

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: February 2, 2007
TO: Council President Scott Peters
FROM: City Attorney
SUBJECT: Docketing Request: Approval of Newly Adopted Bylaws for the La Jolla Community Planning Association, Inc. Per Council Policy 600-24

Please docket approval of the La Jolla Community Planning Association, Inc. [LJCPA] newly adopted bylaws on the City Council agenda as soon as possible.

On February 1, 2007, the LJCPA ratified new bylaws approved at a special meeting on January 18, 2007. Council Policy 600-24 provides that subsequent amendments to adopted bylaws of community planning groups may be approved by the Planning Director and City Attorney if determined to conform with the Policy. Bylaws that deviate from Council Policy 600-24 must be presented to the City Council for approval. The City Attorney and Planning Department have determined that certain provisions in the newly adopted LJCPA bylaws do not conform with Council Policy 600-24 and, therefore, must be taken to the City Council for approval. See 1472 Executive Summary. The City Council has directed that all planning group bylaws be revised to reflect the update of Council Policy 600-24 by April 2007.

February 1, 2007
Page 2

Additionally, approval of the LJCPA newly adopted bylaws will allow greater public participation in the March LJCPA annual board election and further the democratic process.

MICHAEL J. AGUIRRE, City Attorney

By



Karen Heumann
Assistant City Attorney

KH:jb

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
CITY ATTORNEY

3. DATE:
February 2, 2007

4. SUBJECT: APPROVAL OF LA JOLLA COMMUNITY PLANNING ASSOCIATION, INC NEWLY ADOPTED BYLAWS PER COUNCIL POLICY 600-24

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Michael Aguirre 236-6220 M.S. 59

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Karen Heumann, 236-6220

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

1	ORIG. DEPT	KAREN HEUMANN <i>Karen Heumann</i>	2/2/07	8	DEPUTY CHIEF	
2				9	COO	
3				10	CITY ATTORNEY	MICHAEL J. AGUIRRE <i>Michael J. Aguirre</i> 2/2/07
4	LIAISON OFFICE			11	ORIG. DEPT	KAREN HEUMANN <i>Karen Heumann</i> 2/2/07
5					DOCKET COORD:	COUNCIL LIAISON
6				<input checked="" type="checkbox"/>	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Approving the La Jolla Community Planning Association, Inc newly adopted bylaws per Council Policy 600-24

11A. STAFF RECOMMENDATIONS: Approve the recommendation

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): ALL

COMMUNITY AREA(S): ALL

ENVIRONMENTAL IMPACT: This action is not a "project" for purposes of CEQA.

HOUSING IMPACT: N/A

OTHER ISSUES:

EXECUTIVE SUMMARY SHEET

DATE ISSUED: February 2, 2007 REPORT NO.:
ATTENTION: Council President Scott Peters
ORIGINATING DEPARTMENT: City Attorney
SUBJECT: Request for Council Adoption of La Jolla
Community Planning Association Bylaws

COUNCIL DISTRICT(S): One (1)
CONTACT/PHONE NUMBER: Michael Aguirre, City Attorney, 619/236-6220
Karen Heumann, Assistant City Attorney, 619/236-6220

REQUESTED ACTION: Approve the La Jolla Community Planning Association, Inc.'s newly-adopted bylaws per Council Policy 600-24.

CITY ATTORNEY RECOMMENDATION: Approve Bylaws, including deviations to Council Policy 600-24

EXECUTIVE SUMMARY:

Over the last several months, the City Attorney's Office has assisted the La Jolla Community Planning Association's [LJCPA's] bylaws update process, including having a Deputy City Attorney attend LJCPA's bylaws subcommittee and general monthly meetings.

On January 18, 2007, the LJCPA held a Special Meeting for the purposes of adopting new bylaws. Bylaws were approved by the body that night, however, due to questions about whether a quorum of both the LJCPA's trustees and members was present, the City Attorney recommended the LJCPA act to ratify the action of January 18, 2007.

On February 1, 2007, the membership of the LJCPA ratified the new bylaws. The new set of bylaws was developed by a subcommittee including LJCPA trustees and some of the trustees' fiercest critics. Only nine (9) of the more than 130 voting LJCPA's members opposed the bylaws ratification.

The bylaws require City Council approval because, although the City Attorney has found they comply with Council Policy 600-24 in large part, certain deviations require Council approval under the current Council Policy.

