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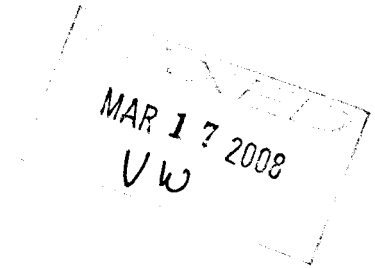
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March 17, 2008

BY FACSIMILE AND FIRST CLASS MAIL

Hon. Michael Aguirre
City Attorney, City of San Diego
ATT: Michael Calabrese, Esq.
1200 Third Ave., Ste. 1620
San Diego, CA 92101



Facsimile: 236-7215

RE: La Jollans for Clean Government, Inc./ LJ Community Parking District Advisory Bd

Dear Mr. Calabrese:

As you know, this firm represents La Jollans for Clean Government, Inc.

Martin Mosier has distributed an agenda for the LJCPDAB's March 19, 2008 meeting which disregards your prior written advice. We request that you remind Mr. Mosier of your advice and inform him that LJCPDAB is not currently in a position to resume its substantive deliberations and functions.

On December 17, 2007, you advised Mr. Mosier that the LJCPDAB should not engage in substantive parking deliberations for the time being.

“Thus, one of the following actions must occur prior to any Board action: either a) the members must file full disclosure, using Form 700, with the office of the City Clerk; or b) the Board must adopt and receive City Council approval of a code that is specific to the Board, and disclose under that code.”

You have also advised that the Board's meetings, if held, must be limited to procedural issues, such as consideration of a possible conflict of interest code.

Hon. Michael Aguirre
City Attorney, City of San Diego
ATT: Michael Calabrese, Esq.
March 17, 2008
Page Two

On this basis you advised Mr. Mosier to “cancel the currently scheduled December 19, 2007 meeting” if he intended to address substantive parking issues. The agenda only included one substantive issue – recommending a parking plan for La Jolla.

Remarkably, Mr. Mosier has placed an identical item (consideration of a parking plan) on the Board’s March 19 agenda. Yet, the prerequisites you set for resuming substantive parking deliberations are still unsatisfied. In that regard, your prior advice still stands: “In its current posture, the Board is incapable of taking any legally defensible action.”

Mr. Mosier may argue that the City Council might amend the City Council Policy 100-18, in which case, the legal status of the LJCPDAB might change to relieve members of their future disclosure obligations. While future policy and legislative changes may occur, no change has been effected at this time. In fact, no draft policy revision has even been presented to the Council for consideration. (Interestingly, the Council asked to receive at least two draft policies. One would eliminate the Board’s decision making authority and the other would retain some of it. It is uncertain which policy change, if any, will be approved.)

Thus, the laws, ordinances and policies in existence today, are identical to those in existence when you issued your opinion of December 17, 2007. If it was improper for the LJCPDAB to engage in substantive parking deliberations then, it must be the same today. Mr. Mosier should be so advised promptly.

Of course, Mr. Mosier may be focused on non-legal issues when he presses for a vote. Apparently, Mr. Mosier, the chair of the LJCPDAB and another [now former] member (Mark Evans) met with Councilman Peters. Mr. Evans summarized the meeting for the Tiffany Shearer, Executive Director of Promote La Jolla, as follows:

“Tiffany, when Martin and I met with Scott Peters, he stressed that we need to move quickly if we hope to get something through the City Council.”

While speed is sometimes a virtue, it is not virtuous when it requires board members to disregard your legal advice and to take ethical shortcuts. We are convinced that Councilman Peters, in addressing Mr. Mosier, merely recommended that Mr. Mosier proceed as quickly as allowed by the law, not that he ignore it.

Finally, Mr. Mosier may mistakenly believe that the Board, at this time, can make recommendations regarding parking because a final vote will be taken by the City Council. Yet, it has always been understood that the City Council (not the LJCPDAB) will take the final vote on instituting a parking plan.

Hon. Michael Aguirre
City Attorney, City of San Diego
ATT: Michael Calabrese, Esq.
March 17, 2008
Page Three

The LJCPDAB, as constituted today (under existing Policy 100-18) remains a decision-making body. You reached this conclusion in writing on December 14, 2007, repeated it in writing on December 17, 2007, and so advised the Council in open session on February 26, 2008. For this reason, we request that you repeat your advice of December 17, 2007 to Mr. Mosier.

We appreciate your prompt attention to this matter.

Yours very truly,

HASKINS & ASSOCIATES APC

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a vertical line and a horizontal line extending to the right. Below the main signature is a smaller, circular scribble.

Steven W. Haskins, Esq.

cc: Client