

MEMORANDUM OF LAW

DATE: April 30, 1992

TO: Distribution List

FROM: City Attorney

SUBJECT: Memorandum of Law ("MOL") dated April 23, 1992, Discussing  
a Special Meeting of the City Heights Project Area  
Committee ("PAC")

This memorandum is being sent out in order to correct the record as set out in the above-mentioned MOL, attached hereto as Attachment A. That MOL discussed in large part whether special circumstances existed to justify the chairperson of the City Heights PAC calling a special meeting. This was based on the understanding, as related to this office by City staff, that the PAC had made the following motion at its meeting to February 25, 1992:

That after the February 25, 1992, PAC meeting, there would be no further meetings of the PAC until July, unless there were special circumstances, or the PAC chairperson called a meeting.

On April 23, 1992, the chairperson of the PAC, along with several members of the City Heights community, indicated that the special circumstances portion of that motion was later rescinded at the February 25 meeting. The chairperson also represented that the portion of the motion stating the chairperson could call a special meeting prior to July was also struck.

The question arose again as to whether the PAC could call a special meeting. The answer still appears to be "yes." Article III, Section 3, of the PAC's bylaws allows special meetings to be held upon call of the chairperson or the majority of the membership of the PAC. While the motion of February 25 may have struck the proviso regarding the chairperson calling a special meeting, the chairperson still had that power under the bylaws.

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However, on April 23, while a sufficient number of PAC members came together to hold a meeting, the chairperson decided not to convene the meeting at the request of those community members present.

Thus, while the PAC was given an opportunity to discuss the issue of limiting the use of eminent domain in the City Heights Redevelopment Plan, they chose not to. Accordingly, their prior recommendation of not

limiting the use of eminent domain stands.

JOHN W. WITT, City Attorney

By

Allisyn L. Thomas

Deputy City Attorney

ALT:lc:612.4(x043.2)

Attachment

ML-92-44

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