

La Jolla CPA Response to Revised Policy 600-24

Background

- The City Council recently approved a revised Policy 600-24, governing the Community Planning Groups (CPGs).
- The change in the Policy was necessitated by an opinion from the City Attorney's Office that the then-current relationship between the City and the CPGs, which had been in place since the 1970's, was in conflict with the City Charter.
- The alternative of amending the City Charter to sanction the then-current City-CPG relationship by a public vote was considered. It was dismissed, however, as being too expensive and time-consuming and because of the inherent uncertainty associated with the outcome of a public vote.
- The City Council then charged CM LaCava to develop a new Policy 600-24.
- To avoid any CPG conflict with the current City Charter, CM LaCava could have proposed a simple and straightforward solution--sever all "official ties" between the City and the CPGs--no ties, no conflict. The City would withdraw "official" recognition and indemnification of the CPGs, would cancel the annual \$500 per CPG subsidy, and no longer offer City facilities, if available, at no-cost for CPG meetings.
- This alternative would have allowed the CPG's to continue operating and serving their communities and the City as advisors on land-use matters as they had for almost 50 years.
- Unfortunately, this alternative was never presented to the CPGs for their consideration.

The New Policy 600-24

- The new Policy was developed behind closed doors and without any input from the CPGs. It was developed by CM LaCava and his staff and then presented essentially as a *fait accompli* to the CPGs at the November Community Planners Committee (CPC) meeting.
- With the exception of adding back limited legal indemnification and a one-time extension of the stipend, the final version of Policy-600-24 is substantively unchanged from the initial version in November
- The adopted Policy 600-24 is both considerably more complex than the "no ties" alternative referenced above and appears intended to "try to have it both ways." First, to conform to the City Charter, the new Policy severs all official ties between the City and the now-independent CPGs. At the same time, the new Policy uses City "recognition" to effectively reassert an unprecedented level of City control over the CPGs. This control extends to CPG community outreach efforts and outcomes, CPG membership eligibility, CPG Trustee eligibility and composition, CPG election procedures, CPG by-laws, and mandates collection of participating community member demographic data requiring privacy protection while obtaining personal information. Collected data must then be compared to the existing census data and the resulting analysis provided to the City in the regular annual report.
- The increased City control is predicated on the assumption that current membership in all CPGs in the City and Trustee make-up are somehow not "representative" of the communities they serve.

- The wording of the Policy, the Terms and Conditions, and associated templates suggest there is some “ideal” Trustee composition as measured by broad demographic criteria, such as the ratio of renters to homeowners, the ratio of students to non-students, age distribution, etc.
- The new Policy’s election procedures institute a requirement to verify all eligible community members, using an extensive list of possible verifying documents (documents containing photograph, such as, driver’s license/id of any state, passport, employee id card, credit card, debit card, health club card, insurance card, etc.). Voter identification for a business or non-resident property owner requires a business tax certificate or property tax bill. Non-profit organizations are exempt from business tax, necessitating review of organizational documents. Considering that there will be no attendance requirement, the election process will require countless man-hours to develop, implement, and update a roster of voters in order to conduct an election and will require volunteers willing to undertake the verification duties as well.
- The new Policy requires Trustees take a two-year break once maximum service time has been reached, even though there is no evidence that the current one-year break is limiting participation.
- The new Policy requires creation and adoption of an ethical standards document utilizing the City’s Ethics Ordinance as a guide. This will necessitate a commitment by the CPG to train new and returning Trustees and this is not training that will be provided by the City.
- The new Policy requires both new and returning Trustees to participate in City sponsored training annually, even though the program of training provided by the City thus far has not been oriented in a manner to assist individual communities in understanding the respective Community Plan and how that integrates into the City’s Land Development Code.
- The authors of the new Policy 600-24 provided no rationale for this “not representative” conclusion nor did they provide any evidence of the “barriers to entry,” which were referenced during Council testimony. Certain basic criteria are relevant in qualifying to join a CPG— live (own or rent) or own a business (profit or non-profit) within the planning area boundaries. The Mission of the CPGs is to provide substantive advice to the City on land-use matters. Almost 50 years of CPG experience indicates that responsibly fulfilling this Mission requires more than simply living in the relevant planning area. It requires that elected CPG Trustees have an interest in land-use matters and have a demonstrated willingness/commitment to invest the time and effort to familiarize themselves with the land-use code, including PDOs, and the applicable Community Plan—the benchmarks against which new projects will be evaluated.
- The long-standing, CPG requirements for minimum meeting registration/attendance for voting verification and Trustee eligibility to serve are intended primarily: 1) to encourage participation from volunteers with the additional characteristics noted above; and 2) to provide applicants and the City with some measure of assurance that the advice they receive from the CPGs is knowledgeable and substantive.

Recommended Response to Policy 600-24

- The La Jolla Community Planning Association (LJCPA) should not apply for City recognition and should continue to operate under the current by-laws.
- The attached comparison highlights the consequences to a CPG for seeking City recognition (i.e., complying with the new Policy 600-24) versus those for a CPG not seeking City recognition and

continuing to operate as an independent community organization providing input to applicants and to the City on land-use matters.

- This comparison indicates: in exchange for: (1) City recognition (whatever this means, as CPGs will no longer have any official connection to the City); (2) indemnification (against what is unclear); (3) a \$500 stipend (guaranteed only for FY23); and (4) possible use of City facilities for meetings (at the City's discretion); the CPGs will: (1) lose control of their community outreach efforts; (2) lose control of their membership and Trustee eligibility/composition and break-in-service requirements; (3) lose control of their election procedures; (4) incur the substantial added cost/added volunteer time and effort needed to try to satisfy new and as-yet-undefined community outreach, Trustee representation and related reporting requirements; (5) have to re-write their by-laws; and (6) have to pay \$1000 to appeal a project, the same as any other appellant.
- The loss of control and the added volunteer effort and costs required for compliance are major Incremental burdens and likely will discourage volunteer participation.
- The new Policy 600-24 turns CPGs into unpaid City consultants, while failing to respect the individuality of each Community Planning Area. Despite there being no evidence or allegations of wrongdoing regarding meeting notification, meeting access, membership and/or Trustee eligibility requirements, or election procedures, the CPGs, including the LJCPA, were judged “unrepresentative” of their communities, based on arbitrary demographic data. This effectively removes local community direction and creates a justification for significantly expanded City control of the CPGs.
- If the City is unwilling to work with independent CPGs, the City would have to create and pay for a completely new infrastructure for community review of land-use issues.

*Analysis by Jim Fitzgerald & Kathleen Neill, (Former LJ CPA Trustees), September 2022