

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

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: January 23, 2008

TO: Geoff Page, Chair, Peninsula Community Planning Board
Members, Peninsula Community Planning Board
Tony Kempton, Planner, City Planning & Community Investment

FROM: City Attorney

SUBJECT: Eligibility Requirements for Candidates for Peninsula Community Planning Board (PCPB)

You have asked the City Attorney's Office for an opinion on which eligibility requirements apply for candidates for the Peninsula Community Planning Board (PCPB) seats up for election in March 2008.

As you know, last year there was much discussion within the community whether the PCPB Bylaws, adopted on October 19, 1989 applied regarding candidate eligibility or, rather, whether the eligibility requirements were those established under City Manager/Attorney Resolution No. 112, approved by the Planning Department and City Attorney on January 27, 2000. The standard under Resolution No. 112 required a candidate to have attended one (1) of the last six Board meetings prior to the March election.

In our analysis last year, we were unable to determine which standard applied since a copy of the amended bylaws of January 2000 was not available. Regardless whether the PCPB bylaws standard applied, or if Resolution No. 112's standard applied, the City Attorney's Office determined that the candidate whose candidacy was questioned was an eligible candidate as he had attended a PCPB candidate forum.

Since last year's elections, the PCPB has worked on revised bylaws which have not yet been approved by the City. In addition, Council Policy 600-24, which governs Community

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Planning Group operations, was updated. At this time, the PCPB has not submitted revised bylaws to the City for review.

Council Policy 600-24 governs Community Planning Groups, their standard operating procedures and responsibilities. The May 2007 update of the Council Policy includes, in part, the following language regarding elections, at Article VI, Section 1:

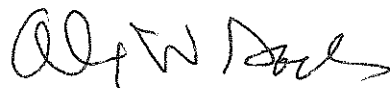
...In order to be a candidate in the March general election, an eligible individual of the community must have documented attendance at **a minimum of one** of the planning group's last 12 meetings prior to the February noticed regular or special meeting of the full planning group membership preceding the election. (Emphasis added)

As you can see, the standard in the new Council Policy is different than that prescribed in either the October 1989 PCPB bylaws, Resolution No. 112 from 2000, or in the standard adopted by the PCPB at its September 2007 meeting.

Because Council Policy 600-24 is meant to establish a floor for eligibility requirements, with allowances for the individual planning groups to add additional requirements, the requirement that potential PCPB board members have documented attendance at at least one PCPB regular or special meeting prior to the February noticed meeting should be the one followed this year, in the absence of approved new bylaws.

Please let me or the City Planning & Community Investment Department know if you have any questions regarding implementation of this attendance requirement.

MICHAEL J. AGUIRRE, City Attorney



By

Alex W. Sachs
Deputy City Attorney

AWS:

cc: Karen Heumann, Assistant City Attorney
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Matt Awbrey, Councilmember Kevin Faulconer