

Copy (**with emphasis added**) from

La Jolla Light Oct. 23, 2014

Thoughts on the Oct. 29 LJCPA special meeting

GUEST COMMENTARY

By Rob Whittemore, Bob Collins,

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La Jolla Community

Planning Association Trustees

1 At the March 2014 annual election of
2 trustees for the La Jolla Community
3 Planning Association, the membership
4 elected seven out of the nine candidates
5 running to serve as trustees. As Michael Morton
6 received the lowest number of votes, he was not
7 elected. Later, in July 2014,. a second election
8 was held to fill two new vacancies, Having not
9 been elected, Morton ran again. The
10 membership soundly rejected his bid, and he
11 again received the lowest number of votes cast.
12 The La Jolla Association, founded by Bob
13 Whitney, filed a challenge to the March
14 election. After investigating the allegations, the
15 officers of the LJCPA rejected the challenge. The
16 La Jolla Association then appealed its challenge
17 to the mayor's office.
18 **Without any investigation**, and in disregard

Questions and Comments

by John A, Berol

on October 23, 2014

no investigation or insufficient?

19 of the LJCPA Bylaws, William Fulton, Director
20 of Planning, Neighborhoods and Economic
21 Development (**who has since left his job** to
22 serve in another city), stated that city staff
23 recommends the LJCPA seat Morton **claiming**
24 **the LJCPA had violated its own Bylaws**, On
25 Sept. 4, the LJCPA trustees voted
26 overwhelmingly to **reject Fulton's**
27 **recommendation** and to affirm the elections of
28 both March and July by a vote of 10-1 (with
29 four abstentions).
30 But that was not the end of the matter. City
31 **staff threatened** to schedule the matter of
32 *decertification of the LJCPA* on the city council
33 agenda should the LJCPA refuse to seat Morton.
34 Finally, a meeting of the LJCPA officers was
35 scheduled (Oct. 13) with the mayor's office.
36 After discussion, the mayor's staff suggested the
37 LJCPA could avoid decertification by creating a
38 19th seat for Morton and the meeting was
39 adjourned.
40 In order to **eliminate any future confusion in**
41 **the voting process**, an ad hoc committee had
42 already been appointed at the Oct. 2 LJCPA
43 meeting to clarify the Bylaws. The trustees
44 believed this would be an effective solution to

relevance?

Under City Council Policy is it not the job of staff to adjudicate?

This does NOT conclude the matter but pushes it towards adjudication by City Council

This is the procedure adopted by the City Council

Who was confused and what were they confused about?

45 avoid any future problems of this nature.
46 **Incredibly**, on Oct. 14, the day following the
47 meeting at the mayor's office, the LJCPA
48 president called two special meetings of the
49 LJCPA, a general membership meeting to be
50 followed immediately by a meeting of the
51 trustees. These are scheduled for 6 p.m. Oct. 29
52 at the La Jolla Rec Center. The **stated** purpose of
53 the membership meeting is to consider
54 adopting the following unnecessary and
55 compromising amendment to the LJCPA
56 Bylaws by adding the words in bold:
57 "The LJCPA Board of Trustees shall consist of a
58 total of 18 trustees, **except that for the period**
59 **Nov. 1, 2014 through April 1, 2015 there**
60 **shall be 19 trustees. The additional trustee**
61 **shall be known as the '19th trustee.'** "
62 The meeting of the trustees is then to
63 consider the following **ill-conceived** and
64 **manipulative** question:
65 "In order to resolve the dispute with the city
66 shall the LJCPA accept the city's compromise
67 solution and seat Michael Morton as the '19th
68 trustee pending city approval of the amended
69 bylaws?"
70 To **insist** on seating an individual whom the
71 voters did not elect is a compromise on the
72 basic principles of democracy. The LJCPA

Why not credible? Is it credible to those who disagree with you?

By using the gratuitous word "stated" are you implying an unstated purpose? What?

How is it ill-conceived? Where is the dishonesty needed to be manipulative?

What is the power which insists? How is voting on this undemocratic? You are assuming that which is to be decided.

73 president has unnecessarily and **inappropriately**
74 reignited a **quelled** controversy. Not only is he
75 exacerbating the situation, the president is
76 wasting the time and energy of concerned La
77 Jolla residents. On his own and **without the**
78 **authority to do so**, the president has rejected
79 the will of the LJCPA electorate as well as the
80 adopted motions of the trustees. Seemingly, the
81 **only explanation** for the president's action is to
82 **appease Morton** and other members of city staff
83 who are trying to thwart the vote of the LJCPA
84 membership by forcing Morton's appointment.
85 The independence of the LJCPA from the
86 executive branch of government is at stake. The
87 LJCPA is not an arm of city Planning
88 Department. Rather, it is **an independent**
89 **California non-profit corporation** that has
90 chosen to serve the City of San Diego by
91 adhering to policies set by the city council. The
92 **LJCPA is part of the legislative branch** of
93 government and is not subject to the dictates of
94 the executive branch. **City staff should let the**

Why inappropriate because not what you want?

Quelled? You unrealistically deny the existence of disagreement with your view.

Are you implying that the president had no authority to call the meetings to resolve the matter with a vote? **Does** he have that authority?

What about a motive to avoid risk of losing certification **in this case** if adjudicated by City Council. Is there not always a risk at trial? Is it worth taking **in this case**?

YES, the LJCPA is an independent corporation.

How can you prove that the LJCPA is part of the legislative branch of government when it is an independent corporation merely accepted by the City as an advisory group because it follows the City's rules of procedure? It is more of a witness to community feelings than a legislative body. What laws has it promulgated on its own as opposed to giving advise?

95 **LJCPA conduct its own elections and interpret**
96 **its own bylaws and respect the fact the trustees**
97 **overwhelmingly voted that the LJCPA has**
98 **abided by its bylaws.**

99 The LJCPA promotes the successful
100 implementation of the Progress Guide and
101 General Plan of the City of San Diego by
102 applying personal knowledge of the needs and
103 aspirations of the La Jolla community.
104 According to the ordinance indemnifying the
105 LJCPA, the LJCPA is of "inestimable value to the

You are mistaken if you imply that the actions of the LJCPA are not subject to City review and action given that the City is granting the LJCPA special status as City advisor. Because some of the Bylaws are dictated by the City as a condition of special status, it must be that the City gets to adjudicate whether the City's rules are being followed. Of course the final adjudication would be at City Council followed by the Superior Court of the County of San Diego.

106 citizens of the City of San Diego." This great
107 value to San Diego is lost if **special interests** can
108 evade the will of the LJCPA electorate by
109 turning the LJCPA into a puppet of city staff.
110 We urge all members of the LJCPA to attend
111 the Oct. 29 Special Meeting and soundly reject
112 the proposed bylaw amendment. The president
113 certainly understands that he serves the
114 membership and trustees, not the special
115 interests now at work.

All interests are "special" and entitled to respect. The loss will come if the LJCPA refuses to accept that it handled the election in a less than perfect manner which opens it up to attack from persons who it has angered in the past. This is not some evil force. It is an understandable expectation that procedures be followed in way that is fair and also **looks fair** to those who lose. Why not take the mild punishment of having the least popular candidate sit on the board for awhile and move on? What is the actual harm other than accepting a mild rebuke which might even make the organization stronger with some humility and increased capacity to recognize opposing views. Even if the end goal of some might be to destroy the LJCPA, why make it easier for them by pushing this issue to trial? With more care for procedures in the future the problem should not repeat itself and even if 1 vote out of 19 is considered a dictatorial imposition by some or all, that is not enough voting power to effect the will of the Majority.