

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

(619) 236-6220

DATE: April 23, 2007

TO: Honorable Mayor and City Council

FROM: Michael J. Aguirre, City Attorney

SUBJECT: Decertification of the La Jolla Community Planning Association, Inc.

Several Councilmembers have asked our office about the legal foundation for decertification of a community planning group, namely that of the La Jolla Community Planning Association, Inc. [LJCPA]. Although decertification is referenced in Council Policy 600-24, it is completely without precedent. Furthermore, we oppose decertification for the following reasons:

1. There is no legal authority for decertification. Legal grounds for decertification as well as hearing and appeals proceedings have not been established by the City Council.
2. The facts and circumstances provide no bases for decertification. The LJCPA has been in compliance with both its current by-laws and its newly proposed by-laws with respect to its recent elections and the conduct of its meetings. In addition, we previously advised the LJCPA that it may function under its new by-laws with the understanding that any minor deviations from Council Policy 600-24 must be approved by the City Council and may not conflict in any way with current law and policy.
3. Last year, when the LJCPA was sued for violation of its bylaws, our office settled this matter based on the representations of the Planning Department and the LJCPA that its bylaws would be revised by October 2006. After the LJCPA adopted its new bylaws, the City Attorney's Office twice requested the docketing of the LJCPA's revisions to its bylaws. In addition, last fall our office prepared updates to Council Policy 600-24 and the Planning Department's proposed Administrative Guidelines to incorporate relevant provisions of the Brown Act.
4. Community Planning Groups are integral components of the planning process and are vital in preserving San Diego's quality of life. It would be fundamentally unfair to strip them of their license to serve their communities without first specifying what rights and duties they have with respect to decertification.

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If the City Council chooses to fill the void in both law and policy as to decertification, we are, as always, available to assist in drafting the desired documents.

MICHAEL J. AGUIRRE, City Attorney

By

A handwritten signature in black ink, appearing to read "Michael J. Aguirre". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping tail.

Michael J. Aguirre
City Attorney

MJA:aw
MS-2007-5
cc Andrea Tevlin, IBA
Elizabeth Maland, City Clerk