

Community Planners Committee

City Planning and Community Investment • City of San Diego • 202 C Street, 5th Floor, San Diego, CA 92101
SDPlanningGroups@sandiego.gov

Subcommittee on Indemnification

Thursday - March 22, 2007

6:00 p.m.

Metropolitan Operations Center
Conference Room 2E [2nd Floor]
9192 Topaz Way, Kearny Mesa

AGENDA

Call to Order

Modifications to the Agenda

Agenda Items:

1. Review of the letter to the City Council citing the CPC's February motion on indemnification
2. Discussion of revisions to the current adopted ordinance O-17086 NS
3. Setting next meeting

Agenda-Supporting Materials:

- 1) O-17086 NS regarding Indemnification and Representation
- 2) Draft letter from CPC Chair to Council President Peters and City Council
- 3) March 2, 2007 Memo from the City Attorney to CPC Chair Leo Wilson



THE CITY OF SAN DIEGO

This information will be made available in alternative formats upon request. To request an agenda in alternative format, or to request a sign language or oral interpreter for the meeting, call 533-3650 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALDs) are available for the meeting upon request.

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March 22, 2007

Council President Scott Peters and Members of the City Council
202 C Street, MS10A
San Diego CA 92101

Council President Peters:

On behalf of the Community Planners Committee (CPC), I am forwarding to you a motion passed on February 27 by a vote of 24-3-1 regarding indemnification and representation for the City's recognized community planning groups.

The CPC's motion stated that: The CPC recommends to the City Council that they direct the City Attorney to draft an ordinance providing for legal representation to, and indemnification of, recognized community planning groups for actions against them and for claims for damages.

For almost a year, CPC members have expressed serious concerns about the level of commitment from the City in regard to planning group indemnification and representation. While CPC members have heard commitment from you, the Mayor's office and the City Attorney, it is clear that planning group members would feel much more assured if the provisions in O-17086 NS were revised to reflect the verbal assurances.

We ask that you use your judgment in docketing revisions to the ordinance. You should be aware that part of the CPC's action on this item was to create an "Indemnification Subcommittee" to work with the City Attorney's office on assuring appropriate language would be proposed to amend the current ordinance. That subcommittee met for the first time on March 22 and

Office of
The City Attorney
City of San Diego

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MEMORANDUM

(619) 236-6220

DATE: March 1, 2007
TO: Chair Leo Wilson and Members, Community Planners Committee
FROM: City Attorney
SUBJECT: Defense and Indemnification Ordinance for Community Planning Groups

Thank you for the opportunity to address the Community Planners Committee (CPC) on Tuesday night regarding your concerns with the present indemnification ordinance for Community Planning Committees. I hope that I was able to allay at least some of your committees' concerns over Ordinance O-117086 NS, which was approved in 1988. As you know, the 1988 ordinance serves to protect volunteer community planning group members from the threat of liability involving the advisory actions they take.

Because you continue to have concerns over potential exposure of community planning group members, I have directed Deputy City Attorney Alex Sachs and Dave Potter, our Office's community liaison, to work with your recently-appointed subcommittee to prepare a draft defense and indemnification ordinance for submission to the City Council. As you know, Alex is a former chair of Uptown Planners, while Dave served as a longtime chair of the CPC as well as the Clairemont Mesa Planning Committee.

The City Attorney's Office will plan to be in regular contact with the CPC as the new ordinance moves forward. If you have any questions or concerns, please do not hesitate to contact me, Assistant City Attorney Karen Heumann, a former chair of the Rancho Bernardo Community Planning Board, or Managing Attorney Kathryn Burton, a former vice-chair of CPC and former chair of the Torrey Hills Community Planning Board.

I am hopeful that the new ordinance we prepare can become a model for cities seeking to foster community involvement through indemnification of community volunteers.

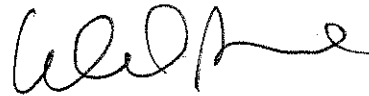
Chair Leo Wilson and Members, Community Planners Committee

March 1, 2007

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Thank you, again, for the opportunity to address the CPC and for all of the invaluable work that you do on a day-to-day basis on behalf of the City of San Diego. I look forward to working with you on this model indemnification ordinance as well as all the critical growth, development and infrastructure issues facing our City.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael J. Aguirre". The signature is fluid and cursive, with a long horizontal stroke at the end.

MICHAEL J. AGUIRRE,
City Attorney

MJA:AWS:mm

cc: Mayor Jerry Sanders
San Diego City Council Members
Jim Waring, Deputy Chief, Land Use and Economic Development
Betsy McCullough, Deputy Director, City Planning and Community Investments