



## APPOINTMENT OF CITY COUNCIL MEMBERS TO CITY SUBCOMMITTEES:

### THE CITY COUNCIL SHOULD HAVE A “DO-OVER”

At the December 17th Del Mar City Council meeting, item #10 - City Local Appointments for 2019, were up for discussion (Timestamp 3:36:56). The brief discussions were about whom to appoint to 5 different city subcommittees. Unfortunately, only 3 council members were included in the appointments, with 2 members being left out. While randomness in the appointment process may have caused this lack of balance, the result is that neither Terry Gaasterland, the highest vote getter in the past November city council election, nor Mayor Druker received an appointment. Whether intentional or by oversight, the council's actions resulted in a lack of council member diversity on Del Mar's subcommittees. While treated as a mundane housekeeping issue, the truth is that these appointments by the Del Mar City Council could have significant impacts on some major issues in our community.

The City Staff Report presented in connection with Agenda Item 10 states:

*“ This annual review (which is required by City Council Policy 101) provides the Council with an opportunity to assess assignments, balance the workload of Council Members, and discuss whether certain committees/Subcommittees have achieved their objectives and should be disbanded. ”*

### DEL MAR CITY COUNCIL LOCAL APPOINTMENTS

The following Del Mar Council Subcommittees meet to discuss specific topics or special projects and/or meet intermittently to interact with staff, as needed.

Subcommittee	Council Member
Ad-Hoc Subcommittee with City of Solana Beach re North Bluff Resort Subcommittee	<b>Dwight Worden</b> and <b>Ellie Haviland</b>
Fire Services Subcommittee	<b>Dwight Worden</b> and Sherryl Parks
Human Resources Subcommittee	<b>Ellie Haviland</b> and Sherryl Parks
North County Railroad Right-of-Way Subcommittee	<b>Dwight Worden</b> and <b>Ellie Haviland</b>
Planning Process Subcommittee	<b>Dwight Worden</b> and <b>Ellie Haviland</b>

The activities of the subcommittees are often less defined than other city functions, yet the council members work closely with city staff on given matters and have discretion and influence over feedback and guidance to the city staff. The concern with the current appointments has to do with the discretion of the subcommittees and the inherent lack of transparency and accountability to the public.

Mayor Druker recognized the significant role played by the subcommittees and voiced his concerns at the meeting over the lack of diversity of the appointments in the context to Del Mar's Planning Process Subcommittee:

---

“All major projects are going through you two (Council Members Haviland and Worden) and I really don't like that. I think that is inappropriate. You are giving feedback and guiding the process for Watermark and The Resort at this point.” (3:42:55)

---

Given that only 2 city council members are on each subcommittee, compliance with California's open public meeting (the Brown Act) is circumvented. Thus, many of the meetings and interactions between council members and city staff are outside of public awareness and scrutiny. This is precisely why these appointments are critical. To quote Council Member Gaasterland, “...there has been a lot of concern about transparency.” (3:53:26)

When Mayor Druker sought appointment to the Human Resources Subcommittee, “I would like to do this...because of my business background” (3:44:56), he was supported by Council Member Gaasterland, “I think it is appropriate for the Mayor.” (3:45:00) However, instead of recognizing that he was not on any subcommittee and giving the mayor the opportunity he sought, a coin was tossed and Parks “won.” Instead of encouraging his appointment, Council Member Haviland questioned Mayor Druker's commitment to the committee (3:46:36). A coin toss should not be how the Del Mar City Council determines appointments, especially when balanced representation has not been achieved.

The bottom line is that the council subcommittees have significant influence on the direction given to staff as well as policy implementation. Case in point is the recent debacle with Managed Retreat. The Del Mar Woodpecker wrote about this in the April 2018 issue. We noted that with the influence of Dwight Worden, changes were made to the recommended Adaptation Plan submitted by the Sea Level Rise Stakeholder Technical Advisory Committee (“STAC”) and approved by the Del Mar Planning Commission. Fortunately, with strong community input, the city council did not approve the modified plan.

## We noticed some key takeaways with these appointments:

- ❖ Dwight Worden and Ellie Haviland together are on **3 of the 5** subcommittees.
- ❖ Ellie Haviland and Dwight Worden are each on **4 of the 5** subcommittees.
- ❖ Terry Gaasterland (who had the most votes in the 2018 election by 23.2%) is not on **any** subcommittee.
- ❖ Dave Druker (who had the most votes in the 2016 election by 9.8%) is not on **any** subcommittee.

Intentional or not, there is an obvious lack of balance and potential problems in these subcommittee appointments.

**Problem #1: The lack of workload balance is inconsistent** with other Del Mar committees and organizations as well as regional committees.

Every city council member serves on approximately the same number of committees and organizations. These subcommittees should share the same balanced approach to ensure each council member has a voice.

**Problem #2: Without a rotation policy,** it is even MORE critical that the subcommittees reflect council member diversity in the appointments.

