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La Jolla Community Planning Association
P.O. Box 889
La Jolla, CA 92038

Dear La Jolla CPA Trustees:

Proposed PDO Changes

From time to time, trustees of the La Jolla Community Planning Association may have conflicts of interest that preclude them from voting on specific agenda items. Such a time is at hand. We have been informed that several architects, who are voting trustees of the La Jolla Community Planning Association, have proposed projects within the boundaries of the La Jolla Community Plan and will receive direct economic benefits if and when the proposed changes to La Jolla's PDO are approved.

As a planning group officially recognized by the City of San Diego, this letter will serve to remind LJCPA members of their rights and responsibilities whenever such conflicts appear.

Council Policy 600-24, Article VI, § 1 provides:

It shall be the duty of a planning group as a whole, and of each individual planning group member, to refrain from conduct that is detrimental to the planning group or its purposes under this Council Policy.

Council Policy 600-24, Article VI, § 7 and § 8 provide:

Any member of a recognized community planning group with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

In limited circumstances, recognized community planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

Council Policy 600-24 Policy Statement provides:

The City shall indemnify, and the City Attorney shall defend, a recognized community planning group or its individual members in accordance with Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages." Generally, a planning group or its duly elected or appointed members may be indemnified against claims or actions by the City and defended by the City Attorney if the planning group or its duly elected or appointed members meet the criteria set forth in the Ordinance. Most importantly, the claim or action must have arisen out of the planning group or its members acting in conformance with this Policy and the planning group's adopted bylaws.

Council Policy 600-24, Article III, § 6 further provides:

A member found to be not in compliance with the provisions of this Council Policy or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

and that:

A planning group found to be out of compliance with the provisions of Council Policy 600-24 or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

Council Policy 600-24, Article VI, § 10 provides:

It shall be the duty of all recognized community planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

Any attempt to develop a collective concurrence of the elected or appointed members of a recognized community planning group as to action to be taken on an item by members of the [planning group], other than at a properly noticed public meeting,

either by direct communication, personal intermediaries, serial meetings, or technological devices, is prohibited.

By-laws of LJCPA, Article VI, Section 15 provides:

DISCLOSURE OF DIRECT ECONOMIC INTEREST. Any Board Member or Committee Member with a direct economic interest in any project that comes before the Board must disclose to the Association that economic interest, and shall recuse from voting or participating in any manner. The Board shall refer to the Administrative Guidelines for Council Policy 600-24 for guidance in determining direct economic interest and required recusal.

In summary, trustees of the LJCPA need to adhere to Council Policy, honor the by-laws of their organization, and recuse themselves from voting when a conflict of interest arises. This will preserve both individual and association rights to indemnification and defense should litigation be threatened. Recusal will also insure that the association continues to serve San Diego as an officially recognized planning group.

Sincerely,

MICHAEL J. AGUIRRE, City Attorney

By

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