

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: July 27, 2006
TO: Sara Osborn, Assistant Planner
FROM: City Attorney
SUBJECT: Interpretation of "Designee" In Council Policy 600-24

On behalf of yourself and members of the La Jolla Community Planning Association serving on the Bylaws Update Subcommittee, you have asked for the City Attorney's interpretation of the word "designee" as utilized to define "eligible community members" who may vote on the election of planning group members under revised Council Policy 600-24.

Council Policy 600-24 defines eligible members as those at least 18 years of age, who are affiliated with the community in question in one of three ways – as a property owner, a resident, or a "local business person."

Additionally, the Council Policy allows for the participation by a "designee" in the case of the property owner or "local business person" categories.

Within the context of the Council Policy as written, it appears the intent of the drafters was to preserve the qualifications for all "eligible community members" in the singular rather than the plural. The policy qualifies the words "property owner" and "resident" with the word "individual", the policy designates a "local business person" in the singular. In addition, the Council Policy uses the singular "designee" rather than the available plural – "designees" – in defining "eligible community members."

Additionally, A Dictionary of Modern Legal Usage, Bryan A. Garner, Editor (Second Edition, 1995) lists a "designee" (or the alternative "designatee") as "a *person* designated" (emphasis added). Again, please note the use of the singular.

Sara Osborn, Assistant Planner

July 27, 2006

Page 2

Absent evidence to the contrary, we would conclude that the word “designee” as utilized in Council Policy 600-24 is meant to mean one single individual, and not a group of persons designated by a property owner or business person.

Community Planning Groups typically require residents seeking to qualify as “eligible community members” to show identification – in the form of a driver’s license or other proof of residence. Should Community Planning Groups seek to establish a mechanism for determination of the qualifications of individuals serving as a “designee” we would suggest that such persons could be asked to present a letter or some other form verifying that the individual has been so designated by the qualifying “property owner” or “local business person.”

If you have any questions, please do not hesitate to contact me at 619/533-5875.

MICHAEL J. AGUIRRE, City Attorney

By /s/
Alex W. Sachs
Deputy City Attorney

AWS:aws

cc: Betsy McCullough, Deputy Director, Planning Department
Leslie FitzGerald, Chief Deputy City Attorney
Shannon Thomas, Deputy City Attorney
David Potter, Land Use and Environmental Consultant, Office of the City Attorney