



● **McQUISTON ASSOCIATES**

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CF15-0719-S11

ITEM 2, JOINT CMTE 11/10/15

S. Dickinson

**STATEMENT of J.H. McQUISTON on  
DUE PROCESS for MOBILITY PLAN**

Honorable Chairmen and Members of the Committees:

**1. Please remember the State clamped-down on *ad hoc* Planning in 1961. Not only Government Code but also Charter FORBIDS the Council from designing any element of the City Plan. Only the Executive, acting through the Commissions, may create or amend such an element.**

**The Council may only approve WITHOUT AMENDMENT, or DISAPPROVE AND SEND BACK TO COMMISSION.**

**2. And, the Council is defined in the Charter as the LEGISLATIVE BODY for the City. In *I.N.S. v Chadha*, the United States Supreme Court set forth that in the United States, a legislative body MAY NOT EXECUTE LAWS.**

**A "legislative veto" is UNCONSTITUTIONAL. The City is in the U.S. and must obey that determination.**

**3. I am shocked because our independently-elected City Attorney, the servant not of the Mayor nor Council, fails miserably the duty to uphold the "Constitution and Laws" of the United States.**

**To wit: His deputy is silent in these Committee meetings instead of vigorously-objecting when Council substantially- departs from process-laws of City, State and Country.**

**Due process failures breed a corruptive atmosphere and make the City unattractive for law-abiding people.**

**4. State Government Code restricts enacting General Plan amendments to ONLY 4 TIMES A YEAR. Not once a week as the City is currently doing.**

**Remember that each amendment of a Community or Specific Plan is a General Plan amendment.**

**General Plan instability demoralizes Planners and they aren't able to concentrate on making our City great. *Ad hoc* amendments are FORBIDDEN BY STATE LAW. It is a HUGE CORRUPTION.**

**The General Plan is our "Constitution" for land use. City Laws must not violate its Articles.**

**Council's disrespect of General Plan robs City Funds from needy-programs.**

**Please take this Statement to heart. We need to concentrate our resources on matters other than lawsuits.**

Respectfully submitted,

c: Interested parties

J. H. McQuiston