



April 24, 2007

Honorable Russell D. Scott, Presiding Judge
Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Scott:

Please consider this letter the response from the City of King City to the 2006 Grand Jury Report Section 7 – Elected Officeholders Residency Requirements. We apologize for any delay in providing this response. The Grand Jury Report did not include any findings or recommendations regarding any activities in King City. We earlier failed to notice that the report, ostensibly in response to an issue regarding a council person in the City of Pacific Grove, requested responses and activities from all cities in the County of Monterey. Be that as it may, we have now read the report and submit this letter in response.

The City Council has reviewed Section 7, all of the reported findings and the recommendations. The report contains fourteen findings. The City of King takes no position on findings that relate to the County in general nor any position on findings that relate to other cities. King City is a general law city and is governed by general law in regards to elections; however the City of King City takes no position on the findings contained in the Grand Jury Report.

Recommendation R 7.1 states that “The City Attorney of each city in conjunction with the Monterey County District Attorney should review and determine the residency of its Mayor and City Council members. If any Mayor or City Council member is found not to meet the residency requirements for elected public office as required by the city’s charter or general law, the Mayor or Council member should be required to vacate his or her office.”

Neither the City Attorney nor the City Council has any authority to enforce the residency requirements under state law. In this area of law, Section 803 of the Code of Civil Procedure is the exclusive remedy. An action authorized by Section 803 of the Code of Civil Procedure may be brought only by the State Attorney General or by a private party acting with the consent of the Attorney General. In spite of the fact that neither the City Council nor the City Attorney have any authority in the matter, the City Council is happy to report that all of its elected officials are qualified and legitimate residents of the city.

Very truly yours,

Jeff Pereira, Mayor