City Council Policy 100 calls for the rotation of the mayor and deputy mayor on the city council. City Council Policy 200 calls for the rotation of the chairman and vice chairman annually on city committees. The city council recognizes the value of rotation on the city council and all other city committees. **Del Mar residents elected 5 city council members and all 5 should be utilized on subcommittees – not 3.**

### **Problem #3: A potential politicizing of the appointments.**

Council Members Parks and Haviland supported candidate Worden in the past election while Council Member Druker supported candidate Gaasterland, and the makeup of these subcommittees unfortunately reflects this bias. Even if not intentional, the appointments of only 3 council members further emphasizes a 3 vs 2 lack of balance.

### **The solution?**

The Del Mar City Council must fix this by revising the appointments to ensure:

- ❖ Better balance
- ❖ Rotating appointments
- ❖ Removal of any perceived political bias or collusion among city council members

## **SHORT TERM RENTALS LITIGATION UPDATE**

### **City loses motion on short term rental litigation.**

#### **Lawsuit and city legal bills continue.**

On May 1, 2017 the city adopted Resolution 2017-29 declaring that short term rentals ("STRs") are not an allowed use in residential zones. A group of property owners known as The Del Mar Alliance for the Preservation of Beach Access and Village (the "Alliance") filed a lawsuit challenging the adoption of the Resolution on various grounds most notably that the city failed to follow the California Environmental Quality Act ("CEQA.")

The city brought a motion claiming the Alliance had no valid legal action because the city did not violate CEQA. The city argued the Resolution was merely a restatement of the existing law because the city has a permissive zoning code which does not expressly allow STRs. A permissive zoning code is one in which a particular use of land is not allowed unless it is expressly designated as a permissible use. The Alliance disputed the city's argument.

The Court rejected the city's argument and on December 21, 2018 denied the city's motion.

### **City lawsuit against California Coastal Commission.**

#### **165+ days and counting.**

The outcome of a lawsuit filed by the city against the California Coastal Commission ("CCC") is still uncertain.

On June 7, 2018, the CCC rejected Del Mar's STR regulations and approved an alternative set of regulations. Rather than seeking community input from citizens on the CCC alternative, the city council chose to sue the CCC (3- 2 vote with Worden, Parks and Haviland in favor and Druker and Sinnott against). On August 6, 2018, Del Mar filed a lawsuit against the CCC and asked the court to clarify the CCC's authority over STRs in Del Mar. No answer has been filed by the CCC and there has been no formal case activity. So after 165+ days the lawsuit is still "pending."

On September 4, 2018 the city council extended the "forbearance period" to delay enforcement action against existing non-conforming STRs (owners who can demonstrate to the city that they rented their property to visitors prior to the April 4, 2016 STR moratorium). The extension expires March 4, 2019 and/or by city council action.

**Bottom line – the uncertainty regarding the validity of the City Resolution and Del Mar's STR regulations continues.**

# “ THANK YOU ”

Thank you to our growing list of over 100 supporters for standing with us!

If you want information about joining our supporter list, please email us at [info@forwarddelmar.com](mailto:info@forwarddelmar.com)



Moving Del Mar Forward

[www.forwarddelmar.com](http://www.forwarddelmar.com)

PO Box 232

Del Mar, CA 92014

PRSR STD  
ECRWSS  
U.S. POSTAGE  
PAID  
EDDM RETAIL

Local  
Postal Customer

*Supporting positive change in the best interest of the entire Del Mar Community.*

*- Moving Del Mar Forward*

## DOG BEACH BRIDGE REPLACEMENT

- ❖ Update on the bridge is expected to come before council in March 2019
- ❖ Public review period and DRB is expected to begin in September 2019
- ❖ 3 big decisions to be discussed
  - Full Bridge Closure (13-15 months) vs. Partial Bridge Closure (24-27 months)
  - Cast in place vs. Pre-cast
  - Architectural treatments: beach bungalow, historic origins or modern day
- ❖ Expected to come before the planning commission then city council in March 2020
- ❖ Construction will not begin until approximately 2023
- ❖ Send questions/comments to Mohsen Maali – [mmaali@delmar.ca.us](mailto:mmaali@delmar.ca.us)

The Camino Del Mar bridge at Dog Beach is beginning the process of a total replacement due to corrosion, seismic instability and poor hydraulics. Though construction will not begin until approximately 2023, this year will be crucial for the planning and design of the bridge. You can expect it to come before council in March followed by the public review/design period beginning in September. Some of the important decisions coming up that will need your input involve a full bridge closure (13-15 months) vs. a partial bridge closure (24-27 months) for construction, cast-in-place vs. pre-cast and the architectural treatment.



**Editorial Staff**, Volunteers of MDF



Give us your feedback at [info@forwarddelmar.com](mailto:info@forwarddelmar.com)

## SUBSCRIBE

Would you like to receive *THE DEL MAR WOODPECKER*?  
Send an email to [info@forwarddelmar.com](mailto:info@forwarddelmar.com)