



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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LA JOLLA PARKING ADVISORY BOARD CANNOT MOVE FORWARD ON LA JOLLA PARKING METER PLAN UNTIL MEMBERS FILE FINANCIAL DISCLOSURE STATEMENTS

San Diego, CA—In a letter to the La Jolla Community Parking District Advisory Board, City Attorney Michael Aguirre advised them that they cannot consider a controversial parking plan today until Board members first file financial disclosure statements required under the California Political Reform Act. Aguirre's decision stands in contrast to the City Council's recent attempt to free the Board of the constraint.

“The decision means that the Board cannot move forward today on a controversial plan to bring parking meters to downtown La Jolla, a plan that has drawn widespread and fierce opposition in the community,” said City Attorney Aguirre.

The Council last month rejected a proposed “Conflict of Interest Code” that would have required Board members to publicly reveal financial holdings that might influence their votes. Although the Council asked the City Attorney's Office to modify the controlling City Council Policy, Aguirre today ruled that state law demands the disclosures.

For the Council to attempt to change the policy while the Board deliberates, Aguirre said “would merely attempt to place form over substance.”

Although a Board like the La Jolla group can, in theory, be exempt from disclosure if it merely gives advice to the City, Aguirre found that in this case the Board's practical sway over City decision makers means that it must file the forms, called “Statements of Economic Interest.”

Aguirre's letter to Board Chairman Martin Mosier states that there is evidence of an inappropriate level of deference from City Staff, including City Staff referring media inquiries on parking in La Jolla to Mr. Mosier. The City Attorney also wrote, “Review by a City Staff unit that has expressly stated its intention to defer to you is not ‘significant intervening substantive review’ of the Board's recommendation.

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Aguirre also noted that the City Council has a history of routine approval of Community Parking Board decisions, and that the La Jolla Board's close relationship with Council President Scott Peters suggested that the Council would almost certainly green light paid parking, despite community opposition. Aguirre concluded that the Board, despite being labeled as "Advisory," was the City's "de facto" decision maker.

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