

(RA-91-68)  
RESOLUTION NUMBER R-1946  
ADOPTED ON FEBRUARY 19, 1991

WHEREAS, the development of redevelopment plans requires the cooperation and participation of citizens who have personal knowledge of the needs and aspirations of their respective communities; and

WHEREAS, the California Redevelopment Law (California Health and Safety Code section 33000 et seq.) provides that the City Council shall call upon the residents and existing community organizations in a proposed redevelopment project area, within which a substantial number of low- and moderate-income families are to be displaced by the redevelopment project, to form a project area committee; and

WHEREAS, the project area committees shall include, when applicable, residential owner occupants, residential tenants, business owners, and representatives of existing community organizations within the redevelopment project area; and

WHEREAS, the project area committees shall advise the Redevelopment Agency (the "Agency") on policy matters which deal with the planning and provision of residential facilities or replacement housing for those persons to be displaced by redevelopment activities and, in addition, advise the Agency on other policy matters which affect the residents of the redevelopment project area; and

WHEREAS, project area committees devote countless hours of their time and substantial private resources in assisting the Agency and the City of San Diego (the "City") in the development and implementation of redevelopment plans; and

WHEREAS, the voluntary efforts of project area committees are of inestimable value to the citizens of the City; and

WHEREAS, project area committee members are concerned about possible exposure to litigation arising from their participation in the redevelopment process; and

WHEREAS, the concerns about personal exposure to litigation could jeopardize the vitality of the redevelopment process; and

WHEREAS, California Health and Safety Code section 33388 provides that upon the recommendation of a project area committee, the City Council may allocate funds for the operation of a project area committee, including but not limited to, legal counsel; and

WHEREAS, the City Council has determined funds shall be allocated as necessary for the defense of project area committees as set forth below; and

WHEREAS, in light of the above, the Agency finds that the indemnification against damages resulting from a judgment against any project area committee properly performing its duties pursuant to the California Redevelopment Law, would constitute a valid expenditure of public funds; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of The City of San Diego, that except as hereinafter provided, the office of the City Attorney shall defend and the Redevelopment Agency for The City of San Diego shall indemnify the project area committees established pursuant to the California Redevelopment Law and the duly elected or appointed members thereof against any claim or action against such committee or member if all of the following circumstances exist:

A. The person is a duly-elected or appointed member of a project area committee as set forth in the adopted procedures for Formation of a Project Area Committee or the project area committee's bylaws;

B. The alleged act or omission occurred during a lawful meeting of the project area committee or subcommittee thereof;

C. The alleged act or omission was within the reasonable scope of duties of a project area committee as described in California Health and Safety Code sections 33385 through 33388 and was not in violation of any provision of the bylaws adopted by the project area committee;

D. The member or project area committee has made a request in writing to the Agency for defense and indemnification within five (5) working days of having been served such legal papers; and

E. The member or project area committee has performed his, her or its duties in good faith with such care, including reasonable inquiry, as the ordinarily prudent person or persons in a like position would use under similar circumstances.

BE IT FURTHER RESOLVED, that the Redevelopment Agency and the City Attorney may decline to represent a committee member or a project area committee that would otherwise be entitled to defense and indemnification under this ordinance if either of the following circumstances exist:

A. The member or project area committee does not reasonably cooperate with the City Attorney in the defense of the claim or action; or

B. The member or project area committee acted or failed to act because of fraud, corruption, actual malice or bad faith.

BE IT FURTHER RESOLVED, that in the event the City Attorney

determines that a member or a project area committee is not entitled to or should not receive a defense and indemnification under this ordinance, the City Attorney shall advise the Board of the Agency and the member or project area committee.

BE IT FURTHER RESOLVED, that representation and indemnification shall not be provided for any litigation, including administrative proceedings, other than litigation to enforce or defend the rights of the project area committee pursuant to California Redevelopment Law; specifically, representation and indemnification shall not be provided by the City Attorney and Redevelopment Agency in any administrative or judicial proceeding initiated by the project area committee or its members against The City of San Diego, the Redevelopment Agency, their agencies or representatives or any other party or organization.

BE IT FURTHER RESOLVED, that the Redevelopment Agency shall reimburse The City of San Diego for any and all costs it expends in the investigation and defense of the member or project area committee, including but not limited to, providing legal counsel in such investigation and defense.

APPROVED: JOHN W. WITT, General Counsel

By

Allisyn L. Thomas

Deputy General Counsel

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Or.Dept:

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