayor.

"The mayor serves at the pleasure of the council," he said Fri-

day, "but it's rare you have to get elected three times in two months."

Bostic and Vice Mayor Coats were appointed in a closed session April 18. The action was a violation of the Brown Open Meeting Act, and on May 2, the council appointed Bostic and Coats to the posts in an open meeting.

The election charge stemmed from the filing of election petitions in Bostic's unsuccessful attempt to win a seat last June on the San Mateo County Board of Supervisors.

Bostic pleaded no contest to "uttering a false document," meaning that he falsely stated he had witnessed people signing his election filing petitions.

He had originally pleaded innocent to two felony charges. He later pleaded no contest plea after District Attorney Jim Fox agreed to drop one felony count and reduce the other to a misdemeanor.

Had Bostic been convicted of a

felony, he would have been forced to resign his council post.

The council is to tackle another hot topic tonight: appointments to the city's Rent Stabilization Board.

The council needs to fill two seats vacated by landlords Robert Saunders, who served as the board's chairman, and Anthony Horwath. They resigned last week.

The council asked for their resignations after City Attorney Reginald Crowell said that because Horwath and Saunders are seeking damages in a lawsuit contesting the city's rent control law, they are not entitled to serve the board.

Horwath and Saunders were appointed last month, causing an uproar among tenants who feared they would try to weaken the city's rent control law.

Property owner John Scarborough and former board members Gerald Bollier and Richard Reyes have applied for the vacancies.

When the council voted to appoint Saunders and Horwath, they did so by secret ballot.

Although the vote was held at an open meeting, the secret balloting left citizens unaware of who voted for each applicant.

According to 1976 decision by the state Attorney General's Office, this was a violation of the Brown act.

"A city council may not, during a public meeting, make appointments to advisory commissions, committees and similar bodies by means of a secret ballot," states the opinion by then-Attorney General Evelle Younger.

While the opinion is not state law, it typically holds up in court, said Alan Ashby, a spokesman for the Attorney General's Office.

City Attorney Crowell could not be reached for comment.

Another rent board member, David Henderson, has been accused of not being a resident of East Palo Alto. If it can be proved that he does not live in the city, he will be forced to resign, because board members must live in East Palo Alto.

On his rent board application, Henderson lists his address as 445 O'Keefe St., No. 53, but does not list an East Palo Alto telephone number.

"Everything doesn't look good," said Acting Rent Stabilization Director Sherry Sykes.