

March 14, 1988

REPORT TO THE COMMITTEE ON RULES, LEGISLATION,
AND INTERGOVERNMENTAL RELATIONS
LEGAL REPRESENTATION AND INDEMNIFICATION FOR COMMUNITY PLANNING
COMMITTEES

Pursuant to the March 2, 1988 request of the committee, I have prepared a draft ordinance which would authorize my office to defend and The City of San Diego to indemnify community planning groups and their members against claims for damages arising from activities conducted by the groups in accordance with the provisions of Council Policies 600-9 and 600-24. A copy of the draft ordinance is attached. Also attached are copies of memorandums from Chief Deputy City Attorney Frederick C. Conrad to Councilmember Judy McCarty, dated March 1, 1988, and Councilmember Bruce Henderson, dated March 10, 1988, which address the issues that have been raised concerning representation and indemnification.

My office has expressed concerns about the problems associated with the need to provide a representative from my office at community planning group meetings. To the extent that I am authorized to defend community planning groups, the defense can be undertaken effectively so long as careful records are kept and the applicable council policies and community planning groups' bylaws are adhered to. The level of representation to be provided by my office for this purpose would be my decision based on my determination of the staffing necessary to fulfill the responsibility to defend provided by the draft ordinance. Since the draft ordinance also contains indemnification provisions there is also a policy decision to be made by the City Council.

Indemnification against a claim for damages would impact the fiscal resources of the City if a judgment is rendered in favor of the plaintiff. If the City Council determined that the potential fiscal impacts from indemnification of community planning groups appear to be minimal and, therefore, it is unnecessary for my office to provide representation at community planning group meetings, provided the council policies and approved bylaws are adhered to, the City Council could advise me that it does not require, by adoption of the draft ordinance,

that such representation be provided in the proper discharge of my obligations under the City Charter or the draft ordinance.

Respectfully submitted,

JOHN W. WITT
City Attorney

JWW:FCC:ta:600(x043.1)

Attachments

RC-88-12