

March 22, 1991

REPORT TO THE COMMITTEE ON RULES, LEGISLATION,
AND INTERGOVERNMENTAL RELATIONS
COMMUNITY PLANNING GROUPS TAKING A POSITION ON
BALLOT MEASURES - LETTER FROM MR. JIM MADAFFER,
CHAIR OF COMMUNITY PLANNING CHAIRMEN (CPC)

The Rules Committee has asked that this office respond to it concerning the questions posed by Mr. Jim Madaffer, Chairman of the CPC, in his letter of March 7, 1991, to Councilmember McCarty. Mr. Madaffer asked for clarification of the provisions of Council Policy 600-24, Article II, Section 4, which provides:

All committee activities shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, creed or national origin, or sexual orientation, or physical handicap, nor shall the committee take part, officially or unofficially, or lend its influence in, the election of any candidate for political office. Planning committee members shall not identify affiliation with a community planning committee when endorsing political candidates or ballot measures. (Emphasis added.)

The emphasized portion of Section 4 above prohibits a community planning group from supporting any candidate for office but does not prohibit support for or opposition to ballot measures. The last sentence of Section 4 was added to prohibit an individual member of a community planning group who chose to support a candidate or ballot measure from identifying his or her affiliation with a community planning group because such identification could be assumed to represent the position of the community planning group.

The council policy leaves with the community planning group the choice to take a position on ballot measures which includes initiative measures. It would appear to be advisable for a community planning group to adopt a policy setting forth its position. One choice could be to decline to support or oppose any ballot measure. A second choice could be to decline to support or oppose any ballot measure unless the subject falls

within the parameters of Council Policy 600-24, Article II, Section 1, which provides, in part:

The primary purpose of the community planning committee shall be to advise the City Council, Planning Commission

and other governmental agencies as may be appropriate in the initial preparation, adoption of, implementation of or amendment to the General or Community Plan as it pertains to the area or areas of concern to said committee (hereafter referred to as the planning process).

In the event that the second choice is selected, it appears that it would be necessary for a community planning group to apply the provisions of Council Policy 600-24, Article VI, Section 3, which provide:

It shall be the duty of the committee to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The committee shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

A presentation from both proponents and opponents should be invited before the community planning group decides whether to support, oppose or take no position.

If it is the Rules Committee's desire that we respond to Mr. Madaffer's letter, a copy of this report will be provided to him.

Respectfully submitted,
JOHN W. WITT
City Attorney

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