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December 5, 2018

Sarah Coffey, City Clerk
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

RE: Installation of Newly Elected Councilmembers

Dear Ms. Coffey:

It is our understanding your plan is to install the newly elected Pacifica City Councilmembers at a special meeting on December 17, 2018 following the final certification of the results of the November 6, 2018 general municipal election. However, this course of action is illegal under the California Elections Code. Instead, the newly elected Councilmembers must be installed at the next regularly scheduled city council meeting on December 10, 2018.

Elections Code section 10262(b) states as follows:

For a consolidated election, the city elections official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the governing body which shall, no later than the next regularly scheduled city council meeting following presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose, comply with the applicable provisions of Section 10263.

Subsequently, Elections Code section 10263(b) provides:

For a consolidated election, the governing body shall meet at its usual place of meeting no later than the next regularly scheduled city council meeting following presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers.

A consolidated general municipal election was held and conducted in the City of Pacifica on November 6, 2018. Under Elections Code section 15372, the County Elections Official is to certify the election results by December 6, 2018, and pursuant to section 10262(b), the City

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Clerk is to certify those results to the Council upon receiving them. The next regularly scheduled City Council meeting after this certification is the regular meeting on December 10, 2018.

Therefore, the results from the general municipal election must be declared and the newly elected officers must be installed at the December 10, 2018 meeting. By law, such installation cannot be postponed until the December 17, 2018 special meeting.

We look forward to seeing this action item on the agenda for the December 10, 2018 regular meeting. Please contact me if you have any further questions.

Respectfully submitted,



Ashlee Titus

Attorney for Coalition for Housing Equality

Cc: Pacifica City Council and John Keener, Mayor

Cc: Michelle Marchetta Kenyon, City Attorney