Among the provisions that would require Council approval are:

- A provision allowing for twenty-two (22) members on the board of the LJCPA. Council Policy limits membership to a maximum of twenty (20) members, but allows Council to consider a larger number. (Article III, Section 2)

- A provision limiting LJCPA's trustees to serving two (2) three year terms for a total of 6 consecutive years. Council Policy states trustees may serve three (3) three year terms or two (2) four year terms. (Article III, Section 2)
- A provision making the LJCPA's bylaws amendments "effective upon adoption by the members." (Article VII, Section 5)

In addition, the Council should note that the ratified LJCPA's bylaws include a provision for the recall of trustees, a democratic process not foreseen in Council Policy 600-24. (See Article III, Section 4(B))

The City Attorney has no objection to the proposed deviations from Council Policy 600-24 and believes it is within the Council's authority to approve the bylaws with the deviations requested by the community. Our determination that the bylaws are in compliance with Council Policy 600-24 and basic democratic processes arises after the City Attorney's Office spent a number of months monitoring the work of the LJCPA and its bylaws committee.

The Council is requested to act immediately on the bylaws' approval to insure the LJCPA may utilize the new bylaws for its regularly scheduled Annual Election on March 1, 2007.

FISCAL CONSIDERATIONS:

None

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Policy 600-24 was amended by Council on October 17, 2005, with direction to community planning groups to update bylaws within 18 months.

Council Policy 600-24 and Community Planning issues were last discussed by the Land Use and Housing Committee on Wednesday, October 25, 2006

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

La Jolla Community Planning Association
Various La Jolla, Bird Rock and La Jolla Shores area community organizations and individuals.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):



Originating Department

Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER _____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE LA JOLLA COMMUNITY
PLANNING ASSOCIATION, INC. NEWLY ADOPTED
BYLAWS AS PER COUNCIL POLICY 600-24

WHEREAS, the La Jolla Community Planning Association [LJCPA] is the recognized community planning group for the community of La Jolla; and

WHEREAS, on February 1, 2007, the LJCPA voted to ratify new bylaws; and

WHEREAS, Council Policy 600-24 provides that subsequent amendments to adopted bylaws may be approved by the Planning Director and City Attorney if determined to conform with this Policy; and

WHEREAS, Council Policy 600-24 provides that bylaws that cannot be approved by the Planning Director and City Attorney will be taken to the City Council; and

WHEREAS, the City Attorney has determined that the LJCPA may operate under the newly adopted bylaw provisions that are in conformance with 600-24; and

WHEREAS, the City Attorney and Planning Department have determined that certain provisions in the newly adopted bylaws do not conform with Council Policy 600-24 and, therefore, must be taken to the City Council for approval; and

WHEREAS, the City Council has directed that all planning group bylaws be revised to reflect the update of Council Policy 600-24 by April 2007; and

WHEREAS, approval of the LJCPA newly adopted bylaws will allow greater public participation in the March LJCPA annual board election and further the democratic process; and

WHEREAS, the LJCPA has expressed a desire to operate under the new bylaws as soon after adoption by the LJCPA as possible; and

WHEREAS, on May 4, 2006, the La Jollans for Clean Government, Inc., served a lawsuit on the La Jolla Community Planning Association [LJCPA] seeking declaratory relief for violations of LJCPA bylaws, manipulation of its election and membership procedures, and other related allegations; and

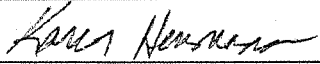
WHEREAS, the lawsuit entitled *LA JOLLANS FOR CLEAN GOVERNMENT, INC., a California non-profit corporation, SALLY FULLER, an individual, and DONNA REICHERT, an individual, Plaintiffs, v. LA JOLLACOMMUNITY PLANNING ASSOCIATION, INC., a California non-profit corporation*. San Diego Superior Court Case No. GIC 865370 was ultimately dismissed with assurances by City Council, the Planning Department, the City Attorney's office that new bylaws would be expedited to address the allegations in the lawsuit; and

WHEREAS, the City Council, City Attorney, and City Staff recognize the importance of the role of the community planning groups and want to demonstrate continued support for those volunteers; and

WHEREAS, immediate approval of the newly adopted bylaws of the LJCPA serve to address the unique circumstances facing the LJCPA; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the newly adopted bylaws of the LJCPA, a copy of which is on file at the Office of the City Clerk as document No. RR- _____, are approved as the official bylaws of the LJCPA:

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Karen Heumann
Assistant City Attorney

KH:jb
02/2/2007
Or.Dept:City Attorney
R-2007-767

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor