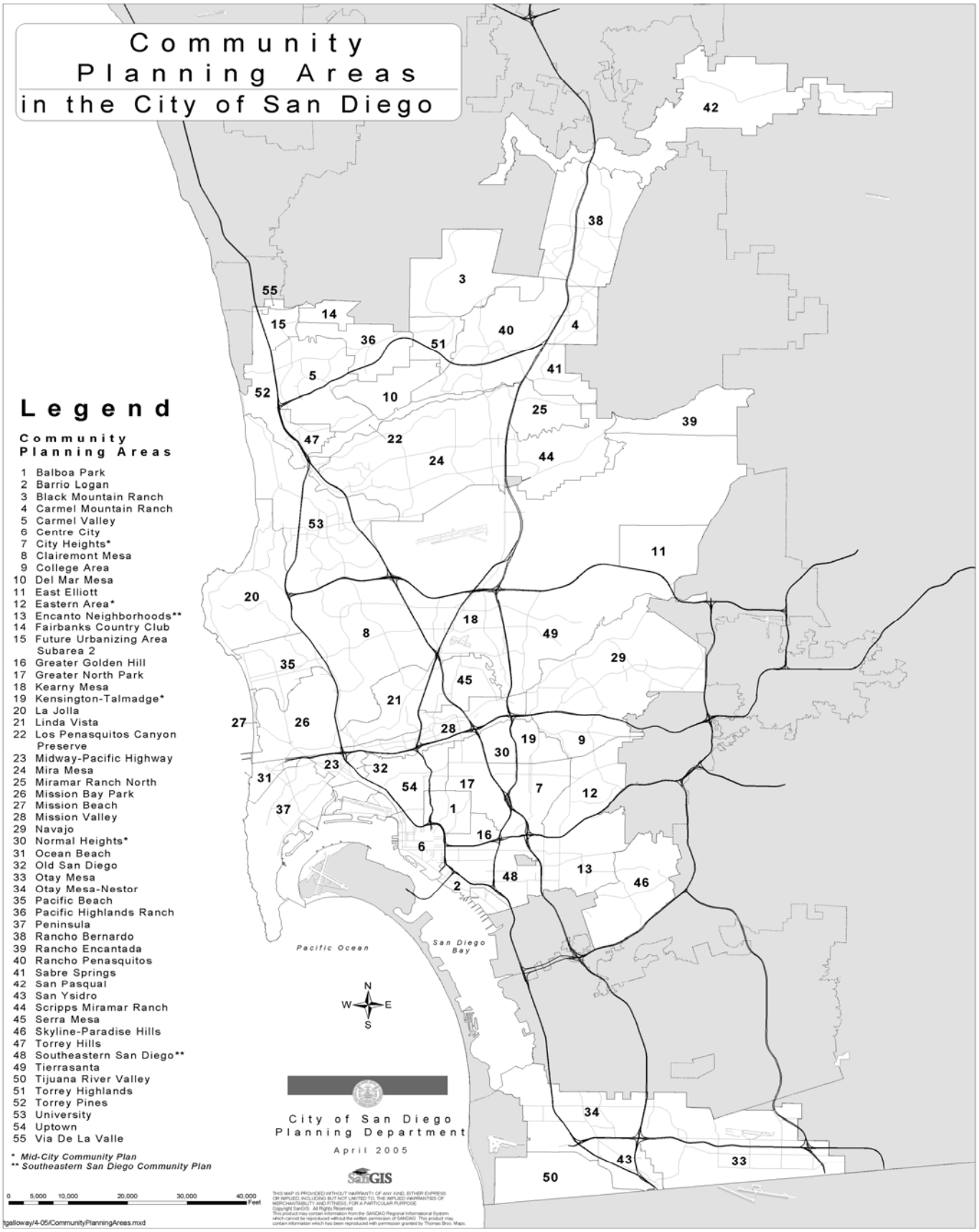
Community Planning Groups


Community Planning Areas in the City of San Diego
Legend
Community Planning Areas
1 Balboa Park
2 Barrio Logan
3 Black Mountain Ranch
4 Carmel Mountain Ranch
5 Carmel Valley
6 Centre City
7 City Heights*
8 Clairemont Mesa
9 College Area
10 Del Mar Mesa
11 East Elliott
12 Eastern Area*
13 Encanto Neighborhoods**
14 Fairbanks Country Club
15 Future Urbanizing Area Subarea 2
16 Greater Golden Hill
17 Greater North Park
18 Kearny Mesa
19 Kensington-Talmadge*
20 La Jolla
21 Linda Vista
22 Los Penasquitos Canyon Preserve
23 Midway-Pacific Highway
24 Mira Mesa
25 Miramar Ranch North
26 Mission Bay Park
27 Mission Beach
28 Mission Valley
29 Navajo
30 Normal Heights*
31 Ocean Beach
32 Old San Diego
33 Otay Mesa
34 Otay Mesa-Nestor
35 Pacific Beach
36 Pacific Highlands Ranch
37 Peninsula
38 Rancho Bernardo
39 Rancho Encantada
40 Rancho Penasquitos
41 Sabre Springs
42 San Pasqual
43 San Ysidro
44 Scripps Miramar Ranch
45 Serra Mesa
46 Skyline-Paradise Hills
47 Torrey Hills
48 Southeastern San Diego**
49 Tierrasanta
50 Tijuana River Valley
51 Torrey Highlands
52 Torrey Pines
53 University
54 Uptown
55 Via De La Valle
* Mid-City Community Plan
** Southeastern San Diego Community Plan
Pacific Ocean
San Diego Bay
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CITY OF SAN DIEGO, CALIFORNIA

COUNCIL POLICY

CURRENT

SUBJECT:	STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF RECOGNIZED COMMUNITY PLANNING GROUPS
POLICY NO.:	600-24
EFFECTIVE DATE:	05/22/2007

BACKGROUND:

Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agencies. Council Policy 600-24 applies to the 12 to 20 elected or duly appointed members of a recognized community planning group, herein referred to as members.

The City does not direct or recommend the election of specified individual planning group members, nor does the City appoint members to planning groups, or recommend removal of individual members of a planning group. The City does not delegate legal authority to planning groups to take actions on behalf of the City. Planning groups are voluntarily created and maintained by members of communities within the City. This Policy was created to provide the guidance for organizations operating as officially recognized community planning groups.

In 2006, it was determined that since planning groups are advisory bodies created by an action of the City Council, they are subject to California's Open Meeting Law, the Ralph M. Brown Act ("Brown Act") (California Government Code Sections 54950 through 54963). The 2007 amendments to this Policy incorporate clear direction to planning groups about compliance with the Brown Act.

Bylaws of recognized community planning groups shall be amended to conform to the 2007 amendments to this Policy within 6 months from the enactment of the 2007 amendment. Until the expiration of 6 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City, shall be deemed to be operating in conformance with this Policy.

PURPOSE:

The purpose of Council Policy 600-24 is to identify responsibilities and to establish minimum operating procedures governing the conduct of planning groups when they operate in their officially recognized capacity.

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POLICY:

It is the policy of the City Council to require each recognized community planning group, as a condition of official recognition by the City of San Diego, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws," to the City. These bylaws must contain, at a minimum, all the provisions addressed in Council Policy 600-24 and conform to the criteria contained herein, including the standardized bylaws shell attached to this Policy. Individual planning groups' bylaws may utilize options within the standardized bylaws shell and may also expand on provisions in this Policy to better meet the needs of diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy to maintain official recognition by the City. The original bylaws for each planning group and the initial members and terms of each planning group seat and member will be submitted for approval by resolution of the City Council.

Planning groups that are also incorporated under the laws of the State of California shall maintain corporate bylaws separate from the planning group bylaws.

Subsequent amendments to adopted bylaws may be proposed to the City by a majority vote of the elected membership of a community planning group. Amendments shall be approved by the Mayor's Office and City Attorney if determined to conform with this Policy. Bylaws amendments that cannot be approved by the Mayor's Office and City Attorney may be taken to the City Council for consideration. A planning group's proposed revisions to their adopted bylaws, to bring them into conformity with the 2007 revisions to this Policy, to the extent such bylaws are inconsistent with this Policy, do not go into effect, and may not be used by the planning group, until the City has approved the bylaws and has notified the planning group of the effective date of the amendment. Failure of a planning group to comply with the approved operating procedures and responsibilities will be cause for the City Council to withdraw official recognition.

Planning groups must utilize this Policy and their adopted bylaws to guide their operations. City staff is assigned to prepare and maintain Administrative Guidelines in consultation with the Community Planners Committee. The Administrative Guidelines are intended to explain this Policy's minimum standard operating procedures and responsibilities of planning groups. The Administrative Guidelines provide the planning groups with explanations and recommendations for individually adopted bylaws and planning group procedures. Robert's Rules of Order Newly Revised should be used when this Policy, the Administrative Guidelines, and planning group bylaws do not address an area of concern or interest.

It is also the policy of the City Council that the City shall indemnify, and the City Attorney shall defend, a recognized community planning group or its individual members in accordance with Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages," and any future amendments thereto, as discussed further in Article IX, Section 1.

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The intent of the Brown Act, as stated in section 45950, is that the actions of public bodies, "…be taken openly and that their deliberations be conducted openly…" This is consistent with the goals of the City and planning groups operating pursuant to this Policy. Accordingly, planning groups shall ensure that all meetings are open to the public, properly noticed, and conducted in compliance with each of the Brown Act provisions as identified in this Policy.

ARTICLE I Name

Section 1. A recognized community planning group shall adopt an official name which shall be subject to the approval of the City Council.

Section 2. All activities of a recognized community planning group shall be conducted in its official name.

Section 3. A boundary for a recognized community planning group's area of authority is based on the boundary of the applicable adopted community plan. The boundary is intended to give a planning group the advisory responsibilities over an area that has been established based on logical, man-made or geographic boundaries. In some cases, the City Council may determine that a boundary other than that of an adopted plan is the appropriate boundary for a planning group's oversight, and may identify an area either smaller than, or more encompassing than, an adopted community plan.

The community planning area boundaries which are applicable to each recognized community planning group shall be shown on a map to be included in the bylaws as Exhibit "A."

In accordance with Brown Act section 54954(b), meetings of recognized community planning groups shall be held within these boundaries. When, however, a community planning group does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 4. The official positions and opinions of a recognized community planning group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

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ARTICLE II Purpose of Community Planning Group and General Provisions

Section 1. Recognized community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agency.

Section 2. A recognized community planning group reviewing individual development projects should focus such review on conformity with the adopted Community Plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, a formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.

Section 3. Insofar as the efforts of a recognized community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided under the direction of the Mayor's Office.

Section 4. All activities of recognized community planning groups shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, Brown Act section 54953.2 requires that meeting facilities must be accessible to persons with disabilities.

Section 5. A recognized community planning group shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Planning group members shall not identify affiliation with a planning group when endorsing candidates for public office. A planning group may take a position on a ballot measure.

Section 6. Pursuant to the provisions of City Council Policy 600-5, a recognized community planning group's consistent failure to respond to the City's request for planning group input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent its community for these purposes.

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Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.

Section 7. A recognized community planning group may propose amendments to its bylaws by majority vote of the elected members of the group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney, respectively, for review and approval. The City shall review proposed bylaws amendments in a reasonable timeframe made known to the planning group. Any proposed amendments that are inconsistent with Council Policy 600-24 and the standardized bylaws shell, attached to this Policy, shall not be approved by the Mayor and City Attorney. Bylaws which deviate from this Policy and the shell shall be forwarded to the City Council President who shall docket the matter for Council consideration.

ARTICLE III Community Planning Group Organizations

Section 1. A recognized community planning group shall consist of a specific number of members that is not fewer than 12 nor more than 20, provided, however, that when a larger membership shall give better representation to a community, the City Council may approve such larger membership. Upon recognition by the City Council, the members of the planning groups shall constitute the official planning group for the purposes set forth in Article II.

Section 2. The members of a recognized community planning group shall consist of the members as of the date of recognition by the City Council, and of such additional members as shall thereafter be elected by eligible individuals of the community or duly appointed in the manner prescribed by Council Policy 600-24.

Section 3. Members of recognized community planning groups shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

Elected planning group members shall be elected by and from eligible individuals of the community. To be eligible, an individual must be at least 18 years of age, and shall be affiliated with the community as a:

(a) Property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or

(b) Resident, who is an individual whose primary address of residence is an address in the community planning area, or

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(c) Local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

On occasion, a planning group may deem it appropriate to designate appointed seats to better represent specific interests of the community. If used, a planning group's bylaws shall specify whether appointed seats make up one or more of the 12 to 20 voting planning group seats or are non-voting seats. Appointed seats are filled by the appointing agency or organization.

Demonstration of individual eligibility to vote as a property owner, resident, or local business or not-for-profit person, as described in (a) through (c) above may be further defined in planning group bylaws, for example, through an application showing evidence of qualifications or by minimum attendance requirements. Once eligibility to vote in an election is established, an individual remains eligible until he or she does not meet the eligibility requirements. Individuals will be required to provide proof of eligibility in order to vote.

Section 4. Members of a recognized community planning group shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial group members for new groups. No person may serve on a planning group for more than eight consecutive years if members are elected to two- or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for eight or nine consecutive years shall again be eligible for election to the committee.

Council Policy 600-24 provides an exception for a planning group to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats as follows:

A planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership.

The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section.

Section 5. A member of a recognized community planning group must retain eligibility during the entire term of service. A planning group member may be removed from the planning group, upon a majority vote of the planning group, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group and has notified the member in question that the member is no longer eligible to serve. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3 or Article IV, Section 1 of this Council Policy and in the group's adopted bylaws.

Section 6. A recognized community planning group member or planning group found to be out of compliance with the provisions of Council Policy 600-24 or the planning group's adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Violations of the Brown Act may, in some circumstances, carry civil or criminal consequences as described in this Policy in Article IX, Section 2. However, as stated in a memorandum prepared by the City Attorney, by implementing bylaws and operating in compliance with this Policy, planning groups will be considered to be in substantial compliance with the Brown Act (City Att'y MOL No. 2006-26).

ARTICLE IV Vacancies

Section 1. A recognized community planning group shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from its secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from regular monthly meeting as established under Article VI, Section 2 below.

Section 2. Vacancies of elected seats that occur on a recognized community planning group shall be filled by the planning group in a manner specified by the bylaws of the planning group. Vacancies shall be filled as they occur no later than 120 days following the date of the determination of the vacancy unless the end of the 120 day period would occur within 90 days of the annual March general election as described in Article V.

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Vacancies of appointed seats shall be filled by the appointing agency in the manner specified in a planning group's bylaws.

The term of office of any member filling a vacancy in accordance with the procedure established in Article III, Section 4 above shall be for the balance of the vacated term.

Section 3. When a recognized community planning group is unable to fill a vacancy within the 120 days, as specified above, and the planning group has more than twelve members, the planning group shall either leave the seat vacant until the next planning group election, or amend its bylaws to permit decreased membership to a minimum of twelve members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and the planning group has less than 12 members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive and the City shall notify the City Council that the planning group will be inactive until it has attained at least 12 members in good standing. The City shall assist with the planning group election in the attempt to regain the minimum Policy membership requirement of 12 members.

ARTICLE V Elections

Section 1. General elections of recognized community planning group members shall be held during the month of March in accordance with procedures specified in adopted planning group bylaws. Planning groups shall hold elections every year or every other year.

In the election process, a planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight or nine consecutive years to leave the group for at least one year.

In order to be a candidate in the March general election, an eligible individual of the community must have documented attendance at a minimum of one of the planning group's last 12 meetings prior to the February noticed regular or special meeting of the full planning group membership preceding the election.

Planning groups may establish voting procedures that include opportunities for multiple voting times on the date of the election, or for multiple locations, or both, provided those procedures allow for the completion of the election during the month of March and they demonstrate an ability to assure fair access and avoidance of voting improprieties.

Where an opportunity to vote on more than one date is proposed, the voting procedures for such an election shall be submitted at least forty-five (45) days in advance of the first day that voting is proposed to occur to the offices of the Mayor and City Attorney, respectively, for review and approval. All voting procedures must insure that voting is done only by eligible members of the community.

Section 2. The City shall publicize the elections of recognized community planning groups through the City website, City TV24 programming, electronic mail, the City's webpage, and other available effective means.

A planning group shall make a good faith effort to utilize means appropriate to their communities to publicize the planning group's eligibility requirements for candidacy and the upcoming election~~s~~.

Section 3. Voting shall be by secret written ballot. Recognized community planning groups may establish bylaw provisions to address procedures for mailing in ballots for elections if the planning group determines that this procedure, or another specified procedure, would increase community participation in the election process. Under no circumstances is proxy voting for elections allowed. At a minimum, ballots shall be available for a specified period at the noticed planning group meeting at which the election will be held.

Section 4. Unless otherwise explicitly provided for in a recognized community planning group's bylaws, an election becomes final after announcing the election results at a noticed planning group meeting. New members shall be seated in April.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It shall be the duty of a recognized community planning group to cooperatively work with the Mayor's staff throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

In accordance with Brown Act section 54953(a), it shall be the duty of all planning group members to meet in open and in public, and all persons shall be permitted to attend any meeting of the planning group except as otherwise noted in this Policy.

Planning group members shall conduct official business of the planning group in a public setting. It is recognized that the officers of a planning group may oversee administrative business of a planning group, such as the assembling of the draft agenda in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

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It shall be the duty of a planning group as a whole, and of each individual planning group member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. Recognized community planning groups and planning group members are responsible for assuring compliance of meeting procedures and meeting records requirements under this Policy.

(a) Meeting Procedures

It shall be the duty of each recognized community planning group member to attend all planning group meetings.

i. Regular Meeting Agenda Posting.

In accordance with Brown Act section 54954.2(a), at least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time, and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of an agenda item shall include the intended action of the planning group regarding that item, for example, stating that the item is an information item only or an action item.

ii. Public Comment.

1. Agenda Items: Any interested member of the public may comment on agenda items during regular or special planning group meetings (Brown Act section 54954.3(a))

2. Non-Agenda Items: Each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda, but that are within the scope of the planning group. (Brown Act section 54954.3(a)) Planning group members may respond by asking for more factual information, or by asking a question to clarify, and also may schedule the item for a future agenda. However, no discussion, debate, or action may be taken on such item. (Brown Act section 54954.2)

3. A planning group may adopt time limits for individual items and for individual speakers to ensure operational efficiencies but such time limits must be reasonable and give competing interests equal time. (Brown Act section 54954.3(b))

iii. Adjournments and Continuances.

In accordance with Brown Act section 54955, planning group meetings may be adjourned to a future date. Within 24 hours, a notice of adjournment must be clearly posted on or near the door of the place where the original meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

In accordance with Brown Act section 54954.2, if a subsequent meeting is held more than 5 days from the original meeting, a new regular meeting agenda must be prepared; otherwise if 5 days or less, the original meeting agenda is adequate.

iv. Continued Items.

In accordance with Brown Act section 54955.1, if an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

v. Consent Agenda.

In accordance with Brown Act section 54954.3(a), for items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting.

2. All interested members of the public were given an opportunity to address the subcommittee, and

   2. The item has not substantially changed since the subcommittee's consideration.

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The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

vi. Quorum and Public Attendance.

This Policy defines a quorum as a majority of non-vacant seats of a planning group. In accordance with Brown Act section 54952.2, a quorum must be present in order to conduct business, to vote on projects and to take actions at regular or special planning group meetings.

In accordance with Brown Act section 54953.3, no member of the public shall be required, as a condition of attendance at any meeting of a planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

vii. Development Project Review.

Planning groups may not, as a condition of placing an item on their agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

It shall also be the duty of a planning group, when reviewing development projects, to allow participation of affected property owners, residents and business and not-for-profit establishments within proximity to the proposed development.

A planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

viii. Action on Agenda Items.

In accordance with Brown Act section 54954.2(b)(2), an item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

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In accordance with Brown Act section 54953(c), planning groups shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail, are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of this Policy.

ix. Collective Concurrence.

In accordance with Brown Act section 54952.2, any attempt to develop a collective concurrence of the members of a planning group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

ix. Special Meetings.

In accordance with Brown Act section 54956, the chair of a planning group, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of a planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

xi. Emergency Meetings.

Brown Act section 54956 describes emergency meetings for matters related to public health and safety. These matters are outside of the purview of a planning group and are prohibited under this Policy.

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xii. Right to Record.

In accordance with Brown Act sections 54953.5 and 54953.6, any person attending a meeting of a planning group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

xiii. Disorderly Conduct.

In accordance with Brown Act section 54957.9, in the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

Recognized community planning groups are encouraged to establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

i. Standing Subcommittees.

Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas, such as development review. In accordance with Brown Act section 54952(b), all standing subcommittees of a planning group are subject to Brown Act public noticing and meeting requirements as set forth in Council Policy 600-24, Article IV, Section 2(a).

ii. Ad Hoc Subcommittees.

Ad hoc subcommittee meetings are established for a finite period of time to review more focused issue areas and are disbanded following their review.

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While the Brown Act does not impose requirements upon ad hoc subcommittees when made up entirely of members of the planning group and constituting less than a quorum of the planning group (Brown Act section 54952), this Policy requires all subcommittee meetings be noticed and open to the public by inclusion of the meeting announcement on a regular meeting agenda, by an electronic notice, or by announcement at a regular planning group meeting.

iii. Subcommittee Composition.

All subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly-appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

iv. Recommendations.

All subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

i. Recusals.

Any member of a recognized community planning group with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse himself or herself from voting and must not participate in any manner as a member of the planning group for that item on the agenda.

ii. Abstentions.

In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

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(d) Meeting Documents and Records

i. Agenda by Mail.

In accordance with Brown Act section 54954.1, requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the recognized community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1st of the following year. A cost-recovery fee may be charged for the cost of providing this service.

ii. Agenda at Meeting.

In accordance with Brown Act section 54957.5, any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at a planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at a planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproduction of any materials requested by an individual or individuals.

iii. Minutes.

For each planning group meeting, a report of planning group member attendance and a copy of approved minutes shall be retained by the planning group and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when a vote is not unanimous. Recusals shall also be recorded. Minutes should record the names of the speakers, the nature of the public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group, the meeting minutes must indicate the date when and type of notification (e.g., electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting.

A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

Planning groups are not required to audio or videotape their meetings but if they do, in accordance with Brown Act section 54953.6, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

iv. Records Retention.

In accordance with Brown Act section 54957.5, planning group records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of material that will be utilized by all planning groups.

Section 3. It shall be the duty of a recognized community planning group and its members to periodically seek community-wide understanding of, and participation in, the planning and implementation process as specified in Article II, Section 1 of Council Policy 600-24. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

Section 4. It shall be the duty of a recognized community planning group to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. A planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to the duties enumerated in Article II, Section 1 of this Policy. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. A recognized community planning group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

CURRENT

Section 6. It shall be the duty of each recognized community planning group member to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages" and any future amendments thereto, as discussed further in Article X, Section 1.

It shall be the duty of the City to offer at least two orientation sessions each year as well as topic-specific sessions intended to advance the knowledge of planning group members in subjects within the scope of responsibilities of recognized community planning groups. Newly seated planning group members must complete an orientation training session within 12 months of being elected or appointed to a planning group or the member will become ineligible to serve.

ARTICLE VII Planning Group Officers

Section 1. The officers of a recognized community planning group shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary and, by policy, a planning group's bylaws may include such other officers as the planning group may deem necessary. Further duties of the officers may be defined in planning group bylaws. A planning group shall determine the length of an officer's term in its bylaws, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group.

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 4. Secretary. The Secretary shall be responsible for a recognized community planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

CURRENT

Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of a planning group, some other member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson. Each planning group should also vote to select an alternate CPC representative.

Section 6. It shall be the duty of the officers of recognized community planning groups and of the Community Planners Committee representative to promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

Section 1. In addition to incorporating the policies outlined in Articles I through VII into recognized community planning group bylaws, each planning group shall include policies and procedures found necessary for the group's effective operation under this Policy. The following topic areas are those to be addressed. Explanations of when and why to adopt procedures or policies are found in the Administrative Guidelines.

(1) Community Participation, suggested but not limited to: community outreach; assurances of seeking diverse representation on the planning group.

(2) Planning Group Composition, suggested but not limited to: methods for anticipated conversion of planning group seats, such as developer seats or appointed seats, as applicable; general membership eligibility and recordkeeping, as applicable; involving the community at large.

(3) Conduct of Meetings, suggested but not limited to: meeting noticing, including subcommittees; meeting operations such as time limits on speakers and maintaining a civil meeting environment; subcommittee operations such as process for project reviews and bylaw amendments; role of the chair in voting; role of a general membership or the public in discussing agenda items.

(4) Member and Planning Group Responsibilities**,** suggested but not limited to: filling vacant seats either during a term or following an election; how planning group positions will be represented to the City; discipline or removal of an individual member; bylaw amendment process, including the development of procedures companion to the bylaws.

(5) Elections, suggested but not limited to: promoting planning group elections; determining eligibility of candidates and voters; ballot preparation, handling, and counting procedures; poll location and operation criteria; election challenges.

CURRENT

ARTICLE IX. Rights and Liabilities of Recognized Community Planning Groups

Recognized community planning groups operating under Council Policy 600-24 are afforded certain protections for their activities within their identified scope of responsibilities. In addition however, there are certain exposures for not operating in compliance: penalties imposed per this Policy and penalties associated with non-compliance with the Brown Act provisions that are identified in this Policy.

Section 1. Indemnification and Representation

A recognized community planning group and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if: the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Council Policy 600-24, Article II, Section 1; their conduct was in conformance with this Policy and the bylaws of the planning group and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies

As reviewed in a memorandum prepared by the City Attorney, issued November 3, 2006 (City Att'y MOL No. 2006-26), the Brown Act provides various remedies for violation of its provisions but by implementing bylaws and operating in compliance with this Policy, planning groups will be considered to be in substantial compliance with the Brown Act. Any planning group, or any of its individual members, may seek assistance and training from the City Attorney to conform with the Brown Act.

The Brown Act includes civil remedies (Brown Act section 54960) and criminal penalties (Brown Act section 54959) for violation of its provisions. Thus, planning groups are encouraged to proactively cure violations themselves. This is to prevent legal actions that would void planning group actions, and it assures good faith, voluntary compliance with the Brown Act.

Both individual members of a planning group, as well as the planning group as a whole, could potentially be subject to civil remedies. Civil remedies may include relief to prevent or stop violations of the Brown Act, or to void past actions of the planning group, and may in some cases include payment of attorneys fees.

CURRENT

Individual planning group members may potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, but only if the member intended to deprive the public of information which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions, but does not include mere deliberation without taking some action. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Any planning group, or any of its individual members, may seek assistance, as well as training, from the City Attorney to better understand, to implement, and comply with the Brown Act.

Section 3. Council Policy 600-24 Violations and Remedies

Council Policy 600-24 provides various remedies for violation of its provisions by recognized community planning groups or their elected members. Where a planning group does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the City.

(a) Alleged Violations by a Member of a Planning Group

In the case of an alleged violation of this Policy or a planning group's adopted bylaws by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and the adopted planning group bylaws.

If the planning group, after a thorough investigation, determines that the individual member has violated a provision of this Policy or the planning group's bylaws, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted planning group bylaws.

A member found to be not in compliance with the provisions of this Policy or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto, as discussed further in Article IX, Section 1.

CURRENT

(b) Alleged Violations by a Planning Group

In case of an alleged violation of this Policy or adopted planning group bylaws by a planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City for investigation by the Mayor's office. The City will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute.

If a violation against a planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a planning group recognized under this Policy. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

A planning group found to be out of compliance with the provisions of this Policy or with its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any amendments thereto.

Attachment: Bylaws Shell

HISTORY:

Adopted by Resolution R-216888 09/29/76
Amended by Resolution R-257382 10/25/82
Amended by Resolution R-273369 05/02/89
Amended by Resolution R-276245 07/30/90
Amended by Resolution R-300940 10/17/05
Amended by Resolution R-302671 05/22/07

CURRENT

***[CPG NAME]* Bylaws**
Amended *[insert date]*

ARTICLE I Name

Section 1. The official name of this organization is the *[insert CPG name]*.

Section 2. All activities of this organization shall be conducted in its official name.

Section 3. The community planning area boundaries for the *[insert CPG name*] are the boundaries of the *[insert community name]* community, as shown on Exhibit "A".

Section 4. Meetings of the *[insert CPG name]* shall be held within these boundaries, except that when the *[insert CPG name]* does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 5. The official positions and opinions of the *[insert CPG name]* shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

Section 1. The *[insert CPG name*] has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the *[insert community name]* community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.

Section 2. In reviewing individual development projects, the *[insert CPG name]* should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

CURRENT

Section 3. All activities of the *[insert CPG name]* shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4. The *[insert CPG name]* shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.

Section 5. Pursuant to the provisions of City Council Policy 600-5, the *[insert CPG name]'s* failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the *[insert community name]* community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.

Section 6. The *[insert CPG name]* operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

Section 7. The *[insert CPG name]* may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The *[insert CPG name]* shall consist of: INSERT a specific number between 12-20 and CHOOSE ONE OPTION: (A.) elected; or (B.) elected and appointed members to represent the community. These members of the planning group shall

constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected members of the *[insert CPG name]* shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the *[insert CPG name]* elected seats are filled: CHOOSE ONE OPTION: (A.) by any eligible member identified below. There is no further restriction on the distribution of seats among interests in the community; or (B.) by distribution of seats among the following interests that represent the community: ___ seats for property owners; ___ seats for residents; and ___ seats for business representatives. [go on to describe any further segmentation of these overall categories]; or (C.) by a geographic distribution of seats among [census tracts or neighborhoods or other geographic subdivisions] as follows: ___ seats for [area]; ___ seats for [area]; etc. [go on to describe any further segmentation of these geographic seats].

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

(1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or

(2) resident, who is an individual whose primary address of residence is an address in the community planning area, or

(3) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

An individual may become an eligible member of the community by: CHOOSE ONE OPTION: (A.) attending [insert one, two or three] meeting/s of the *[insert CPG name]* and submitting [identify whether demonstration of eligibility may be accomplished by an application and/or by documented meeting attendance] prior to the March general election; or (B.) demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Committee prior to the March election or at the time of voting.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group. However, the *[insert CPG name]* shall require proof of eligibility during elections.

INSERT IF APPLICABLE: in addition to elected members, the *[insert CPG name]* has ___ appointed seats to better represent specific interests of the community. This/these seat(s) are appointed by _____ [identify appointing agency]. Appointed seats are: CHOOSE ONE OPTION: (A.) counted in the ___ [insert number of members] planning group membership and vote on planning group business; or, (B.) are not counted in the ___ [insert number of members] planning group membership and function in an advisory capacity.

Section 3. Members of the *[insert CPG name]* shall be elected to serve for fixed terms of: CHOOSE ONE OPTION: (A.) 2 years; or (B.) 3 years; or (C.) 4 years with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than: CHOOSE ONE OPTION: (A.) eight; or (B.) nine consecutive years.

The: CHOOSE ONE OPTION: (A.) eight; or (B.) nine year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for: CHOOSE ONE OPTION: (A.) eight; or (B.) nine consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for: CHOOSE ONE OPTION: (A.) eight; or (B.) nine consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the *[insert CPG name]* must retain eligibility during the entire term of service.

Section 5. A member of the *[insert CPG name]* found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the *[insert CPG name]* who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

Section 1. The *[insert CPG name]* shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning groups regular meetings.

Section 2. Vacancies that may occur on the *[insert CPG name]* shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The *[insert CPG name]* shall fill vacancies at the time the vacancies are declared [provide detail and timeframe]. Vacancies shall be filled by: CHOOSE ONE OPTION: (A.) selection by planning group members at the time the vacancies are declared. [provide detail and timeframe]; or (B.) an advertised general election pursuant to Article V. [provide detail and timeframe.

Section 3. When the *[insert CPG name]* is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. General elections of *[insert CPG name]* members shall be held during the month of March in accordance with the elections procedures found in Exhibit ___ of these bylaws.

The *[insert CPG name]'s* general elections shall be held: CHOOSE ONE OPTION: (A.) annually; or (B.) every two years.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the

February meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at: CHOOSE ONE OPTION: (A.) one; or (B.) two; or (C.) three meeting/s of the *[insert CPG name]*'s last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The *[insert CPG name]* shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for: CHOOSE ONE OPTION: (A.) eight; (B.) nine consecutive years to leave the group for at least one year.

The *[insert CPG name]* holds its election: CHOOSE ONE OPTION: (A.) at the March regular meeting. [provide details]; or (B.) at a special meeting in March. [provide details]; or (C.) at multiple locations the day of the regular March meeting [provide details]; or (D.) at multiple locations prior to the regular March meeting. [provide details]; or (E.) on multiple days prior to the regular March meeting. [provide details]; or (F.) utilizing a combination of mail-in ballots and voting at the regular March meeting. [provide details]

INCLUDE IF 'E' SELECTED: The *[insert CPG name]* shall submit procedures to vote on more than one day to the Mayor and the City Attorney 45 days in advance of the 1st day of voting for review and approval.

The *[insert CPG name]* will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service.

The *[insert CPG name]* planning group's policy related to write-in candidates is that: CHOOSE ONE OPTION: (A.) write-in candidates are not allowed; or (B.) write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4. The *[insert CPG name]*'s election becomes final after announcing the election results: CHOOSE ONE OPTION: (A.) at the conclusion of the noticed, regular March monthly planning group meeting; or (B.) at a noticed, special meeting of the planning group prior to the start of the regular April monthly meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5. Article VIII, Section 1(e) contains all voting procedures, including: CHOOSE ALL THAT APPLY: voting time/s; voting locations/s; voting eligibility; candidate eligibility; elections committee establishment and responsibilities; promotion of elections; counting votes [plurality, etc.]; ballots; write-in candidates; poll locations/s; mail-in ballots [if applicable]; managing polls and counting ballots; reporting election results to the Chair, and, election challenge criteria and procedures.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the *[insert CPG name]* to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

CURRENT

Section 2. **(a) Meeting Procedures**

It shall be the duty of each member of the *[insert CPG name]* to attend all planning group meetings.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

(ii) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii)ADJOURNMENTS AND CONTINUANCES – If the *[insert CPG name]* does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv)CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

CURRENT

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,

2. All interested members of the public were given an opportunity to address the subcommittee, and

3. The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi)QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW - The *[insert CPG name]* may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

The planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

(viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

The *[insert CPG name]* planning group's chair: CHOOSE ONE OPTION: (A.) fully participates in planning group discussions and votes on all action items; or (B.) participates in discussions but does not vote except to make or break a tie; or (C.) does not participate in discussions or vote on action items.

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of Council Policy 600-24.

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the *[insert CPG name]* as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS - The chair of the *[insert CPG name]*, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting.

Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) EMERGENCY MEETINGS - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the *[insert CPG name]* and are prohibited under this bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the *[insert CPG name]* must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(xiii) DISORDERLY CONDUCT - In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The *[insert CPG name]* may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the *[insert CPG name*] as identified in Article II, Section 1, the planning group has established: CHOOSE ONE OPTION: (A.) no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter [such as the Elections subcommittee]; (B.) the following standing subcommittees [provide list including: number of members; duties; duration of subcommittee]; or (C.) a combination [provide information as in (A) or (B).

(ii) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

(iii)SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv)RECOMMENDATIONS – Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) RECUSALS - Any member of the *[insert CPG name]* with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

(ii) ABSTENTIONS – In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

(d) Meeting Documents and Records

(i) AGENDA BY MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii)MINUTES – For each planning group meeting, a report of *[insert CPG name]* member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to

the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The *[insert CPG name]* is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv)RECORDS RETENTION – *[insert CPG name]* records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of the *[insert CPG name]* and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the *[insert CPG name]* to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The *[insert CPG name]* may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each elected *[insert CPG name]* member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII Planning Group Officers

CURRENT

Section 1. The officers of the *[insert CPG name]* shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary. OPTION: insert any other officer as defined by the planning group. The length of an officer's term shall be: OPTION: insert duration of term, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. OPTION: insert any further duties as defined by planning group. Example duties would be setting the agenda, point of contact for development applicants, etc.

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. OPTION: insert any further duties as defined by planning group.

Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties. OPTION: insert any further duties as defined by planning group.

Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

Section 6. The *[insert CPG name]* officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

CURRENT

Section 1. The *[insert CPG name]* bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

(a) Community Participation

The following are the *[insert CPG name]* procedures regarding community participation:

OPTION: Detail any community participation procedures the planning group has.

OPTION: List actions or state intent of planning group to grow interest in planning group activities and to encourage diversity.

NOTE: If it is necessary, separate procedures can be adopted by the planning group for topics in this Section.

(b) Planning Group Composition

The following are the *[insert CPG name]* procedures pursuant to Article III, Section 2 regarding planning group composition:

OPTION: If planning group anticipates conversion of seats from one category to another, detail here.

OPTION: If any seats are appointed [rather than elected], discuss appointment process here.

OPTION: Refer to form used for determining eligible community member

(c) Conduct of Meetings

The following are the *[insert CPG name]* procedures regarding conduct of planning group meetings:

OPTION: Discuss efforts by the planning group to notice meeting agendas.

OPTION: Discuss meeting operation, including public comment [when on the agenda and how much time], how consent items are handled, maintaining a civil meeting environment, how the public/audience participates in discussion items on the agenda; order of items on the agenda.

OPTION: Discuss specifics of subcommittee membership and operation.

OPTION: Discuss operation of the planning group's development review subcommittee operations.

OPTION: Discuss the Elections Subcommittee.

OPTION: Discuss any detail about the chair's voting or non-voting option that isn't discussed in Article VI, Section 5.

(d) Member and Planning Group Responsibilities

The following are the *[insert CPG name]* procedures regarding member and planning group responsibilities:

OPTION: Discuss how the planning group's positions may be represented to the City on planning issues that are not project review recommendations.

OPTION: Discuss internal bylaws amendment process, prior to submittal to the City staff.

OPTION: Discuss when procedures might be developed.

OPTION: Discuss any voluntary financial contributions, including purpose and use.

OPTION: Discuss any regular participation on other committees or with other organizations.

(e) Elections

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws:

OPTION: Specifically detail procedures for ALL policies listed in Article V, Sections 1 and 2 related to planning group elections and voting.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The *[insert CPG name]* and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The *[insert CPG name]* and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

(a) Alleged Violations by a Member of the *[insert CPG name]*

In cases of alleged violations of the *[insert CPG name]* bylaws or Council Policy 600-24 by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

CURRENT

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

If the planning group member found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the *[insert CPG name]* to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.

- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.

- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair [or other officer] may assist in providing appropriate citations to assist the complainant.

- The chair will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.

- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

CURRENT

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.

- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.

- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.

- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and *[insert CPG name]* would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.

- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.

CURRENT

- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of their recognized community planning group.

- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.

- The removal of a planning group member by a 2/3 vote of their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations Against the *[insert CPG name]* as a Whole

In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The *[insert CPG name]* will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Exhibit A: *[insert CPG name]* Boundary Map

Bylaws Shell Date: 6/1/07

ADMINISTRATIVE GUIDELINES

FOR IMPLEMENTATION OF
COUNCIL POLICY 600-24: Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups

****Please note that these guidelines will be updated to reflect changes to Council Policy 600-24 as of May 22, 2007****

Approved July 1991
Amended May 2001
Amended April 26, 2006

PREPARED BY: Betsy McCullough, Acting Planning Director

CONSISTENT WITH COUNCIL POLICY 600-24: Michael J. Aguirre, City Attorney

IN CONSULTATION WITH: Steve Laub, Community Planners Committee Chair

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ATTACHMENTS

1. Sample Registration for Planning Group Membership Application

2A. Sample Planning Group City Use Roster

2B. Sample Planning Group Public Use Roster

3. Annual Report Format

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APPENDICES BY REFERENCE

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2. COUNCIL POLICY 600-24

3. O-17086 NS INDEMNIFICATION ORDINANCE

4. ENGAGING IN PUBLIC DIALOG HANDBOOK

SECTION	TITLE	COUNCIL POLICY SECTION	HISTORY
--	INTRODUCTION	POLICY	ADDED APRIL 2006

INTRODUCTION

These Administrative Guidelines are intended to assist recognized community planning groups and City staff in creating, implementing, and amending bylaws established for the operation of planning groups recognized under Council Policy 600-24. Recognized community planning groups consist of the 12-20 elected planning group members discussed in the Policy.

These Administrative Guidelines were prepared after the initial adoption of Council Policy 600-24. They are a result of a need by recognized community planning groups to be able to rely upon a more detailed discussion of appropriate operating procedures and responsibilities than can be provided in a council policy.

These Administrative Guidelines are intended to interpret provisions of Council Policy 600-24 and to discuss ways to incorporate the Policy requirements into individually-developed bylaws of recognized community planning groups. The Guidelines are not intended to contradict the Policy or to recommend bylaw provisions that are inconsistent with the Policy.

For purposes of Council Policy 600-24, the Administrative Guidelines, Ordinance O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages," and adopted planning group bylaws, the term *recognized community planning committee* and *recognized community planning group* are used interchangeably. *Recognized community planning group*, in turn, is abbreviated throughout the Administrative Guidelines to *planning group*. In addition, an individual planning group may identify itself as a *planning group*, *planning committee*, *community council*, *advisory committee*, or *planning board*, etc. Regardless of the descriptor, the planning group in the community that is the one recognized under this Policy is subject to the Policy and Administrative Guidelines and Ordinance O-17086 NS, and is provided the status afforded by the Policy.

1.0 OVERVIEW OF RECOGNIZED COMMUNITY PLANNING GROUPS

SECTION	TITLE	COUNCIL POLICY SECTION	HISTORY
1.1	ROLES AND AUTHORITIES	POLICY	ADDED APRIL 2006
1.2	ENCOURAGING COMMUNITY PARTICIPATION • COMMUNITY OUTREACH • DIVERSE REPRESENTATION	ARTICLE III	ADDED APRIL 2001 AMENDED APRIL 2006

1.1 ROLES AND AUTHORITIES

Recognized community planning groups have been formed by the City Council to advise the City on land use issues that are both policy-based and are the implementation of adopted land use policies. While the planning groups are officially recognized by the City, and act as an advisory organization representing the community to the City on land use matters, the planning groups are considered private organizations. A planning group that operates in violation of governing policies can have its official recognition removed by the City Council and a new recognized planning group can be formed by the City Council.

Planning Department staff is provided as a liaison to the planning groups in accordance with Council Policy 600-24. The Planning Department staff liaison can interface with other City departments, elected officials, and other agencies on matters pertaining to planning group functions. The Planning Department consults with the City Attorney regarding legal issues that cannot be resolved by a planning group working with the Planning Department.

Planning groups should familiarize themselves with the council policies that address planning group formation and organization, planning group bylaws, and these Administrative Guidelines to ensure effective planning group operations. Council policies that relate to the establishment and organization of planning groups include Council Policy 600-5, 600-9, and 600-24. If there are specific instances when adopted bylaws do not address certain issues, Robert's Rules of Order Newly Revised should be consulted to provide further guidance. Planning Department staff may also provide guidance, although the responsibility for using, interpreting and enforcing planning group bylaws and consistency with Council Policy 600-24 belongs primarily to the planning group members.

Bylaws of recognized community planning groups identify Council Policy 600-24 as the Policy authorizing the community organization to be recognized by the City to provide land use advice, and that the Policy, the Administrative Guidelines, adopted planning group bylaws, and the provisions of the Indemnification Ordinance O-17086 NS govern the planning groups' operations and responsibilities.

1.2 ENCOURAGING COMMUNITY PARTICIPATION

It is essential to the success of recognized community planning groups that broad community participation be encouraged. To this end, Council Policy 600-24 requires that planning groups periodically seek community-wide understanding of, and participation in, the planning and implementation process. Planning groups must provide participation during review of specific development proposals to property owners, residents, and business establishments affected by the proposed project. Any interested member of the public should be allowed to address the proposal, though time limits and the method of participation can be defined by the planning group.

Although interest in the planning group process tends to run highest in areas with controversial developments or neighborhood issues, all planning groups can generate interest and participation by encouraging lively and well-run meetings, and by actively noticing each monthly meeting and the annual election event. Other appropriate means of ensuring participation include networking with other active local and regional planning groups and by getting involved in local community organizing efforts. Care should be taken to avoid a violation of the provisions of Council Policy 600-24 regarding political activity.

Community Outreach

Council Policy 600-24 also requires a good faith effort on the part of the recognized community planning groups to publicize regularly scheduled meetings and annual elections in neighborhood newspapers and by other available means. Usually this includes posting agendas and election notices in public locations, such as local branch libraries, recreation centers, community kiosks or bulletin boards. Many planning groups have developed their own websites upon which election information can be placed. Also, community newspapers carry articles about the planning groups' activities throughout the year, and publicize the planning groups' elections.

With the expanded use of electronic communications, the Planning Department is able to use means other than newspapers to engage citizens in the possibility of becoming planning group members. Announcements about planning group elections and planning group meetings are run on the City's TV24 television station. Electronic mail about planning groups can be sent to individuals on the Department's list to receive information about planning-based meetings and events. These efforts are intended to supplement the outreach efforts made by planning groups themselves.

Diverse Representation

An important aspect of ensuring broad community participation includes the Council Policy 600-24 requirement that recognized community planning group membership be open to all property owners, residents, and local business persons [Article III, Section 3] and that planning group membership shall not discriminate based on race, color, sex, age, creed, national origin, sexual orientation, or physical or mental disability [Article II, Section 4].

The 2005 amendment to Council Policy 600-24, Article III, Section 3, adds descriptions of the three broad categories of representation listed above to provide a broad interpretation of these interests. The section also discusses planning groups being able to further define eligibility. Therefore, based on the presence of those interests in a particular community, the planning group may use these descriptions, broaden them, or narrow them. If narrowed, the purposes should be for clarification rather than exclusion of legitimate interests. It should be noted that about half of the planning groups use the listing of categories as they are in the Policy while the other half adds categories, details some categories [usually business or property owner categories], or distributes planning group seats based on geographic distribution.

Council Policy 600-24 also requires that, "to the extent possible, [planning groups should] be representative of the various geographic sections of the community and diversified community interests." As a result, many planning groups are formed based upon geographic districts, although this is not required. Other methods of ensuring diversified community interests include reserving specified numbers of seats for specific organizations (homeowners, renters, businesses) or specific local interests (districts, park and school boards, business associations). All such approaches, embodied in particular planning group bylaws, are subject to approval by both the Planning Director and the City Attorney. If not approved at this level, the City Council can review and approve proposed changes.

For those recognized community planning groups that identify specific seats to be held by business representatives within the community, those seats must be reserved for the businesses that are found in commercial or industrial areas of communities. The growing number of individuals working from their homes is raising the level of interest in planning activities in a community and may encourage more business people working from home to run for seats on planning groups. Planning groups have expressed an interest in allowing individuals with Home Occupation Permits to fill seats that their bylaws identify as "business" seats. This is not consistent with the intent of the business seat category in Council Policy 600-24, which is to include and encourage participation from business representatives with non-residential business addresses. This does not preclude a planning group from designating a seat as a "home occupation" seat while retaining the representative number of non-residential business seats.

When a planning group finds that there needs to be an adjustment of representation on the planning group due to changing community composition in developing communities, or changing community interests, the bylaws can be amended to reflect the community demographics. The categories, number of seats, and timing of the changes can depend on a number of factors, such as the number of built housing units, amount of commercial development, industrial development, and other interests in the community. The Planning Department should be contacted to assist the planning group in determining how to achieve planning group representation that is balanced and diverse if the planning group is uncertain about adjusting representation categories.

2.0 Recognized Community Planning Group Composition

SECTION	TITLE	COUNCIL POLICY SECTION	HISTORY
2.1	CATEGORIES OF MEMBERSHIP [FORMERLY ELECTED MEMBERS AND GENERAL MEMBERS] • ELECTED PLANNING GROUP MEMBERS • APPOINTED MEMBERS • COMMUNITY AT LARGE • GENERAL MEMBERSHIP	ARTICLE III, SECTION 3 ARTICLE V, SECTION 2 ARTICLE VI, SECTION 3 ARTICLE VIII, SECTION 1	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
2.2	TERM LIMITATIONS [FORMERLY COMMUNITY PLANNING COMMITTEE TERM LIMITATIONS] • BASIC TERM • CONTINUOUS SERVICE BEYOND BASIC TERM	ARTICLE III, SECTION 4	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
2.3	SUBCOMMITTEES	ARTICLE VI, SECTION 2	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006

2.1 CATEGORIES OF MEMBERSHIP

Elected Planning Group Members

Council Policy 600-24 discusses roles and responsibilities of recognized community planning group members. The Policy refers exclusively to elected members of planning groups, i.e., the 12-20 members identified in the Policy in Article III, Section 1. The provisions in the Policy govern the actions of those members. The Policy calls for those elected members to be the officers of planning groups and to be the representatives to the Community Planners Committee. However, because a number of planning groups utilize a "general membership" category, the Administrative Guidelines also address General Membership (below).

It should be clarified that the "12-20" members allowed in Council Policy 600-24 provides a range within which a planning group can select a particular number of members to be identified in its adopted bylaws. This number of members is generally acknowledged as a range within which this type of assembly can effectively operate and manage its business. This number varies by community, however, selection of a number of members is critical to an effective election process where seats can be allocated and terms can be staggered – ensuring continuity of membership while incorporating new members into a planning group.

Appointed Members

Recognized community planning groups may find that a community interest may be represented by a member filling a seat either through an appointment by the planning group or by the entity that the seat represents. If planning groups find the need to identify an appointed seat, the reason for the appointed seat should be clearly defined in the bylaws. Additionally, the responsibilities and level of participation of that seat, such as voting, participation in meetings and subcommittees, and terms of service, should also be defined.

If a planning group anticipates that the appointed seat should be converted to another category or to an elected seat at a certain time due to changing needs for community representation, the bylaws should state the procedures and criteria when and how such a conversion may occur.

Community at Large

Council Policy 600-24 presumes that any eligible member of a community may participate in recognized community planning group processes, including elections of new members. Many planning groups rely on this general provision to govern participation in elections. For planning groups that use this approach, it is still necessary to be able to determine the eligibility of community members to ensure that an individual votes only one time in an election. It is suggested that planning groups adopt clear bylaw provisions or procedures for qualifying voters. See Section **5.1 ELECTION PROCEDURES**.

General Membership

Since the adoption of Council Policy 600-24, many recognized community planning groups have developed "general membership" categories of members. Often when a planning group establishes a general membership category, an individual must meet certain criteria demonstrating a desire over a period of time to participate in the activities of the planning group in order to be able to vote for candidates in an election. If a planning group has not established a general membership, an "eligible member of the community" per the Policy can appear at an election, present proof of being an eligible member of the community, and vote for planning group candidates in an election.

Establishing a general membership can be consistent with Council Policy 600-24 **if it does not act to limit participation** by interested community members in attending or participating in meetings, or in voting in planning group elections. For example, a planning group with a general membership of 15-25 members is not consistent with the Policy. Even 50 may not be enough general members if the community's interest in the planning group is high. A planning group's election may be challenged if general membership requirements are so strict as to exclude good faith efforts by community members to participate in meetings or elections.

It is important to note, however, that general members of a planning group are not acknowledged in Council Policy 600-24 and are not extended the same opportunities for indemnification as elected members.

Since general memberships will vary by community, any planning group provisions addressing general members' opportunities for participation in the planning group, such as voting for elected members, speaking at meetings, participating in subcommittees, participating in regular meetings, how their input is handled by the planning group, and participation in elections, should be included in the planning group's bylaws, or in procedures referenced in the bylaws. Planning group bylaws should define any categories of general membership and eligibility to qualify as general members. Any responsibilities for recordkeeping associated with general membership should be stated in the bylaws or standard operating procedures referenced in adopted bylaws.

In summary, a planning group's bylaws should clearly discuss the role of any category of membership in a planning group's adopted and approved bylaws for issue areas such as elections and voting.

A Sample Registration for Group Membership Application, which can be used to keep an accounting of "eligible community members," is Attachment 1 to these Guidelines.

2.2 TERM LIMITATIONS

Basic Term

The basic term limitation requirements in Council Policy 600-24 allow members to serve for up to eight or nine years, depending on the length of their fixed terms. Member terms may be two, three, or four years in length. Members serving for two or four years are limited to a total of eight consecutive years on a recognized community planning group, while members serving three year terms are limited to nine consecutive years regardless of the number of different elected planning group seats a member has held during those years.

Members who have reached the end of their allowed number of terms and years may, after a one year break in service, again serve on a planning group. Breaks in service of less than one year cause subsequent time to count as continuous time against the total number of years of service limits, although the time not in service may be subtracted.

Continuous Service Beyond Basic Term

Members who have served more than eight or nine years may serve in excess of the term limits without a break in service, subject to the following:

1. A good faith effort has to be made by the planning group to develop a list of potential new candidates that exceeds in number the seats that are open for election.

2. If a candidate with service beyond eight or nine years is to appear on the ballot with new candidates, the ballot must identify that the candidate exceeds the planning group's allowable term limits and that the candidate must receive a two-thirds vote to be elected. It should also state that this candidate will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., a new candidate receives priority over candidates exceeding the term limit.

3. Only after open seats are filled with new members may candidates with service beyond eight or nine years, who received a two-thirds vote, be considered for remaining open seats, with the highest vote recipient exceeding the eight or nine year limitation taking the first open seat that they qualify for, etc.

4. No more than 25 percent of the total planning group membership can consist of members serving in excess of the specified terms of service. At the time of the election, if 25 percent of the planning group is made up of members serving in excess of the specified terms of service, the candidate with service beyond eight or nine years may not even be considered.

If the planning group has specific categories of elected seats, and seats within particular categories remain open after an election, the planning group should have an adopted procedure or bylaw provision which prescribes how those remaining seats may be filled, i.e., with a new candidate from another category or with a candidate with service beyond eight or nine years receiving two-thirds vote within that category.

If a vacancy occurs at mid-term, the planning group should follow the procedures for filling vacancies prescribed in adopted bylaws. A candidate with service beyond eight or nine years may be nominated to fill the vacancy only if there are no other nominations. For such a candidate to be elected, a two-thirds vote is required and the 25 percent limitation is met with the seating of the candidate.

Election by a two-thirds majority to a term beyond eight or nine years should be considered "time on" for the purposes of counting continuous service. If an additional term is subsequently sought without a break in service, a two-thirds majority vote is again required.

The term limitation provisions also require that no planning group members may serve as officers of the planning group for longer than eight or nine consecutive years regardless of the number of different officer positions held and even if elected to additional terms by a two-thirds majority. In general, unless there is a severe problem with participation in planning groups, members and officers should try to provide for a "changing of the guard" on a regular basis.

2.3 SUBCOMMITTEES

It is up to each recognized community planning group to decide whether or not it wants to establish subcommittees. Subcommittees can be very useful in helping a planning group carry out its responsibility of advising the City in the preparation and implementation of a community plan. Subcommittees allow for increased participation in the community planning process. They have also proven to shorten the meeting of the full planning group by developing recommendations upon which the planning group can vote.

The majority of planning groups in the City have active subcommittees. The type and composition of the subcommittees varies. Many of these planning groups have some sort of subcommittee that reviews development proposals.

Subcommittees should adhere to all of the other provisions of Council Policy 600-24 that might apply and the composition and operating procedures of subcommittees should be included in a planning group's bylaws.

The composition or membership of a subcommittee may be decided upon by each recognized community planning group. Council Policy 600-24 directs that each planning group's bylaws contain procedures for establishment of subcommittees, including the method of appointment of the subcommittee chair and members. There are no restrictions on the size of the subcommittee,

or on the number of elected versus non-elected (or general) members, or members of the public. It is suggested that elected members of the full planning group serve as the chairpersons of the subcommittees. While the number of members of a subcommittee should reflect the subcommittee's workload or tasks, it has been found more effective for a subcommittee to be less than a quorum of the elected members of the planning group. Any member of a subcommittee that is not an elected planning group member is neither indemnified nor legally protected by the City's indemnification ordinance. See Section **4.2 INDEMNIFICATION ORDINANCE**.

3.0 Conduct of Recognized Community Planning Group Meetings

SECTION	TITLE	COUNCIL POLICY SECTION	HISTORY
3.1	OPEN MEETINGS [MOVED FROM ATTENDANCE AND QUORUMS]	ARTICLE VI, SECTION 10	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
3.2	NOTIFICATION OF MEETINGS • REGULAR MEETINGS • SPECIAL MEETINGS • EMERGENCY MEETINGS • SUBCOMMITTEE MEETINGS	ARTICLE VIII, SECTION 1(3)	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
3.3	ATTENDANCE AND QUORUMS • ATTENDANCE • QUORUMS	ARTICLE VI, SECTION 2	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
3.4	PARLIAMENTARY PROCEDURES AND VOTING • ROBERT'S RULES OF ORDER NEWLY REVISED • THE AGENDA • DEBATES ON MOTIONS • VOTING OBLIGATIONS • POINT OF ORDER • OFFICIAL POSITIONS OF PLANNING GROUPS • CALCULATING A VOTE • VOTING RIGHTS OF THE CHAIR • MULTIPLE VOTES ON PROJECTS OR POLICIES • MINUTES	ARTICLE VI, SECTIONS 2,3 ARTICLE VIII, SECTION 1	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
3.5	DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS • RECUSALS AND DIRECT ECONOMIC INTEREST • HOW TO EVALUATE THE PRESENCE OF DIRECT ECONOMIC INTEREST • ABSTENTIONS	ARTICLE VI, SECTION 7	ADOPTED JULY 1991 AMENDED APRIL 2001 [RENUMBERED] AMENDED APRIL 2006

3.1 OPEN MEETINGS

All meetings of recognized community planning groups, including subcommittees or "executive committees" are required to be open to the public. Given the stated roles and responsibilities of planning groups, there is no justification for an executive session, or closed session, of a planning group since a responsibility of a planning group is to lead the community in public discussion and involve the community at large.

Electronic communication should not be used by a planning group, or by a planning group member, as a method for conducting business of the planning group. Conducting business includes sharing positions on project or other action items coming before the planning group or taking an informal poll of planning group members' positions on a business item, or soliciting support for, or opposition to, an upcoming planning group action item. Conducting business is differentiated from distributing agendas, minutes, and general information for planning group meetings.

It is the planning group's responsibility to make all meeting locations, including subcommittee meetings, accessible to all individuals, including those with disabilities.

In addition, it is highly recommended that, at the beginning of any meeting, the chair introduce the planning group members and explain the planning group's planning advisory role to the City. Each member may also introduce themselves and the role they fill on the planning group [e.g., a resident seat, a business seat, etc.]. Planning group members should sit together at the front of the room so the audience can clearly identify them as the elected, voting members of the planning group. To help audience members become familiar with the elected representatives of the planning group, the Planning Department, upon request, will prepare name plate "tents" for use by the planning group.

It has been found to be extremely beneficial to the planning group and to the members of the audience for the Chair to introduce each agenda item with an identification of the agenda number, the subject of the item, indicate whether it is an information item or action item, indicate how the public will be able to participate, and ask who among the planning group members are eligible to participate in the item [i.e., ask for recusals and abstentions]. This introduction gives everyone in attendance a clear understanding of the planning group's intent toward the agenda item, and allows the chair to manage the agenda item to its conclusion.

Subcommittees of recognized community planning groups should adhere to the provisions of Council Policy 600-24. All subcommittee meetings must be open to the public. In order to make sure that subcommittees are as open as possible, meetings should be held in locations where anyone interested in attending the meeting may enter the building and there will be room to accommodate anyone who wishes to attend**.** Meeting locations should be accessible to all individuals, including those with disabilities.

3.2 NOTIFICATION OF MEETINGS

In the spirit of open meetings and community participation, all meetings of a planning group must be open to other planning group members and to the public. Below, this section addresses various types of meetings considered to be within the scope of Council Policy 600-24. Serial meetings, meaning a series of meetings among less than a majority of elected planning group members, to develop a planning group position on an issue or project are not allowed.

Planning groups should establish noticing procedures based upon the guidelines discussed in this section, include them with other adopted procedures, and be consistent in their application. Responsibility for notification of affected parties should be delegated to planning group members or subcommittees who accept the responsibilities involved and understand the adopted procedures. Established procedures consistently applied can help create an atmosphere in which local planning decisions are respected and adhered to. It should be noted that legal notices mailed to property owners by the City include a statement about the regular planning group meeting time, date and place of that community's recognized planning group.

Regular Meetings

An important duty of recognized community planning groups is to inform project applicants, neighboring residents and business establishments of upcoming meetings during which proposed projects will be reviewed or voted upon by the planning group. It is suggested that subcommittee meetings be announced at the full planning group's monthly meeting and be included in mailed or posted meeting notices. All meetings during which specific development projects will be discussed or voted on require notification to the affected parties.

Adequate notice is not defined by Council Policy 600-24, and planning groups are not subject to state-established noticing requirements since all actions taken are advisory in nature. However, to the extent possible, planning groups should provide consistent notification to affected parties in a timely and effective manner. In general, adequate notice is considered the Notice of Application distributed by the City and planning group agendas posted to the City's website. Draft agendas should be received by the Planning Department at least seven days prior to the meeting date to allow for posting of the agenda to the City's website. All planning groups' regular meeting agendas will be posted, even for those planning groups that mail out their own agendas.

Suggested guidelines for notification include:

- Applicants for development projects should receive notice of pending planning group meetings during which their projects will be voted on at least 72 hours prior to the scheduled meeting.

- Proposed development projects which have a potential for affecting larger areas of the

community or whose significance is of a regional nature should be noticed more widely, if at all possible. If time is available, the meeting at which such projects are scheduled to be voted on should be noticed in one of the local community papers and/or on community bulletin boards or in public library branches.

No direct notice to affected property owners or business establishments in the vicinity of a proposed development project is required to be sent by the planning group. The City's Notice of Application will be provided to such property owners with direction to contact the planning group chair for information on the future planning group meeting at which the project will be considered. The planning group should do its best to keep interested parties informed once a request has been made.

It is a mutual responsibility between the planning group and the project applicant for projects to be presented by the applicant and that public input be taken by the planning group prior to a planning group vote on the project, and the subsequent forwarding of that vote to the City staff. The planning group's organization should support timely notice to applicants, the opportunity to work with a subcommittee on complex project review issues, and the opportunity to present the project without interruption from the planning group or the audience. The project applicant's responsibility is to contact the planning group as advised by the Development Services Department, work cooperatively with the planning group to answer questions and resolve issues as feasible, and to attend scheduled meetings of the planning group and its subcommittee(s). If difficulties arise in carrying out any of the above-mentioned responsibilities, either the project applicant or the planning group can contact the assigned Development Project Manager or the assigned Community Planner for assistance.

Special Meetings

Special meetings are those meetings that are scheduled at times other than regularly held meetings. Special meetings typically are held to accommodate topics or individuals not able to be presented or to attend a regular meeting. Noticing for special meetings should be the same as noticing for regular meetings. All adopted quorum and voting requirements apply. Bylaws should include provisions to allow planning groups to call for a special meeting, although a simple majority of a planning group can vote to notice and hold a special meeting.

Emergency Meetings

Emergency meetings are those meetings that are held with maximum possible notice but at least a 24-hour notice. They are typically held due to pending items that are determined by the chair or the officers of a recognized community planning group to be of sufficient importance and with time constraints that do not allow the item to be scheduled at the next regular planning group meeting. The calling of an emergency meeting must disclose the nature of the emergency for which the meeting is being called. At the emergency meeting, a quorum of the planning group

members must be present to conduct the business and to take any vote. Any vote taken at an emergency meeting should be ratified at the next regular planning group meeting.

Subcommittee Meetings

Subcommittee meetings should follow all noticing and access requirements that are followed for regular meetings of recognized community planning groups since these meetings are typically held at the same time and location every month. Even though a subcommittee may not constitute a quorum of a planning group, it should be noticed and open to the public, and should accept testimony about development projects that will be forwarded to the full planning group. The fully-developed discussions that occur at subcommittees necessitate that all appropriate parties be notified of the subcommittee meeting in a timely manner.

3.3 ATTENDANCE AND QUORUMS

Attendance

Regular attendance by elected members of a recognized community planning group at scheduled recognized community planning group meetings is required by Council Policy 600-24. Because of this, the Policy requires that a planning group seat be vacated if a member fails to attend three consecutive meetings or four meetings within the 12-month period of April through March each year.

A record of attendance, usually included in the monthly planning group minutes, is required to be filed with the Planning Department (contact your community planner). This is required to be filed within fourteen days following approval of the planning group minutes. In addition, planning group resolutions on specific projects should include the full planning group's vote on the project. Planning groups should also vote to approve meeting minutes at the following scheduled meeting, so that, for example, January's meeting minutes should be voted upon during the February meeting and forwarded to the Planning Department within 14 days of the February meeting.

Quorums

A quorum of a recognized community planning group is a majority of non-vacant seats of that planning group. Council Policy 600-24 requires that a quorum be present whenever a planning group wishes to conduct business such as voting on a project or taking other actions. A planning group member who must recuse on an item does not count towards meeting a quorum for that item. Conversely, a member who abstains does count towards meeting a quorum. See Section **3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS** for a discussion of abstentions and recusals.

Before calling a meeting to order, the chair should be sure a quorum is present. If a quorum cannot be obtained, the chair should call the meeting to order, announce the absence of a quorum and entertain a motion for the limited purposes described below.

In the absence of a quorum, any business transacted is void. In such a case, however, it is the business that is void, not the meeting. If a planning group's rules require that the meeting be convened, the absence of a quorum in no way detracts from the fact that the planning group complied with its bylaws and held the meeting, even though it had to adjourn immediately. In this instance, it is the business that would be prohibited, not the meeting. During a meeting in which there is not a quorum present, the planning group may not take action on an item but it can discuss non-action items and receive information on general topics.

The only actions that can be taken in the absence of a quorum are to fix the time in which to adjourn, recess, or take measures to obtain a quorum (for example, contacting members during a recess and asking them to attend). The prohibition against transacting business in the absence of a quorum cannot be waived even by unanimous consent.

If a quorum of a planning group is present at the beginning of a meeting, but members leave the meeting temporarily, the continued presence of a quorum is presumed. Members intentionally leaving a meeting to cause a lack of a quorum jeopardize the operations and integrity of the planning group. If the chair or any member notice the apparent absence of a quorum, a point of order should be raised to that effect. At that time, the meeting should be stopped in order for the chair to assess whether a quorum is expected to return. If not, the meeting should be adjourned unless there are any non-action items remaining that the planning group wishes to discuss.

The chair should confirm the presence of quorum prior to calling for a vote on any action. If a member questions the presence of a quorum, it must be done at the time a vote on a motion is to be taken. A member may not at some later time question the validity of an action on the grounds that a quorum was not present when the vote was taken. It is the duty of elected members to attend planning group meetings, and to participate according to the roles and responsibilities of a planning group member as authorized in Council Policy 600-24, adopted bylaws and these Administrative Guidelines. Failure to act in good faith in fulfilling this duty by intentionally leaving meetings to lose a quorum jeopardizes the planning group operations.

If a meeting has to be adjourned due to a lack of a quorum, either before it conducts any business or part way through the meeting, a planning group may call a special meeting to complete the business of the meeting, or the business trails to the next regularly scheduled and noticed meeting of the planning group.

If a planning group loses a quorum due to recusals, and the agenda item is time sensitive and must be heard at that meeting, it may be heard and the planning group should inform the City on the project review recommendation form or letter that the vote does not reflect a quorum due to recusals. If the agenda item is not time sensitive then the item should be continued to a later

meeting when a quorum can be convened. See Section **3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS** for a discussion of recusals.

Periodically, planning groups have trouble retaining member interest. The reasons for declining interest can be varied. If your planning group begins to experience problems maintaining a quorum, it could seriously affect the planning group's ability to operate effectively. Upon recognition of this sort of problem, it may be useful for the planning group chair to contact the Planning Department to consider alternative solutions. A planning group whose membership is 20 members may request to amend its bylaws to require fewer members. The minimum number of members allowed is 12. The number of members is not a variable number, it is a specific number between 12 and 20 that the planning group should select and adopt into their bylaws to meet the needs of the community.

3.4 PARLIAMENTARY PROCEDURE AND VOTING

Robert's Rules of Order Newly Revised

Council Policy 600-24 states that all meetings and subcommittee meetings of recognized community planning groups shall be conducted in accordance with except as otherwise provided for in the Policy, the Administrative Guidelines, or in planning group bylaws. Planning groups are encouraged to develop procedures that meet the needs of the community. Robert's Rules of Order Newly Revised should be utilized only when the planning group determines that a community-specific procedure would not be more beneficial to the planning group's operation, or when the provision of Robert's Rules of Order Newly Revised is so common or straightforward that it need not be repeated in the bylaws.

The Agenda

Usually the chair or another designated person is charged with the responsibility of preparing the agenda. The person preparing the agenda can, of course, seek assistance with the task. The agenda consists of the items of business to be discussed at a meeting and should clearly identify information items separate from action items. An item that should be on every agenda and early on the agenda should be Public Comment on non-agenda items. This is consistent with the recognized community planning group's and Council Policy 600-24's goals to invite and encourage broad community participation in planning group activities. Planning groups may place time limits for each speaker during public comment in order to allow participation of individuals who want to speak while keeping the meeting running efficiently.
Once an agenda for a regular meeting has been distributed it should not be revised prior to the meeting unless the revised agenda can be distributed more than 72 hours prior to the scheduled meeting. If the need to revise occurs within 72 hours of the meeting, the agenda should be revised as discussed below.

As a matter of practice, planning groups should consider adoption of the agenda as the first order of business at a meeting because until the planning group adopts the proposed agenda, it is just that, merely a proposal. When a motion to adopt the agenda is made, the motion can delete items from or rearrange the order of items on the proposed agenda.

Adding items to the agenda at the meeting should not be a regular practice of the planning group. The published agenda should give the public a clear indication of the planning group's business at the meeting. If, due to a unique opportunity or an unexpected time limitation to vote on a development project, the chair determines that an item should be added to an agenda, the addition must be voted upon by the full planning group and must receive a two-thirds vote to be added. Also, some attempt to notify the public should be made. The requirement to notify an applicant about the discussion of his/her project is still required in accordance with Article VI, Section 3, of Council Policy 600-24.

Once the agenda has been adopted, the business items on it are the property of the planning group, not of anyone who submitted the items. Any change to the agenda, once it has been adopted, can be made only by motion of the planning group and requires at least a two-thirds majority to pass.

Once the agenda has been adopted, each item of business on the agenda will come before the meeting unless: (1) no one moves a motion, (2) no one objects to withdrawal suggested by the sponsoring individual or group, (3) a motion to delete an item from the agenda is made and passed, or (4) the meeting runs out of time before the item can be discussed.

A section titled "Consent Agenda" is also encouraged to be added to the agenda. A consent agenda is a practice by which some planning group action items are organized apart from the rest of the agenda and approved in a single motion. This includes all of the proposals that require formal planning group approval but there is no need for planning group discussion before taking a vote because all issues have been fully discussed by a subcommittee and all planning group members understand the position recommended by the subcommittee. Items may be on a consent agenda only if all planning group members agree; if even one member requests that a specific item be removed, it must be placed on the regular agenda under action items. Any member of the public may also request that a consent agenda item be removed and discussed.

Consent agendas should be used when there are a number of items on which the planning group needs to vote. Consent agendas are used to save planning group meeting time and to help ensure that planning group meetings focus on substantive topics. Through the "bundling" process, the entire set of items of business can be voted on in one action versus taking the time to vote on each individual item. It is common practice among many planning groups to place non-controversial development proposals on a consent agenda. The consent agenda usually appears near the beginning of the regular meeting. This allows any item removed from the consent agenda to be placed onto the overall agenda for discussion and action later in the meeting.

Complete information must be provided in advance of the meeting to all planning group members, so that each knows what is being proposed and has the opportunity to consider whether the item warrants discussion. Consent agendas are not to be used to hide action that will be controversial - to do so breaches the trust and credibility of the planning group and the public as well as undermines the value of this practice.
The public should have the opportunity to testify on items on the agenda during the time the item is discussed. The planning group should allow public input and should limit the time for each speaker to ensure equitable public participation.

Debates on Motions

This subsection discusses Robert's Rules of Order Newly Revised; however, it contains some specific direction about when to NOT use Robert's Rules of Order Newly Revised but instead to use this discussion as guidance to develop or amend recognized community planning group bylaws. Individual planning groups are encouraged to adopt procedures for discussing items such as time limits for planning group discussion, sequencing of public input, and timing of motions.

Business is accomplished in meetings by means of debating motions. The word "motion" refers to a formal proposal by two members (the mover and seconder) that the planning group take certain action. Robert's Rules of Order Newly Revised directs that discussion on an item be started by placing a motion on the floor. However, the types of items that planning groups consider often benefit from having discussion on an item prior to making a motion. A pre-motion discussion assists in looking at all the information being presented, allowing the public to speak to all the information, and reviewing any subcommittee recommendations or conditions. There is also benefit in that a clearer, better worded and fully-developed motion can be proposed.

Normally, a planning group member may speak only once on the same question, except for the mover of the main motion, who has the privilege of "closing" the debate (that is, of speaking last). If an important part of a planning group member's speech has been misinterpreted by a later speaker, it is in order for the planning group member to speak again to clarify the point, but no new material should be introduced. If two or more people want to speak at the same time, the chair should call first upon the one who has not yet spoken. Planning groups may want to adopt rules limiting the time a member may speak in any one debate (for example, five minutes). The mover of a motion may not speak against his or her own motion, although the mover may vote against it. The mover need not speak at all, but when speaking, it must be in favor of the motion. If, during the debate, the mover changes his or her mind, he or she can also inform the planning group of the fact by asking the planning group's permission to withdraw the motion.

Voting Obligations

All votes must occur at a noticed, open meeting of a recognized community planning group. Members must be present to cast a vote, and no proxy voting is permitted.

When attending meetings, planning group members must participate in a vote unless they must recuse or abstain – see Section **3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS**. As elected members of planning groups, it is their responsibility to vote and make recommendations on items which come before the planning group as part of the planning group's official duties. If a member intentionally does not vote on projects, it can jeopardize the credibility of the member to represent the community and the credibility and effective operation of the full planning group, especially if the member participates in the discussion of the item, then does not vote. A continued pattern of non-voting may establish a basis for the planning group to censure or discipline the member.

Point of Order

Any member of a recognized community planning group is responsible for raising a point of order at the meeting if they view an action by the planning group to be in conflict with the planning group bylaws. At that time a review of the bylaws may be warranted to determine the appropriate action. Planning group members should not hesitate to raise a point of order as soon as they believe a conflict has arisen. Waiting until later to raise it, or contacting the Planning Department after the fact, greatly reduces the likelihood that a procedural problem can easily be rectified.

A planning group's bylaws may allow the chair to recognize audience members who indicate they want to raise a point of order. As a rule, however, the ability to raise a point of order is reserved for planning group members.

Official Positions of Planning Groups

Council Policy 600-24 states that, "the official positions and opinions of the recognized community planning group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group." Members are advised to not identify themselves as members of a recognized community planning group when expressing positions on matters either not voted upon by, or outside the scope of duties of, planning groups. Planning groups may include rules of standing order or operating procedures to guide the roles and responsibilities of planning group members when representing the planning group positions to the City and/or to the public. The actions of a planning group should be approved by a vote of the planning group; however, there may be certain times where the action of the chair may necessitate timely action. In the case of the chair needing to take unauthorized but appropriate action [such as filing a timely appeal on a project that the planning group has voted against during a regular meeting following proper procedures], the chair should report on the action at the next meeting of the planning group. In some cases a confirmation vote may be appropriate as a follow-up action.

Any recommendation made by a subcommittee must be acted upon by the recognized community planning group to be recorded as an official vote of the planning group (even if the

composition of the subcommittee includes a quorum of the planning group). Council Policy 600-24 specifically states in Article I, Section 4, that: "the official positions and opinions of the planning group shall not be established or determined by any organization other than the planning group." Therefore, the City will not recognize subcommittee recommendations if presented directly to the City without being voted upon by the planning group. The full vote of the elected members of the planning group is especially important when a subcommittee includes members that are not elected planning group members. It is acceptable for subcommittee recommendations to the full planning group be placed on the planning group's agenda as consent items for action by the full voting board. Only the full planning group's vote should be sent to the City, including votes taken regarding development projects.

Calculating a Vote

Most motions of a recognized community planning group are decided by a majority vote. A majority vote is half of the eligible voting members present plus one. For example, if a planning group consists of 16 members but only 12 are present and all are eligible to vote on an item, a majority vote would be seven.

There are situations when a member of a planning group should not vote on a matter before the planning group. See Section **3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS** for a discussion of recusals and abstentions. Basically, if a planning group member must recuse on an item, his/her presence at the meeting is not counted in calculating a majority vote. For example, if 18 members are present and four must recuse on an item, a majority vote would be eight. Similarly**,** abstentions are not included in the calculation of a majority vote.

Sometimes a majority vote either in favor or against an item is difficult to obtain. While only a majority vote will establish the "official" position of the planning group, the vote taken, whatever the outcome, should be submitted to the City as the final vote of the planning group. This can avoid continuances and rescheduling of an item in an attempt to achieve a majority vote either in support or in opposition. This final vote will be recorded as the vote of the planning group, and the position obtaining the most votes, because it is not a majority, will not be characterized as a planning group position in support or in opposition to a project.

To ensure your planning group's vote is not misinterpreted, it is advisable to always include votes in favor, votes in opposition, and abstentions when forwarding to the City since those three categories all count as part of a vote. For example, again using a quorum of 18, when there are ten in favor, four opposed, and four **abstentions**, a vote of the planning group in favor of an issue would be shown as "10-4-4". As stated above, recusals do not count toward a quorum or in the vote, so a vote with ten in favor, four opposed and four **recusals** would be shown as "10-4-0."

Voting Rights of the Chair

Participation of the chair in voting on action items is not discussed in Council Policy 600-24, therefore, it defers to Robert's Rules of Order Newly Revised. Given the nature of the business of recognized community planning groups, and the responsibility of elected members to participate in planning group business, chairs should be given the flexibility to participate in the planning group's voting, where appropriate and pursuant to the group's adopted bylaws.

Robert's Rules of Order Newly Revised state that if presiding officers are members of their planning groups and participate in ballot votes, they have the same voting rights as any other member. Generally, it is up to individual planning groups to determine if the chair of the group should participate in all votes, with the same rights as all other members. This should be specifically addressed in the group's bylaws.

In light of Robert's Rules of Order Newly Revised, planning groups should decide upon a model that is most effective in leading planning group discussions to successful votes: one where the chair both debates and votes; or, one where the chair debates but does not vote except to make or break a tie; or, one where the chair neither debates nor votes. It is important that whatever model a planning group chooses, it should be clearly understood by everyone, memorialized in the planning group bylaws or an adopted rule, and consistently followed.

Multiple Votes on Projects or Policies

Discussion items or development projects should be acted upon only one time by a recognized community planning group. This does not preclude presentations to the planning group during policy or project development in order to receive early input from the planning group and the community. The vote should occur during a timeframe where the planning group believes there has been an opportunity for public input, or when a development project is at a point where it is close to being finalized. The project should be at a point of certainty where the planning group vote could recommend approval or denial of the project, or recommend additional conditions, with some certainty that the project upon which the recommendation is based is the project that actually will be considered by the decision-maker [the Hearing Officer, the Planning Commission, or the City Council]. Planning groups often identify this point of certainty during the public review period of the environmental document. Other planning groups are prepared to take a position after the first or second Project Assessment Letter sent to the applicant. Until an assessment letter is sent, planning groups have little guidance from staff regarding the project's compliance with the City's policies or regulations.

However, it is recognized that items or projects may be considered over a period of time at multiple meetings. If a project has been substantially revised since a prior vote by the planning group, or a planning group received incorrect or additional information, at the planning group's discretion the revised project may be placed on the agenda for a new vote by the planning group rather than as a reconsideration of a prior vote [i.e., be placed on the agenda and voted on at that meeting with a simple majority vote rather than being voted on as a reconsideration, with a

decision at the following meeting]. It should be noted that a change in a planning group's membership composition is not a reason to reconsider and revote on a project.

Another example of a voting on an action item or development project a second time may occur when it is determined by a planning group that key stakeholders [such as an applicant, adjacent neighbors, City staff on policy items] were not given the opportunity to participate in the planning group's consideration of the action. Exclusion may have occurred during the meeting where an individual was present, or may be caused by lack of reasonable notice to interested parties. In this case, it is also reasonable for a planning group chair to determine that an item should be placed again on the agenda for action. This remedy should not be made available to individuals who should have known about, or who knowingly pass up, an opportunity to participate in a discussion item at a planning group meeting. This remedy does not apply where newly elected members seek to reverse a previously completed process of considering a development project or policy issue.

Bylaws or standard operating procedures may establish clear policies and procedures to guide the way planning groups will review and vote on projects, including timing of votes on projects after the environmental document is available for public review, notification to the community and applicants, and procedures for project review.

Minutes

Council Policy 600-24 states that, "a report of attendance and a copy of planning group approved minutes that include the votes taken on each matter acted upon for each meeting shall be retained by the group and shall be available for public information. Additionally, a copy of the approved minutes shall be submitted to the Planning Department within 14 days after approval by the planning group." Therefore, the Planning Department typically receives final minutes about 45 days after the subject meeting. It is important that planning groups provide minutes in a timely manner, as required by the Policy, for review by the public and for use in City business.

3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS

Individuals seek to become elected members of recognized community planning groups. They participate in, and vote on, matters of concern to the community. These matters are most typically development projects or land use-related policy votes. Therefore, members have an obligation to fully participate in significant issues before the planning group unless there are circumstances unique to individuals that prohibit their participation.

Unique situations are most likely ones that affect a member financially. In financially-identifiable situations, **recusal** is the appropriate action to be taken by the member. When situations are not clear about the financial effect on members, they might have to or want to **abstain**. Each of these situations is discussed below. In addition this section provides guidance

on how to try to determine financial effect, i.e., direct economic interest, outside of certain typical situations.

Since planning group members are not public officials, and planning groups are private organizations [See BACKGROUND in Council Policy 600-24], the Fair Political Practices Act and the state-mandated Conflict of Interest provisions are not applicable to planning groups. The use of the term "direct economic interest" in the council policy is intended to create an observance of fairness among planning group members and to direct the members to not participate in agenda items where they may be financially affected in some way by the recommendation from the planning group

The planning group chair should ask for any recusals or abstentions prior to starting the substantive discussion on any agenda item. Members should be ready to declare recusals prior to the item and take appropriate action to remove themselves from the discussion as a member of the planning group. While abstentions declared prior to the item allow a fairer discussion by the planning group, a cause for an abstention might arise during the discussion of an item. [See the in-depth discussion below.]

Direct Economic Interest and Recusals

The section of Council Policy 600-24 on direct economic interest was amended in July, 1990, to clarify the City Council's direction regarding financial effects of a recognized community planning group's decisions upon its members. A recusal is required when a member of a planning group has a direct economic interest in any project or matter being considered by the planning group. This would apply to members who are elected to represent specific categories of seats [like a "developer" seat] or are elected into a resident or unspecified seat but have the direct economic interests described below. The provision requires that a member who has a direct economic interest disclose that interest and refrain from discussing, voting or participating in any manner as a member of the planning group. It is, however, acceptable for the member to assist in the presentation of the project to the planning group, as long as it is clear that the member is acting as an applicant and not as a planning group member. This type of participation is acceptable for planning group members since they are not subject to the City's Ethics Ordinance. Appointed members of City boards or commissions would be precluded from this type of participation at their own board.

While some direct economic interests must be determined on a case-by-case basis, there are a number of situations that are common among planning groups and can be given as universal examples. These examples of recusals are listed by type of item.

Related to private development projects, members who have an identifiable financial interest in the project through: (1) being an owner or part owner of the property, business or development which is the subject of the application, or (2) being the project architect or engineer, or (3) being an employee [i.e., receiving compensation from a company] of a company which is part of the

project team in any capacity, or (4) being a former member of the team of THAT PARTICULAR PROJECT and received compensation within the past six months, or (5) being a compensated board member of a company which is part of the project team in any capacity, or (6) being a compensated board member or employee of a non-profit organization which is proposing a development project or is part of a project team in any capacity.

1. Related to ordinances or large scale planning policy issues: when a financial interest can be identified as affecting a planning group member in a manner differently from the public generally. [See below on How to Evaluate the Presence of Direct Economic Interest.]

2. Related to land use plans [as defined in the Land Development Code: (1) community plans, specific plans, precise plans, and the General Plan], or (2) during a City-initiated amendment or plan, or (3) if there is a land use change on a piece of property and the member is related to the project in a manner described in #1 above. In general, policies and recommendations in a land use plan will affect an individual member the way it affects other members and the public generally.

3. Public agency employees or board members: whether elected or appointed to a seat specified for a particular public agency representative, such as a university, an employee or board member from that agency should be presumed to be unable to benefit financially from a planning group decision involving the member's agency. The member may want to consider abstaining, on a case-by-case basis, if there is an appearance of a non-monetary conflict.

There may be other fact situations that arise and, as it is difficult to provide a definition that would include every eventuality, if there is a question whether or not it is a situation of direct economic interest, it is advisable to err on the side of caution (i.e., disclosure and non-participation). The member may also contact the Planning Department for assistance.

If a member has a direct economic interest conflict, the individual is required to recuse by disclosing the conflict to the planning group prior to the discussion of the item and removing him/herself from the planning group seating area and not participating in the discussion and vote. The presence of a recusing member in the room in which the meeting occurs does not count toward a quorum for the item that the member recuses on. The vote on the item will not reflect the recusing member at all.

It is expected that members of a planning group will act in good faith to fulfill their authorized duties. If a conflict is suspected, but it is not recognized by a member, a **two-thirds** vote of the planning group taken prior to the item being discussed can determine that a member should recuse from participating in an item based on the reasons previously addressed in this section. If the member refuses to recuse, the planning group should make it a part of the public record that a vote of the planning group considered the member ineligible to participate. The participation of the member will be deemed void and the vote of the member not counted toward the planning group recommendation.

The refusal by a member to recuse from the planning group's discussion and vote may result in censure or discipline of the member by the planning group under adopted procedures. See Section **4.10 DISCIPLINE OR REMOVAL OF ELECTED MEMBERS OR VIOLATIONS BY A PLANNING GROUP**.

How to Evaluate the Presence of Direct Economic Interest

There may be situations that cannot be categorized into those discussed in the subsection above. If that is the case, a member of a recognized community planning group can use this section to come to better understand the need to recuse.

Even though actions of planning group members are governed by Council Policy 600-24, state law can be drawn upon to provide guidance to assist the member in determining whether they have a direct economic interest.

The general rule under the state regulations is that there is no disqualifying conflict of interest [in Council Policy 600-24 a direct economic interest] if the decision being made [and the process to get to that decision] affects the member's economic interest in a manner which is indistinguishable from the manner in which the decision will affect the public generally.

Relevant factors to help in the evaluation are:

1. Whether the decision affects a significant segment of the public. This is typically defined to mean 10 percent or more of the residents/homeowners, or 25 percent or more of similar business owners in the community.

2. Whether the decision will affect the member's economic interest in substantially the same manner as the significant segment identified above. The effects need not be identical for the member's economic interest to be "financially affected in substantially the same manner."

3. Whether, despite affecting the public in general, the decision "uniquely benefits" the member.

4. Whether the member was elected or appointed to fill a seat in a bylaws-specified category, e.g., a business seat, a developer seat, or a university seat. If the planning group's bylaws require (either expressly or impliedly) that a member represent particular interests in the community, the member qualifies for the "public generally" exception as long as their participation is not excluded by the situations specified above under **Recusals and Direct Economic Interest**. This seems most applicable where a community planning group member fills a designated seat, such as for developers, and is considered one of the "12-20 elected members" under the council policy, though it should be considered on a case by

case basis since members may have a direct economic interest when filling any seat [e.g., a property owner's representative or employee is on the planning group in a resident seat].

5. The financial effect from decisions establishing or adjusting rates, assessments, taxes or fees which are applied on a proportional basis on the member's economic interest, as well as on a significant segment of the other elected members of the planning group, is considered indistinguishable from the effect on the public generally.

Abstentions

An abstention should be used when a member of a recognized planning group feels that he or she should not participate in the vote of an item for a legitimate, non-financial reason. While it is the obligation of a planning group member to participate in, and vote on, matters before the planning group, it is also the planning group member's obligation to abstain when a legitimate reason warrants it. For any abstention, the member should state the reason for it. There are several identifiable situations that should result in an abstention: when a non-financial conflict exists and when there is a lack of information upon which to base a vote.

Examples are:

1. When there is a possibility that a conflict could exist: the member cannot determine that there is a financial connection to the project but suspects there may be one not known at the time of the planning group discussion.

2. When there is a perception of a conflict: the member knows that the project affects him/her as it does the public generally, but honestly thinks that others will disagree with that position.

3. When the member's property is in proximity to the subject property: the member may want to make personal comments about the project [i.e., make comments that go beyond what the role of a planning group member is in reviewing a project as it relates to the adopted community plan].

4. When the member has a personal relationship with the project applicant and believes the relationship will be perceived by other members as prejudicial toward the project.

5. When a member does not feel he or she has enough information to participate in the vote: this could occur when an item was heard at a prior planning group meeting and a member was not present. In this situation, the member should abstain at the beginning of the item. On occasion, after a presentation on a new item, a member may still not feel he or she has sufficient understanding of the item to vote on it. In this situation, the member participated in the discussion but then abstained when the vote is called. This should be a rare occurrence as each planning group member has the opportunity to ask questions during the discussion of the item or even seek a continuance to get the lacking information.

Basically, keep the following guidelines in mind for abstentions:

1. To the degree possible, abstentions should be declared prior to the start of an item. The member should declare the abstention and the reason for it, and not participate in the discussion.

2. If a planning group member determines that he/she will need to abstain in the middle of a discussion on an item, it should be announced immediately and that member should not participate any further.

3. It is inappropriate for a planning group member to participate in a planning group debate, ask questions, express opinions, perhaps even make the motion or the second, then abstain from voting.

4. If there are multiple abstentions due to a lack of information, the planning group should consider a continuance in order to receive additional information. There should be agreement among the planning group members that more information is necessary to allow the planning group to make an informed decision, and the group should be as specific as possible about what information would assist it in formulating its recommendation on the item.

Abstaining members, regardless of when they declare their abstention, ARE counted in the planning group quorum for that item.

4.0 Responsibilities and Procedures

SECTION	TITLE	COUNCIL POLICY SECTION	HISTORY
4.1	COMMUNITY PLANNING GROUP ORIENTATION TRAINING	ARTICLE VI, SECTION 6	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
4.2	INDEMNIFICATION ORDINANCE	POLICY SECTION	ADDED APRIL 2006
4.3	ELECTED MEMBER ROSTERS [FORMERLY COMMITTEE ROSTERS]	ARTICLE III, SECTION 2 ARTICLE IV, SECTION 4	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
4.4	ANNUAL REPORTS	ARTICLE VI, SECTION 4	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
4.5	REPRESENTATIVES AT THE COMMUNITY PLANNERS COMMITTEE	ARTICLE VII, SECTION 5	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
4.6	DISTRIBUTION OF INFORMATION	ARTICLE VIII, SECTION 1	ADDED APRIL 2006
4.7	FILLING VACANCIES [FORMERLY VACANCIES] • GENERAL PROVISIONS • FILLING A SEAT WITH AN INDIVIDUAL FROM A DIFFERENT CATEGORY • VACANCY DUE TO INELIGIBILITY DURING A TERM	ARTICLE IV, SECTIONS 1,2	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006
4.8	ENDORSEMENTS AND REPRESENTATIONS [FORMERLY ENDORSEMENTS]	ARTICLE II, SECTION 5	ADOPTED JULY 1991 AMENDED APRIL 2001 [RENUMBERED] AMENDED APRIL 2006
4.9	MAKING AMENDMENTS TO ADOPTED BYLAWS • GENERAL PROVISIONS • AMENDMENTS AFFECTING ELECTIONS	POLICY SECTION	ADDED APRIL 2001 AMENDED APRIL 2006
4.10	DISCIPLINE OR REMOVAL OF ELECTED MEMBERS OR VIOLATIONS BY A GROUP INDIVIDUAL MEMBERS' ACTIONS • REMOVAL OF ELECTED PLANNING GROUP MEMBER BASED ON ELIGIBILITY • DISCIPLINE OR REMOVAL OF AN ELECTED PLANNING GROUP MEMBER VIOLATIONS BY AN ENTIRE PLANNING GROUP	ARTICLE III, SECTIONS 5, 6, 7	ADDED APRIL 2006
4.11	CODE OF CONDUCT	ARTICLE III, SECTION 6	ADDED APRIL 2006

4.1 COMMUNITY PLANNING GROUP ORIENTATION TRAINING

Members of recognized community planning groups may find the Council Policy 600-24 requirements of membership different than membership in other organizations they participate in. Operations under the Policy are based in principles of open meetings laws, however, the Policy, not election or open meetings laws, guide and govern the planning groups. In order to familiarize newly-elected planning group members with their roles and responsibilities under the Policy, members are required to attend a Community Orientation Workshop, and are encouraged to do so as early as possible in their term. Experience has shown that planning group members also benefit from basic land use planning training offered during some of the sessions.

Recognizing this value, Council Policy 600-24 requires each planning group member to attend an orientation training session put on by the Planning Department. The session focuses on the roles and responsibilities of elected members of planning groups. The training session discusses the legal indemnification ordinance adopted by the City Council regarding planning groups and how planning groups and their members would be eligible for protection under the ordinance. See Section **4.2 INDEMNIFICATION ORDINANCE**.

Typical topics covered in the extended training sessions offered several times per year include the basics of planning practice, an overview of the City's governmental structure, the role of the General Plan and Community Plans, the discretionary and ministerial permit process, the California Environmental Quality Act, the regulatory and enforcement functions of the City, and the rules and regulations governing the City's planning group process, as embodied in Council Policy 600-24. Four-hour orientations are scheduled typically in April or May, after the City receives roster information for the newly elected planning group members. Abbreviated sessions are held periodically throughout the year. The City continues to extend an invitation to elected members until they attend a session and City staff confirms their attendance.

It is the duty of the Chair of each individual planning group to notify the Planning Department of the election or appointment of new members. As noted above, indemnification is denied the new planning group member until the training session is attended. Newly elected members are strongly encouraged to attend the first available session. New members must complete an orientation session within one year of being elected or appointed to the planning group.

Planning group members may desire some background on the field of planning. Several good texts are available for the lay planner, including the highly recommended “The Role of the Planning Commissioner,” published by the American Planning Association. Your assigned community planner can refer planning group members to other relevant books and articles. The Planning Department website will also provide a link to relevant reading materials.

4.2 INDEMNIFICATION ORDINANCE

Although the individually recognized community planning groups and the Community Planners Committee are not official advisory boards of the City of San Diego, the City Council has authorized the City Attorney to defend individual planning groups and their duly elected or appointed members recognized in Council Policy 600-24 and the Community Planners Committee against any claim or action, through the adoption of Ordinance O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damage" in the following limited circumstances:

1. The person is a duly elected or appointed member operating in accordance with Council Policy 600-9 or Council Policy 600-24; and

2. The person attended the Community Orientation Workshop prior to participating in the activity which gave rise to the claim or action against the planning group or member; and

3. The alleged act or omission occurred or was authorized during a lawful meeting of the planning group or subcommittee thereof; and

4. The alleged act or omission was within the reasonable scope of duties of a planning group as described in the applicable Council Policies; and

5. The alleged act or omission was not in violation of any provision of the bylaws adopted by the planning group and approved by the City; and

6. The member or planning group has made a request in writing to the City for defense and indemnification within five working days of having been served such legal papers; and

7. The member or planning group has performed his, her or its duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person in a similar circumstance would use; and

8. The member or planning group must reasonably cooperate with the City Attorney in the defense of the claim or action; and

9. The member or planning group cannot have acted or failed to act because of fraud, corruption, actual malice or bad faith.

A planning group, or individual planning group members, may not be indemnified by the City if their conduct is contrary to Council Policy 600-24, their adopted bylaws, or other directives from the City to them, in their capacity as a planning group operating under the Policy.

4.3 ELECTED MEMBER ROSTERS

One of the duties of recognized community planning groups is to maintain current rosters of planning group members and to submit these rosters to the Planning Department. Along with bylaws and annual reports, the roster is required and made available to the public.

Although it is important to maintain a member roster throughout the year with periodic updates, at least one revised member roster must be submitted to the City in April of each year, following the March planning group elections.

Elected membership rosters submitted for City use should contain, at minimum, the following types of information: **Member Name, Address, Telephone Number and FAX and Email address, Date of Initiation of Continuous Service, Date of Term Expiration, Eligibility, and Representation Category(s)**. The three basic eligibility categories are: **(1) Resident, (2) Property Owner, or (3) Local Business Owner, Operator, or Designee at a Non-Residential Real Property Address in the Community Planning Area**. Some planning groups may have other eligibility categories, particularly newly developing areas which do not yet have residents. These categories should be clearly identified, and defined if necessary, in the individual planning group bylaws.

Telephone numbers, E-mail address and FAX numbers are important to City staff to have the ability to transmit information electronically in a more timely manner. Planning Department staff also use this information to invite planning group members to training sessions and other City functions.

Member roster information could also be collected from prospective applicants for the filling of vacant planning group seats or for prospective candidates for the annual March elections. A sample Member Roster form is attached for your reference. See Attachment 2A for a Sample Planning Group City Use Roster, and Attachment 2B for a Sample Planning Group Public Roster. It is suggested that planning groups use this form, or a form with equivalent information, to help standardize basic member or applicant information.

Note that these rosters are only for listing of the 12-20 members of the planning group recognized by Council Policy 600-24. See Section **2.1 CATEGORIES OF MEMBERSHIP**. Many planning groups have established "general" membership categories of participation in planning group activities. These are often used to establish voting rights for vacancies on the board - see Section **5.1 ELECTION PROCEDURES**. The City does not need to retain information about individuals participating in a general membership category.

Note: Planning Groups have requested that their members' addresses and telephone numbers not be given to outside parties who may use the lists for commercial or political reasons. Therefore, the City encourages each planning group to additionally supply the City with a roster containing the following required information: Member Name; Date of Term Expiration; and, Eligibility

Category. If the Planning Department has a planning group roster in this format, as well as the full mailing and telephone information for the chair, only the basic roster will be made available to non-City requests.

4.4 ANNUAL REPORTS

Annual Reports are the third piece of information about recognized community planning groups that are part of the public record (along with bylaws and rosters).

Council Policy 600-24 requires that planning groups submit an annual report to the Planning Department by the end of March each year. The importance of the annual report is twofold: it serves as a record keeping tool to help ensure continuity among the planning group in the event of membership and officer changes; and it provides the planning group, the City and the public at large with an opportunity to review what the planning group has accomplished and to set some goals on what the planning group would like to accomplish. The timing of the filing date allows the planning group, as comprised prior to the March election, to file a report of its accomplishments.

Annual reports have traditionally varied among planning groups (perhaps necessarily so) and no one format is preferred, provided that it pertains to the accomplishments and objectives of the planning group in carrying out its duty advising the City on community plan preparation, amendments and/or implementation (e.g., reviewing development projects).

Experience shows that the reports are easiest to read if they are prepared with short statements or "bullets." While the report does not have to follow a chronological format, it would be desirable to record the dates of votes and the vote results for major projects. In addition, it is not necessary to detail every item considered, but major actions of the planning group should be highlighted. Annual reports should be five pages or less; a format is provided on the City's website and in Attachment 3. Topics that should be included in the Annual Report are:

I. Introduction
II. Administrative Issues
III. Plan Preparation and Implementation
IV. Special Projects
V. Project Review
VI. Objectives

Preparation of the annual report provides an excellent opportunity to account for all the minutes of the previous year. While the report may be prepared by a single member or a subcommittee of the planning group, it must be discussed and voted on by the planning group as a whole before being forwarded to the City.

4.5 REPRESENTATIVES AT COMMUNITY PLANNERS COMMITTEE MEETINGS

As a means to ensure communication and to solicit citizen input on citywide issues among the various recognized community planning groups in the City, the Community Planners Committee (CPC) was instituted. Council Policy 600-24 designates each planning group chair to also be the planning group's representative at the CPC. Planning groups may designate by "specification" (i.e., vote) someone other than the chair to be the CPC representative, and planning groups may select an alternate to attend when the designated representative cannot attend the CPC meetings. If neither individual is available to attend, a planning group representative may attend a CPC meeting and speak on behalf of the planning group, but may not vote on the planning group's behalf. It is the responsibility of any planning group representative to CPC to report back to that planning group about the pertinent items addressed at CPC. Often items heard at CPC are subsequently forwarded to individual planning groups for action.

The CPC meetings provide a forum to discuss citywide planning issues. The meetings often include presentations by Planning Department staff or other speakers on topics of interest to CPC. The meetings are an opportunity to network with other community leaders and to question staff on important policy or development issues. The CPC is staffed by a Planning Department senior staff member well versed in planning and policy issues. Positions taken by CPC on important issues provide a key link with decision-makers at City Hall and in the various City Departments.

The planning groups' role has expanded to take in many task forces and special projects outside of typical planning issues. When so requested, CPC provides members to many of these efforts. In addition, CPC has formed subcommittees to review various issues in depth, and has made recommendation of great value to City decision-makers.

The form to use to submit the names and mailing information for a planning group's CPC representative and alternate is Attachment 4 to these Guidelines and is available at the CPC portion of the Planning Department's website.

4.6 DISTRIBUTION OF INFORMATION

An important role of a recognized community planning group is to be a conduit of information to the community it represents. Information received by the planning group on agenda items should be disseminated to members and to the public at the regular monthly meeting and at subcommittee meetings. If the information is time sensitive, distribution to the planning group members and the public can be done prior to the meeting, as long as the information is acknowledged and available at the meeting.

It is the duty of the planning group to act in good faith to distribute the information among elected planning group members and with the public. Planning group letters, project plans,

project assessment letters and other communications regarding projects and planning group business should be shared with the public upon request.

Staff recognizes the limitations of planning groups in the sharing of written information. Individuals may be referred to the Development Project Manager for information on a specific project. However, the public should be able to view the material upon which the planning group is basing its project recommendation.

Information about planning group business, received electronically by some members of the planning group, should be distributed to all elected planning group members and should be available or made known to any interested member of the community. Planning Department staff is available to assist in electronic information distribution upon request.

4.7 FILLING VACANCIES

General Provisions

Council Policy 600-24 directs each recognized community planning group to establish procedures in their bylaws for filling vacancies. As with election procedures, the planning group's procedures for filling vacancies must be clearly defined and as unambiguous as possible. Consider membership requirements, methods for candidates to speak on their qualifications or issues, and who votes for the new member(s), as well as how votes are conducted. It is also important that the procedures are communicated and followed consistently, and that an appearance of impartiality is maintained. Vacancies are generally filled for the remainder of the term of the vacated seat.

It is important to maintain in good faith a diverse representation on a planning group. If the planning group identifies seats by category, the filling of a vacancy should be with a candidate who meets the eligibility requirements for that same category. The individual bylaws can provide some flexibility in the filling of “category” seats as long as the diversity of the planning group is maintained.

Keep in mind that Council Policy 600-24 requires that vacancies shall be filled not later than 120 days following the date of determination of the vacancy, and that if the vacancy is not filled by this deadline it can affect the membership or continued operation of the planning group.

If a vacancy is not filled within 120 days but the planning group maintains a membership of at least 12, the seat should remain vacant until the next general election. If the vacancy is not expected to be filled and/or there is another unfilled seat after the next general election, the planning group should consider amending the bylaws to reduce the number of members to not less than 12.

If a vacancy results and a planning group's membership drops below 12, the planning group should increase its efforts to recruit candidates to fill the vacancy. After the vacancy exists for 60 days, the planning group should report in writing to the Planning Department and City Council why the vacancy exists and what efforts have been made to fill it. If the vacancy exists after another 60 days (120 days from the date the vacancy was declared), the Planning Department will notify the planning group in writing that they will be placed on inactive status. While on inactive status the City will not recognize the planning group in a formal advisory role. While the inactive planning group can continue to meet, the City will not send development projects for their review and any action taken will not be considered a vote from a recognized community planning group. While on inactive status, the planning group should solicit new members and potential candidates for the next general election. The inactive planning group should follow the election procedures in the bylaws and conduct the next general election in order to gain at least 12 members and become active again. The time on inactive status counts towards the term limits of the elected members.

While a membership that is representative of the community make-up is required by the Council Policy, not all planning groups will utilize categories of membership in order to achieve diverse representation. If a planning group has had any past problems with representation, the bylaws should specifically address how this will be accomplished. When a planning group finds that there needs to be an adjustment of representation to the planning group due to changing community composition in developing communities or changing community interests, the bylaws can be amended to reflect the community demographics. The categories, number of seats, and timing of the changes can depend on a number of factors, such as the number of built housing units, amount of commercial development, industrial development, and other interests in the community. The Planning Department should be contacted to assist planning groups in determining how a balance and diverse representation on the planning group can be achieved.

Filling a Vacated Seat with an Individual from a Different Category

If a recognized community planning group has difficulty filling a vacant residential seat by the deadline, the planning group may fill the seat with an individual who qualifies for another residential category until the next general election. If a planning group has difficulty filling a vacant non-residential seat by the deadline, the planning group may fill the seat with an individual who qualifies for another non-residential category until the next general election. Filling a vacancy in one category with a candidate from a different category is considered temporary and that seat should only be filled until the planning group's next general election so that a candidate from the correct category can be elected to fill the seat. It is important to maintain in good faith a diverse representation on the planning group.

Vacancy Due to Ineligibility During a Term

A recognized community planning group member may need to voluntarily resign during his or her term of service because they no longer meet the basic Council Policy 600-24 requirement for

being an "eligible member of the community," or because a planning group's more detailed category of member seat is not met. The member should recognize the ineligible status him/herself. Otherwise, it should be brought to the member's attention by the planning group secretary. If the member declines to resign, the planning group may proceed to find that the member has become ineligible to serve on the planning group.
A vacancy may exist due to one or more of the following reasons:

1. After three consecutive absences of the member at regularly scheduled meetings;

2. After four absences by the member within the 12-month period following the elections or;

3. Upon determination by the secretary that the member does not meet the membership qualifications outlined in the planning group's bylaws.

Bylaws may further define the circumstances in which members become ineligible. A majority vote of the planning group at the next regularly scheduled meeting is necessary to determine the ineligibility of a member. If a member is found ineligible, the planning group should declare that a vacancy exists and proceed to fill the seat according to Council Policy 600-24 and the planning group bylaws.

4.8 ENDORSEMENTS AND REPRESENTATIONS

It's important that recognized community planning groups maintain and reinforce their independence as non-political advisors to the City on local land use matters. Because of this, Council Policy 600-24 does not permit individual planning group members to use their planning group affiliation when taking a position on, or endorsing, any candidate for elective public office, or ballot measure. Planning groups, as a whole, may take a position on ballot measures, but are not permitted to take a position or endorse any candidate for elective public office.

It is suggested that presentations on both sides of a ballot measure be given to planning groups at the same meeting, and that planning groups should set rules about what kinds of ballot measures they will hear. It would be best to limit such presentations to planning-related matters.

Presentations by candidates for any elective public office should be discouraged by the planning group. However, it is recognized that some communities have long-standing traditions of participating in co-sponsoring candidate forums. If candidates for any public office seek to address planning groups, the planning groups should attempt to invite all candidates for that position to address the planning group at the same meeting. City staff will inform candidates for public office within the City of San Diego about the responsibilities of planning groups to refrain from endorsing political candidates as the planning group or as a member of the planning group. Nothing in Council Policy 600-24 or in these Administrative Guidelines or in adopted bylaws of planning groups precludes a member from participating as an individual in political activities of their choosing.

If in doubt, a good general rule of thumb is not to permit use of your planning group affiliation in any distributed election materials or broadcast endorsements of any kind (with the exception noted above regarding planning group endorsement of ballot issues). The prohibition of planning group or group member identification is valid at any forum or in any medium (newspaper, letters) outside of planning group meetings. Council Policy 600-24 is silent on the issue of whether planning group members can run for elective (public) office without first resigning from the planning group. However, planning group members running for office should follow the same guidelines laid out for ballot issues and not identify themselves as planning group members. It's also a good idea to contact your assigned community planner when unsure about this issue.

Planning group members should not identify their status as an elected planning group member when expressing opinions outside of the responsibilities assigned to recognized community planning groups through Council Policy 600-24. Doing so may affect a planning group member's eligibility for indemnification protection. See Section **4.2 INDEMNIFICATION ORDINANCE**. Caution is advised about identifying oneself as a planning group member because the title implies that the planning group has taken a position on that which the member is speaking. If a planning group member feels the need to identify him/herself as a planning group member, a qualifier such as saying you are a "member of the … planning group but not representing the planning group's position" is advised. Individual planning groups may set up bylaw provisions suitable to their planning group which advise members about the planning group's desire for the way in which the planning group is represented to others.

Endorsements for activities outside planning groups' Council Policy 600-24-identified responsibilities should also be avoided. Many endorsements sought are for religious-based activities, typically certain holiday celebrations. Other, broader-based, community organizations such as town councils or neighborhood organizations, which are not recognized by the City of San Diego as advisors on land use policy, are better suited to endorse a variety of community activities.

4.9 MAKING AMENDMENTS TO ADOPTED BYLAWS

General Provisions

When a recognized community planning group desires to amend its bylaws, the amendment should be discussed in accordance with procedures or bylaw provisions previously set up by the planning group. It is strongly recommended that the planning group involve the assigned community planner early in the process when the planning group starts to amend its bylaws. A planning group may choose to create a subcommittee which will review and propose revisions to the bylaws. The subcommittee will submit a draft to the full planning group at a regular meeting for discussion. Consultation with the assigned community planner is advisable at this point: staff can advise whether revisions as proposed for a vote of the planning group are consistent

with Council Policy 600-24. An early indication from staff may avoid the need for repeat votes on bylaw amendments by the planning group.

After a planning group has voted to approve a proposed bylaw amendment, it should be forwarded to the assigned community planner for approval by the Planning Director and City Attorney in accordance with Council Policy 600-24. Staff will review the amendment for conformance with the Policy once it is formally submitted. Informal review prior to submittal makes the subsequent submittal process easier. If necessary, the full committee will vote on a final draft of the amendment after all necessary changes are made by the committee, subsequent to staff's review since the community planner must submit a planning group-approved bylaw amendment to the Planning Director and City Attorney. The staff planner prepares a resolution discussing the date and content of the planning group's proposed amendment. The amendment is reviewed by the Planning Director and City Attorney for conformance with the Policy. If consistent, it can be approved by the Planning Director and City Attorney. If the proposed bylaw amendment is not consistent with the Policy, and the planning group and City staff cannot develop provisions that suit the need of the planning group and meet the requirements of the Policy, then the planning group can request the amendment be forwarded to the City Council. The Council may: 1) agree with staff that the amendment is inconsistent with the Policy and reject the proposed bylaw amendment; 2) may disagree with staff, find the proposed amendment consistent with the Policy; or, 3) determine that the proposed amendment is worthy of approval and may waive the Policy provisions and approve the amendment.

Any proposed bylaw amendment is not effective until it is approved by the City. Planning groups should not use bylaw changes until they are notified by City staff that the bylaw amendments have been approved by the City.

There are three ways to insert amendments into adopted bylaws: 1) into the bylaws themselves; 2) into an appendix to the bylaws; or, 3) into a procedure. When a planning group establishes a procedure, the bylaws should be amended to specifically identify the existence of the procedure and its general content. Procedures and subsequent amendments are also subject to Planning Director and City Attorney approval.

In order to make the two documents consistent in organization, the planning group's bylaws should address the same topics as in Council Policy 600-24 and should be organized in the same order as the Policy. Format consistency between the two documents will make reading and comparing them more user-friendly, and can facilitate City staff's review of proposed bylaw amendments. The reorganization of bylaw topics may be approved but, generally, the planning group will be advised to maintain the order of provisions as found in the Policy.

Amendments Affecting Elections

If a proposed bylaw amendment affects adopted election procedures, the recognized community planning group should begin its bylaw amendment process well in advance of the elections, in

order to allow sufficient time to complete the review and approval process. Amendments should be submitted to the Planning Department in early fall; otherwise the bylaws will likely not be approved in time to prepare for the March elections. If the bylaws are not approved in time, then the current bylaws remain in effect. Planning groups should keep in mind how the amendment affects candidate eligibility and organization of the election process if applicable, and adjust the time schedule accordingly.

4.10 DISCIPLINE OR REMOVAL OF ELECTED MEMBERS OR VIOLATIONS BY A PLANNING GROUP

Members of recognized community planning groups have been elected by the community to act in good faith and with due diligence, within the assigned responsibilities of Council Policy 600-24 and the planning group bylaws. There have been circumstances when planning groups or planning group members have violated, sometimes knowingly, the Policy or their adopted bylaws. Inappropriate actions can be brought to the attention of the planning group or staff by members of the public, or may be observed by City staff. Occasionally, planning group members contact staff about actions of their own planning group members.

Actions by a planning group member, or by a planning group as an entity, that are violations or are inappropriate can result in discipline against an individual member or a planning group, and may result in the loss of the ability for the individual or planning group to be indemnified by the City, i.e., to be represented by the City if legal action is taken based on violation or inappropriate actions against the member or planning group.

Individual Members' Actions

Some types of inappropriate actions by a member of a recognized community planning group can be remedied. If this is a possible course of action, it is preferable to seek a remedy prior to pursuing a more severe discipline. However, there may be circumstances in which a member's removal from a planning group is necessary because it greatly benefits the planning group's ability to continue to operate effectively, and with credibility, in carrying out its duties in accordance with Council Policy 600-24.

Removal of a planning group member is a serious action which must be pursued only in extreme cases. It must be considered with care and thoroughness by the planning group, and any action must occur in a public setting. A planning group determination to proceed with discipline or removal of a member must follow a clear procedure that should be thoroughly discussed in the planning group's bylaws.

If a planning group's bylaws do not contain discipline or removal procedures, a planning group chair should consult with City staff to outline a process to be used in the particular case. The planning group should also process an amendment to its bylaws for future use.

Removal of Elected Planning Group Member Based on Eligibility

Certain factual situations may occur where, utilizing clear bylaws provisions, a recognized community planning group member is no longer eligible to be on the planning group. These situations, in accordance with Council Policy 600-24, are: (1) after three consecutive absences of the member at regularly scheduled meetings; or, (2) after four absences by the member within the 12-month period following an election. In addition, a member may change residence or business address and may no longer qualify under a planning group's membership categories.

It is not within a planning group's discretion to allow an individual who has lost eligibility according to the adopted bylaws to continue serving on the planning group to complete a term of service since the determination of ineligibility is immediate and irreparable.

A majority vote of a planning group at a regularly scheduled meeting may remove an elected member if, based upon documentation, the planning group secretary has determined that the member has become ineligible to serve because the member is not in compliance with the membership requirements of the planning group's bylaws. In this case, the planning group should provide the member with evidence showing the ineligibility and allow the member an opportunity to review it prior to putting the matter on a meeting agenda for a planning group vote. An ineligible planning group member should be given the opportunity to resign prior to the more formal step of scheduling a planning group action for removal.

Discipline or Removal of an Elected Planning Group Member

As discussed above, any action by a recognized community planning group to discipline or remove a planning group member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the planning group's adopted bylaws must clearly address, but are not limited to, the following listed issues:

1. Requirement for a description of, and timeframe within which, the alleged violation was committed.

2. Requirement for a citation of which Council Policy 600-24 or adopted bylaws provisions the action is claimed to violate.

3. Manner in which allegations are to be brought forth to the planning group.

4. Timeframes for bringing allegations to the planning group and for resolving allegations, i.e., preparing for a planning group action.

5. Procedures for investigation and investigators.

6. Procedure for presentation of allegation and fact-finding to the member, and describing the opportunity for rebuttal.

7. Notification of upcoming planning group action to the member.

8. Dismissal of the member.

9. Recourse for the expelled member.

Some actions by a planning group member may be in conflict with Council Policy 600-24 or a planning group's adopted bylaws but can be remedied. For example, a planning group vote with ineligible members, or a member failing to disclose a direct economic interest, are examples of situations that may be remedied by a planning group taking corrective action.

Some actions, however, may be determined by a planning group to be irreversible and damaging to a planning group and its credibility. A majority vote of the planning group should be used to show the level of interest in proceeding with removal of a member. If the planning group decides to pursue removal, the information listed above must be developed pursuant to adopted bylaws and be presented at a regular noticed planning group meeting. A two-thirds vote of the planning group's filled seats [not of the quorum present] at the regularly scheduled meeting may remove a member if allegations of violation of Council Policy 600-24 or adopted bylaws are proven to be correct and irreversible.

Planning groups must set up procedures in the bylaws if they anticipate disciplining or removing elected members. Members must be given an opportunity to present their information and their explanation of their actions. Planning groups may determine that initial discussion of violations may be better handled at a subcommittee level; however, the subcommittee has a responsibility to the individual member and to the planning group to present all facts in a fair way to allow the best decision to be made, following subcommittee meeting rules.

The full planning group, at a noticed meeting, must discuss the issue and attain a two-thirds vote of the planning group's filled seats in order to remove a member.

The action of removing a member is entirely within the purview of the elected planning group. Both the Planning Department staff and the City Attorney defer to the planning group regarding the process and the decision to remove an elected member. Upon request, however, the City may advise the planning group about other planning groups' experience in similar situations to help the planning group's perspective about the severity of the disciplinary action it is contemplating.

Violations by an Entire Planning Group

Council Policy 600-24 recognizes community planning groups as self-elected and generally self-governing organizations. City staff advises planning groups about how to comply with their bylaws and the Policy. City staff will refer bylaw questions back to a planning group when the

planning group's adopted bylaws address an issue but the planning group is hesitant to carry out the bylaw provision, or when the planning group wants to interpret a bylaw provision in a manner differently than it has been used in the past.

There may be situations, however, that require assistance from outside the planning group to resolve an issue that involves the planning group as a whole.

If the planning group's actions result in verifiable violations of Council Policy 600-24 or of their adopted bylaws, City staff will first work with the planning group chair and members to remedy the situation. Staff may discuss the issues with the chair, or may ask for a meeting with various planning group members. In some cases, discussions are documented in written correspondence. The goal is to provide assistance to the planning group to correct its actions so that credibility is maintained and the violation is eliminated and not repeated.

In cases of severe documented violations, or continued violations after counseling by City staff, City staff may request the assistance of the Community Planners Committee to determine an advisable course of action. The CPC members' experience in dealing with similar situations can help find a remedy – which continues to be the goal of City staff, even in cases where violations are severe and damaging. If there is a determination by the CPC that a planning group violated Council Policy 600-24 and/or adopted planning group bylaws, CPC will strive to recommend a corrective action.

If CPC either declines to consider the matter or is unable to recommend corrective action, City staff will pursue corrective action with the offending planning group, continuing to seek an outcome that will retain or restore the planning group's credibility and advisory role. Only in the most difficult-to-remedy circumstances will staff recommend that recognition conferred to the established planning group membership under Council Policy 600-24 be revoked and be reestablished with an alternative organization or membership.

4.11 CODE OF CONDUCT

For effective operation, a climate of civility and respect is an essential component of a recognized community planning group's credibility both in its operations and for its relations with the agencies and public with whom it interacts. Involving the widest participation in your community assures that the decisions your planning group makes will be based on all available input from stakeholders affected by your decisions. Issues addressed with full community participation are more likely to have community consensus and lend credibility to your group's recommendations to the City's decision-makers.

Discussions involving planning group members, members of the public, and individuals making presentations, should be respectful toward all participating individuals. Planning group members can disagree with positions or representations put forward by project applicants, but should do so in a non-threatening and non-personal manner. Planning groups are encouraged to establish

codes of conduct in order to facilitate effective meetings. Some tools to help you maintain a civil and respectful climate are contained in the Planning Department's document "Engaging in Public Dialogue." The document can be found on the Planning Department's website.

As indicated in Council Policy 600-24, Article VI, Section 1, a planning group member, or a planning group as a whole, is charged to act in a manner that is not detrimental to the group or its purpose. For behavior found to be detrimental through processes established in bylaws pursuant to the Policy, Article III, Sections 6 and 7, a member or a planning group risks loss of indemnification under Ordinance O-17086 NS as well as potential removal from the planning group.

For behavior that is disruptive to the planning group but is not a violation of specific operational provisions of Council Policy 600-24 or adopted bylaws, a planning group may determine that it is appropriate to follow the same discipline and removal process as outlined in Section **4.10 DISCIPLINE OR REMOVAL OF ELECTED MEMBERS OR VIOLATIONS BY A PLANNING GROUP** above to remove an elected planning group member for behavior disruptive to the planning group's operations and detrimental to its credibility. As discussed in Section 4.10, there are careful steps to use to assure that an elected member causing the disruption is aware of the offending behavior and is given an opportunity to cease prior to the planning group starting a removal process.

5.0 Elections

SECTION	TITLE	COUNCIL POLICY SECTION	HISTORY
5.1	ELECTION PROCEDURES [FORMERLY GENERAL ELECTION PROCEDURES] • OVERVIEW • IMPARTIALITY AND OBJECTIVITY • INDIVIDUAL PLANNING GROUP RESPONSIBILITIES • PROMOTING PLANNING GROUP ELECTIONS • VOTING PROXIES • MAJORITY VOTE, PREFERENTIAL VOTE, AND PLURALITY VOTE • PLANNING GROUP ELECTION PROCEDURES	ARTICLE V, SECTIONS 1,2,3 ARTICLE VIII, SECTION 1	ADOPTED JULY 1991 AMENDED APRIL 2001 AMENDED APRIL 2006

5.1 ELECTION PROCEDURES

Overview

According to Council Policy 600-24, each recognized community planning group is charged with establishing its own election procedures to be incorporated into adopted bylaws or into a procedure referenced in the bylaws. Election procedures are less likely to generate controversy if a sincere effort is made by the planning group to make the process open and accessible to the community. In Article VIII, Section 1, the Policy provides criteria that must be addressed in the election procedures but leaves, for the most part, the overall content to the discretion of the planning group. This discretion is necessary, given the diversity of planning groups throughout the City. The Policy does provide specific information as to when and how elections will be conducted. These stipulations should also be reflected in the individual procedures.

Council Policy 600-24 also requires that planning group members "be elected by eligible community members." Planning groups have defined "eligible community members" differently, depending on their individual needs. Some planning groups have defined eligible members as anyone in the community; others have defined a general membership based on more restrictive standards. Refer to Section **2.1 CATEGORIES OF MEMBERSHIP**. The Policy remains vague on this point to allow for community discretion. Use the Sample Registration for Group Membership Application as a way to track planning group members who are eligible to become candidates.

In addition, the Elections Handbook is available as a resource for planning groups to utilize in developing election procedures and provides further detailed explanations regarding general elections. The Election Handbook is an Appendix to these Administrative Guidelines, locating all election related material together for easy use by planning groups in order to prepare to undertake an election. The Appendix should be considered to provide the same level of guidance as the numbered sections of the Administrative Guidelines.

Impartiality and Objectivity

It is important to maintain as much objectivity surrounding the recognized community planning group elections as possible. For example, it is wise to detach any members competing for elected seats from the process. Experience has shown that when candidates running for seats, especially during reelection, are portrayed as being part of a "slate of candidates", a perception arises that a planning group is not interested in seeking new members or diverse viewpoints, or that the outcome of the election is pre-determined. This, of course, is contrary to the objectives of Council Policy 600-24. Planning groups should not use the word "slate" for the elections since it implies a predetermination or preference for certain candidates by the Elections Committee.

The spirit of fair elections should be maintained even though planning groups are not subject to the formality of the Fair Political Practices Act. For example, there should be no campaigning for planning group candidates at polling places or within a reasonable distance of the polls. Individual planning groups can set limits appropriate for their polling places. Also, planning group agenda items should not be the venue for expressing support for individual candidates running for election. The Public Comment section of the agenda is not an appropriate time for statements of support for any candidate. On the other hand, a planning group-sponsored forum may be an opportunity for all candidates to express their desire or qualifications to be elected to the planning group.

It would be contrary to the spirit of a fair election, also, for a planning group member acting in their role as a member of an organization outside the planning group to express a position about a candidate for the member's own planning group.

Individual Planning Group Responsibilities

Because election procedures are not rigidly defined by Council Policy 600-24, they can be closely scrutinized or challenged by the public--and often are. Therefore, clear election procedures should be provided for in the bylaws and consistently followed. When preparing the recognized community planning group's election procedures, it is important to be as detailed and descriptive as possible, while maintaining some degree of flexibility where necessary (e.g., location of "polls"). Clearly define the roles and responsibilities of planning group members participating in the election process, including elections and/or nominating subcommittees. Many planning groups advise that the use of a single Elections Committee has been more beneficial than having both a Nominating Committee and an Elections Committee. In developing election procedures, try to determine the location of polling places, dates, and times of elections to maximize public participation and not planning group convenience.
Try to make sure that the election policies in the bylaws or in procedures are readily available to the public and presented consistently. It is useful to prepare detailed instructions that can be distributed in writing.

Promoting Planning Group Elections

The Elections Handbook [Appendix 1] provides general guidance to recognized community planning groups about noticing of elections, and gives examples of proven techniques. Planning group bylaws should echo Council Policy 600-24's direction to planning groups to take responsibility for promoting elections, although specific techniques can be detailed in adopted procedures. It is critical that a planning group takes responsibility to promote elections within the community, and to promote candidate opportunities in ample time for newly-interested individuals to become eligible to be candidates. General election announcements should be made early to reach a wide geographic and diverse population in the community. Candidate eligibility requirements should be publicized by the planning group in advance in order to ensure that those who want to run qualify for candidacy in accordance with the bylaws.

The Planning Department has also begun to publicize elections through the City's website and the City's TV24 programming.

The following list contains suggestions for promoting both candidate opportunities and the general election:

1. Announce at planning group meetings.

2. Announce on the printed and distributed planning group agendas.

3. Announce on planning group websites if applicable.

4. Announce on email listings.

5. Announce in community newsletters, newspapers

6. Display flyers at Community Service Centers, libraries, bulletin boards and other meeting places.

7. Distribute flyers throughout the community.

Voting Proxies

A proxy is the authority given by one person to another to vote in his/her stead. Per Robert's Rules of Order Newly Revised, proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and is nontransferable. Thus, proxy voting is not allowed in elections, and recognized community planning group election procedures should specifically state this.

Majority Vote, Preferential Vote, and Plurality Vote

Many recognized community planning groups' bylaws indicate that a majority vote for a candidate is required for a planning group seat to be filled. This has caused elections with more than two candidates for one seat to have to conduct repeated balloting to meet the requirements to attain a majority vote. It is permissible for a planning group seeking to seat a candidate by a majority vote to limit the number of ballots to be cast to determine the outcome. For example, a planning group may write into its bylaws that any seat up for election must receive a majority vote, however, after e.g., five successive votes if a candidate does not attain a majority of the votes cast, the winner may be declared as the candidate having the most votes cast for that seat. This is, in essence, a reversion to a plurality vote after a certain number of rounds of balloting.

It is also permissible for a planning group to amend its bylaws to allow an alternative voting calculation method. A planning group may use a "Preferential Voting System", as described in

Robert's Rules of Order Newly Revised, as follows: on the ballot, where there are more than two candidates for one seat, instruct the voters to indicate a numerical preference for each candidate, e.g., a "1" is given to the voter's first choice candidate, a "2" for the second choice candidate, etc., for all candidates. In counting the votes for a given planning group position, for each candidate, the "1"s, "2"s, etc. are counted. If one candidate receives a majority of the votes, that candidate is elected. However, if no candidate receives a majority, the votes originally given to the candidate receiving the least number of "1"s are distributed to the other candidates that were given "2"s. The ballots are again counted to see if, with those redistributed votes, someone receives a majority of the votes. If no one receives a majority of votes cast, the next lowest candidate's ballots are redistributed to the candidates indicated by the number "2," and the votes are again counted to determine if a majority has been received by one candidate. Eventually, without conducting subsequent rounds of balloting, a majority winner is determined.

For some planning groups, a plurality voting system may work. Robert's Rules of Order Newly Revised does suggest that a "plurality vote is unlikely to be in the best interests of the average organization" because the vote is not representative of a majority of an organization's members.

It is important that planning groups are clear in which vote counting method their adopted bylaws provide for and follow that method and any procedures that support it. A challenge to voting irregularities may wholly negate an entire election, causing a whole new process to begin.

Planning Group Election Procedures

All recognized community planning groups' election provisions in adopted bylaws or procedures should address, but not be limited to, the following responsibilities. While bylaws may contain complete discussions of the issues below, they may also provide the basic policies and defer details to operating procedures that are listed in the bylaws and attached to them.

1. Verification of candidate eligibility [making sure that the eligibility is confirmed prior to creating a ballot to avoid questioning of candidate eligibility during the election].

2. Creating a ballot with all candidates appropriately represented.

3. Handling of write-in candidates [if applicable].

4. Location[s] of polls, including managing multiple concurrent polling locations [if allowed].

5. Management of the polls by planning group members.

6. Verifying voter eligibility.

7. Setting election date[s].

8. Setting voting time[s].

9. Mail-in ballot procedures [if applicable].

10. Closing the polls.

11. Counting the ballots, including when, by whom, and how to account for candidates continuing beyond eight or nine consecutive years of service.

12. Ballot record keeping.

13. Tie-breaking procedures, including a Preferential Voting system, to be clarified prior to the conducting of the election.

14. Election challenge procedures.

15. Installation of newly-elected members.

16. Maintaining confidentiality of secret written ballots.

Administrative Guidelines Attachments

ATTACHMENT NUMBER	ATTACHMENT TITLE	HISTORY
1	SAMPLE REGISTRATION FOR PLANNING GROUP MEMBERSHIP APPLICATION	AMENDED APRIL 2006
2A	SAMPLE PLANNING GROUP CITY USE ROSTER	AMENDED APRIL 2006
2B	SAMPLE PLANNING GROUP PUBLIC ROSTER	ADDED APRIL 2006
3	ANNUAL REPORT FORMAT	ADDED APRIL 2006
4	COMMUNITY PLANNERS COMMITTEE (CPC) MEMBERSHIP DATA FORM	AMENDED APRIL 2006

CITY OF SAN DIEGO

COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES

[April 26, 2006]

RECOGNIZED COMMUNITY PLANNING GROUP

MAILING ADDRESS
SAMPLE REGISTRATION FOR RECOGNIZED PLANNING GROUP
GENERAL MEMBERSHIP APPLICATION

The XXX Planning Group ("Planning Group") holds regular meetings at 0:00 p.m. on the XXX day of each month (except XXX Month) in the LOCATION, ADDRESS. The Planning Group consists of XXX Elected Members. The XXX Planning Group is the officially recognized advisory group to the San Diego City Council. The role of the Planning Group is to review and provide recommendations to the City on land use matters and development-related projects and issues that fall within the XXX Community Planning Area.

There is no charge to attend meetings or to join the Planning Group. Any person, age 18 or older, who lives, owns property, or owns or operates a business within the XXX planning area and is interested in becoming a General Member of the XXX Planning Group may submit a completed *Registration for Membership* application form to the Planning Group's Executive Board.

General Members are encouraged to volunteer to serve on the Planning Group's subcommittees (examples: Bylaws, Public Facilities/Parks/Housing, Transportation, Urban Design/Project Review), to participate at the Planning Group's meetings, to vote when Board elections are held, and to consider becoming candidates for Board membership when there are vacancies as specified in the bylaws. In order to serve on the Board, a candidate must have attended at least XXX regular Planning Group meeting(s) in the previous XXX months and must have been a General Member of the Planning Group for at least XXX days (refer to bylaws to see if this applies).

Donations to assist the Planning Group in carrying out its responsibilities are accepted. Donations may be submitted with a membership application or offered in person at a Planning Group meeting.

Completed *Registration for Membership* forms may be submitted to the Planning Group Secretary at a Planning Group meeting, or mailed to: XXX Community Planning Group, Attn: Secretary, Address.

General membership is open to residents, property owners, and persons who own or operate businesses within the XXX planning area, the general boundaries of which are XXX.

(Circle one) DR. MR. MS. Other:__ **NAME**:_____

MAILING ADDRESS:_____
Street Address or P.O. Box City State Zip Code

E-MAIL ADDRESS _____ **FAX** _____

HOME PHONE:_____ **WORK PHONE**:_____ **CELL PHONE:**_____
CHECK EACH CATEGORY OF MEMBERSHIP THAT APPLIES:
( ) RESIDENT HOMEOWNER **ADDRESS OF PROPERTY**:_____
( ) RESIDENT RENTER **ADDRESS OF PROPERTY**:_____
( ) NON-RESIDENT PROPERTY OWNER **ADDRESS OF PROPERTY**:_____
( ) LOCAL BUSINESS OWNER, OPERATOR OR DESIGNEE AT A NON-RESIDENTIAL REAL PROPERTY ADDRESS IN THE COMMUNITY PLANNING AREA – **LIST THE BUSINESS BELOW**
NAME AND ADDRESS OF BUSINESS (if applicable):_____
SIGNATURE:_____ **DATE**:_____

For Planning Group Use Reviewed by:_____ Date:_____
Meets Eligibility Criteria: YES___ NO_

CITY OF SAN DIEGO
COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES
[April 26, 2006]

NAME
Planning Group
City Use Roster – Month, Year

Chair
Name Telephone Number Fax Number
Address
City, State Zip Code Term expiration Seat (if applicable)
Email Address Initial Term Date with Uninterrupted Service

Vice Chair
Name Telephone Number Fax Number
Address
City, State Zip Code Term expiration Seat (if applicable)
Email Address Initial Term Date with Uninterrupted Service

Secretary
Name Telephone Number Fax Number
Address
City, State Zip Code Term expiration Seat (if applicable)
Email Address Initial Term Date with Uninterrupted Service

Treasurer
Name Telephone Number Fax Number
Address
City, State Zip Code Term expiration Seat (if applicable)
Email Address Initial Term Date with Uninterrupted Service

Elected Members [list each individually]

Name Telephone Number Fax Number
Address
City, State Zip Code Term expiration Seat (if applicable)
Email Address Initial Term Date with Uninterrupted Service

Community Planner
Name Phone Number Fax Number
San Diego Planning Department
202 "C" Street, MS-4A
San Diego, CA 92101
Email Address

Last updated XXX

CITY OF SAN DIEGO
COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES
[April 26, 2006]

NAME
Planning Group
Public Roster - Month, Year

Chair
Name Telephone Number Fax Number
Address
City, State Zip Code Term expiration/Initial Term Date Seat (if applicable)
Email Address

Vice Chair
Name Term Expiration/ Initial Term Date Seat (if applicable)

Secretary
Name Term Expiration/ Initial Term Date Seat (if applicable)

Treasurer
Name Term Expiration/ Initial Term Date Seat (if applicable)

Elected Members

List Each Name Term Expiration/ Initial Term Date Seat (if applicable)

Community Planner
Name Phone Number Fax Number
San Diego Planning Department
202 "C" Street, MS-4A
San Diego, CA 92101
Email Address

XXX Community Planning Group meets monthly on the XXX Day of each month at Location.

For more information on XXX Community Planning Group, contact Name, Chairperson, at phone number/email address.

Last updated XXX

CITY OF SAN DIEGO

COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES

[April 26, 2006]

ANNUAL REPORT OF THE
XXX PLANNING GROUP
Month, Year – Month, Year

Section I **Introduction**.

Include the name of the planning group, its officers and any subcommittees.

Section II **Administrative Issues**.

Include the number of meetings held, membership changes, numbers and categories of membership, revisions to the planning group's bylaws, procedures and/or policies.

Section III **Plan Preparation and Implementation**.

Provide a chronology of participation on a plan update or amendments, ordinance preparation/amendments and rezones, public facilities financing plan, etc. Include, if possible, specifics on key actions taken (dates and results of votes).

Section IV **Special Projects**.

Document any special projects discussed and voted on by the planning group. Include specifics on any actions taken. Projects could include policy items, City or regional task forces, General Plan meetings, or political candidate as well as ballot forums.

Section V **Project Review**.

Document the planning group's review and/or actions taken on major discretionary projects. List this information by project name and location if possible. Discretionary projects include variances, street vacations, planned development permits and coastal development permits.

Section VI **Objectives**.

Address any or all of the above categories. Discussions might include how the planning group operates or interacts or special projects that the planning group would like to pursue.

CITY OF SAN DIEGO
COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES
[April 26, 2006]

COMMUNITY PLANNERS COMMITTEE (CPC)

MEMBERSHIP DATA

_____ _____ _____
Planning Committee **Chair** **Date**

☐ **I am the committee's representative to CPC (name and address below)**

_____

_____

email_____

OR

☐ **I am not the committee's representative to CPC. The committee's action on _____designated**
Date

the CPC representative as (name and address below):

_____

_____

email_____

The designated alternate is (name and address below):

_____

_____

email_____

City staff must receive this information pursuant to CPC bylaws in order for any committee to maintain active membership and voting rights in CPC. You may email this completed form to the Planning Department at CommunityPlannersCommittee@sandiego.gov.

Note: This form is available on the City's website at: http://www.sandiego.gov/planning/community/pdf/cpc/cpcmemberdataform.pdf

APPENDICES BY REFERENCE

APPENDIX NUMBER	APPENDIX TITLE	HISTORY
1	ELECTIONS HANDBOOK	MOVED INTO ADMINISTRATIVE GUIDELINES APRIL 2006
2	COUNCIL POLICY 600-24	REVISED OCTOBER 2005
3	O-17086 NS INDEMNIFICATION ORDINANCE	
4	ENGAGING IN PUBLIC DIALOG HANDBOOK	

(O-88-185 REV. 1)
ORDINANCE NUMBER O-17086 (NEW SERIES)
ADOPTED ON APRIL 25, 1988

AN ORDINANCE PROVIDING FOR LEGAL REPRESENTATION TO AND INDEMNIFICATION OF COMMUNITY PLANNING COMMITTEES AGAINST CLAIMS FOR DAMAGES.

WHEREAS, the successful implementation of the Progress Guide and General Plan of The City of San Diego requires the thoughtful and deliberate development of community plans; and

WHEREAS, the development of community plans requires the cooperation and participation of citizens who have the personal knowledge of the needs and aspirations of their respective communities; and

WHEREAS, the City Council has adopted Council Policy 600-5 entitled “Community Plans” which provides in part:

1. That in urbanized areas the citizens' group has established, to a reasonable degree, a formal organization structure which is capable of providing proper coordination and communications with City staff forces. In nonurbanized areas the Planning Commission will serve as the citizens' group unless and until a citizens' group is recognized by the City Council; and for whatever period the Commission performs this function, it shall do so with the invited participation of the chairmen of existing citizens' groups representing areas contiguous to that which is the subject of a proposed development plan.

2. That said citizens' organization contains as broad a base of local representation as is feasible and practical, and it is expected that community real property owners will be active in the leadership and the formation of any such programs.

3. That said citizens' organization has an awareness of its duties and responsibilities in participating in the planning process and acknowledges a willingness to accept these responsibilities.

4. That said citizens' organization shall, in collaboration with City staff, select appropriate study

area boundaries and present a tentative outline of objectives and its work program.

5. That during an early stage of the work program the citizen planning group shall, in consultation with property owners and City staff, establish and submit reasonable time schedules for the various phases of the program to the Planning Commission.

WHEREAS, the City Council has adopted Council Policy 600-9 entitled "Community Planners Committee" which provides in part:

1. This citizens' organization shall be composed of the chairman, or officially designated representative, or alternate of each of the community planning committees as recognized under Council Policy 600-5, and shall be known as the "Community Planners Committee."

2. In its advisory capacity, this citizens' organization shall participate in reviewing and recommending to appropriate bodies actions deemed necessary and desirable for the timely and continued effectuation of goals, objectives and proposals contained in the General Plan.

3. This citizens' organization shall be responsible for participating in an advisory capacity in the comprehensive review of the General Plan as prescribed in Council Policy 600-7.

4. In the discharge of its responsibility in the five-year comprehensive review of the General Plan, this citizens' organization shall function as a nucleus committee to which augmentation may be necessary and desirable to insure maximum utilization of local citizen resources. Selection of such augmentation shall be the responsibility of the Mayor and City Council and shall be only of such duration as is necessary to complete the preparation of General Plan revisions for recommendation to the Planning Commission and City Council for adoption.

5. This citizens' organization shall undertake such other studies or make such recommendations on citywide issues related to the General Plan as may be requested by the City Council, Planning Commission and Planning Department, City Manager or other official City agency.

6. This citizens' organization shall serve in an advisory capacity to the community planning committees

officially recognized under Council Policy 600-5 primarily to achieve the desired objective of insuring maximum coordination on a comprehensive or citywide basis and promotion of solutions of matters of mutual concern shared among the communities of San Diego.

WHEREAS, the City Council has adopted Council Policy 600-24 which provides a procedure under which citizens who are interested in participating in the planning process in an advisory capacity may form organizations and request recognition, in their advisory capacity, by the City Council as community planning committees; and

WHEREAS, community planning committees devote countless hours of their time and substantial private resources in assisting The City of San Diego in the development and implementation of community plans and the Progress Guide and General Plan; and

WHEREAS, the voluntary efforts of community planning committees are of inestimable value to the citizens of the City of San Diego; and

WHEREAS, recent developments have caused community planning committees to become concerned about possible exposure to litigation arising from participation in the planning process; and

WHEREAS, the concerns about personal exposure to litigation have jeopardized the vitality of the planning process and, unless eliminated, may cause the collapse of the process that provides essential citizen participation; and

WHEREAS, Section 40 of the Charter of The City of San Diego provides, inter alia, that the City Attorney shall perform such other duties of a legal nature as the City Council may by ordinance require; and

WHEREAS, the Council of The City of San Diego finds and declares that the provision of legal services by the City Attorney and the indemnification against damages resulting from a judgment against any community planning committee or the elected or appointed member thereof serving and acting in such capacity would constitute expenditure of public funds which serves the highest public interest and purpose; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. Except as hereinafter provided, the office of the City Attorney shall defend and The City of San Diego shall indemnify the Community Planners Committee established by Council Policy 600-9, and any community planning

committee established pursuant to Council Policy 600-24, hereafter collectively referred to as "Committee," and the duly elected or appointed members thereof against any claim or action against such committee or member if all of the following circumstances exist:

A. The person is a duly-elected or appointed member of a committee recognized and operating in accordance with Council Policy 600-9 or Council Policy 600-24; and the person attended a community planners' training course conducted by the Planning Department of The City of San Diego prior to participating in the activity which gave rise to the claim or action against the committee or member;

B. The alleged act or omission occurred or was authorized during a lawful meeting of the committee or subcommittee thereof;

C. The alleged act or omission was within the reasonable scope of duties of a committee as described in Council Policies 600-5, 600-6, 600-9 and 600-24 and was not in violation of any provision of the bylaws adopted by the committee and approved by the City Council;

D. The member or committee has made a request in writing to the City for defense and indemnification within five (5) working days of having been served such legal papers; and

E. The member or committee has performed his, her or its duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person or persons in a like position would use under similar circumstances.

Section 2. The City of San Diego may decline to represent a member or a committee that would otherwise be entitled to defense and indemnification under this ordinance if either of the following circumstances exist:

A. The member or committee does not reasonably cooperate with the City Attorney in the defense of the claim or action; or

B. The member or committee acted or failed to act because of fraud, corruption, actual malice or bad faith.

Section 3. In the event the City Attorney determines that a member or a committee is not entitled to or should not receive a defense and indemnification under this ordinance, the

City Attorney shall promptly advise the City Council and the member or committee.

Section 4. The provisions of this ordinance apply only to members of committees established and recognized by the City Council pursuant to Council Policy 600-9 and Council Policy 600-24.

Section 5. Representation and indemnification shall not be provided by The City of San Diego in any administrative or judicial proceeding initiated by a committee or its members against The City of San Diego, its agencies or representatives or any other party or organization nor shall representation and indemnification be provided to a committee or its members against damages to any person or organization which are alleged to have resulted from the initiation of any administrative or judicial proceeding by a committee or its members.

Section 6. In no event shall representation or indemnification be provided against a claim or judgment for punitive damages.

Section 7. This ordinance does not constitute an admission or a waiver of the position of The City of San Diego that committees are not official advisory boards of The City of San Diego and the members thereof are not officers, employees or servants of The City of San Diego.

Section 8. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney
By
Frederick C. Conrad
Chief Deputy City Attorney
FCC:cc:ta
03/31/88
04/12/88 REV. 1
Or.Dept:Plan.
O-88-185
Form=o.none

BACKGROUND:

The increasing involvement of citizens of San Diego in planning programs is unique for many reasons, the more notable of which include the extent to which positive accomplishments are already emerging from this process coupled with the broadening citywide realization of the future benefits of insuring a better city that are possible from such efforts. The City Council, in early recognition of these advantages, established in 1965 Policy 600-05, clearly indicating official encouragement and support of citizen participation.

The adoption in 1967 of the Progress Guide and General Plan for the City of San Diego, the subsequent establishment in 1968 of Policy 600-07 setting forth a procedure for periodic review of the General Plan, the previously stated progress experienced in formulating, adopting and implementing community plans, all combine to illustrate the growing need to insure coordination between the General Plan, the many Community Plans and the many interrelated efforts required for their effectuation. Such coordination must be insured on a comprehensive citywide basis. Effort to insure this comprehensive coordination should maximize the invaluable knowledge, experience and dedication towards community planning and development already demonstrated by San Diego citizens. To this end, a citizens organization should be formed with principal focus upon the General Plan and citywide issues related to it in a way that would assist the City Council, Planning Commission and Planning Department and the City Manager in guiding future growth of the City. Establishment of this citizens organization would represent a continuation of the original concept of citizen involvement utilized in initially formulating the General Plan.

PURPOSE:

The purpose of this Policy is to establish a citizens organization responsible in an advisory capacity to the City on those matters related to the General Plan and respective Community Plans.

POLICY:

It shall be the policy of the City to provide on a continuing basis a citizens committee responsible for advising the City Council, Planning Commission and Planning Department, City Manager and other appropriate agencies on those matters related to the General Plan, its amendment, implementation, and coordination with Community Plans and related planning and development programs.

1. This citizens organization shall be composed of the chairman, or officially designated representative, or alternate of each of the community planning committees as recognized under City Council Policy 600-05, and shall be known as the "Community Planners Committee."

2. In its advisory capacity, this citizens organization shall participate in reviewing and recommending to appropriate bodies actions deemed necessary and desirable for the

timely and continued effectuation of goals, objectives and proposals contained in the General Plan.

3. This citizens organization shall be responsible for participating in an advisory capacity in the comprehensive review of the General Plan as prescribed in City Council Policy 600-07.

4. In the discharge of its responsibility in the five-year comprehensive review of the General Plan, this citizens organization shall function as a nucleus committee to which augmentation may be necessary and desirable to insure maximum utilization of local citizen resources. Selection of such augmentation shall be the responsibility of the Mayor and City Council and shall be only of such duration as is necessary to complete the preparation of General Plan revisions for recommendation to the Planning Commission and City Council for adoption.

5. This citizens organization shall undertake such other studies or make such recommendations on citywide issues related to the General Plan as may be requested by the City Council, Planning Commission and Planning Department, City Manager or other official City agency.

6. This citizens organization shall serve in an advisory capacity to the community planning committees officially recognized under City Council Policy 600-05 primarily to achieve the desired objective of insuring maximum coordination on a comprehensive or citywide basis and promotion of solutions of matters of mutual concern shared among the communities of San Diego.

7. To insure the successful discharge of the above functions, the citizens organization shall adopt rules of procedure calling for meeting schedules, methods of conduct of business and related matters as appropriate. Incidental staff clerical and related assistance as may be required shall be the responsibility of the Planning Department.

HISTORY:

Adopted by Resolution R-199050 02/12/1970
Amended by Resolution R-212667 02/20/1975

CITY OF SAN DIEGO, CALIFORNIA
APPLICATION OF BROWN ACT TO COMMUNITY PLANNING GROUPS

LESLIE E. DEVANEY
ANITA M.NOONE
LESLIE J. GIRARD
SUSAN M. HEATH
GAELB.STRACK
ASSISTANT CITY ATTORNEYS
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THE CITY ATTORNEY
CITY OF SAN DEEGO
Casey Gwinn
CITY ATTORNEY

CIVIL DIVISION
1200 THIRD AVENUE, SUITE 1K
SAN DIEGO, CALIFORNIA 92101-4100
TELEPHONE (619) 533-5800
FAX (619) 533-5856

MEMORANDUM OF LAW

DATE: March 7, 2000

TO: Betsy McCullough, Long Range Community Planning Director

FROM: City Attorney

SUBJECT: Application of Brown Act to Community Planning Groups

QUESTION PRESENTED

You have asked me to update and expand a legal opinion issued by our Office in 1982 on the issue of whether Community Planning Groups are subject to the Brown Act.

SHORT ANSWER

The Brown Act only applies to the legislative bodies of local agencies. Local Planning Groups do not fit the statutory definition of a "legislative body." They are considered private organizations because membership is not under the control of the City and they are not delegated legal authority by the City Council to take actions on behalf of the City.

ANALYSIS

The Brown Act was enacted to ensure public access to local government. Cal. Gov't Code §54950 - 54952. It provides that "[a]ll meetings of the legislative body of the local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter." Cal. Gov't Code § 54953. The Brown Act is directed toward the conduct of public officials and seeks to ensure that their actions be taken openly and that their deliberations be conducted openly. *Farron v. City and County of San Francisco,* 216 Cal. App. 3d 1071, 1074 (1989).

> The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Cal. Gov't Code § 54950.

Although the Brown Act has a broad purpose, it only applies to those entities which it defines as "legislative bodies of local agencies." Cal. Gov't Code § 54953. For example, the Council of the City of San Diego is a legislative body subject to the Brown Act. Cal. Gov't Code § 54951, *see also San Diego Union v. City Council*, 146 Cal. App. 3d 947 (1983) (City of San Diego is a local agency). Legislative bodies are also defined in relevant part as "[a] commission, committee, board or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution or other formal action of a legislative body." Cal. Gov't Code § 54953 (b). For example, where a school board created an advisory committee in order to investigate, review, and deliberate on parental complaints, the advisory committee was deemed a legislative body and was thus subject to the Brown Act. *Fraze v. Dixon Unified School District*, 18 Cal. App. 4th 781 (1993). The school board was the local agency. *Id.* at 793. The school board created the advisory committee pursuant to school board policy 7138. *Id.* The school board appointed all of the members of the committee. *Id.* at 792. The committee exercised the investigatory and review authority delegated to it by the school board. *Id.*

In contrast, the court held that if a private organization operating a coal exporting facility was a pre-existing organization which simply entered into a contractual arrangement with the City to develop a coal facility, the organization did not meet the statutory definition of a legislative body and was not subject to the Brown Act. *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal*, 69 Cal. App. 4th 287 (1999). The City would not have created the coal export organization, it would have merely chosen to do business with it. *Id.*

Similarly, although the City "officially recognizes" Community Planning Groups [CPGs], it does not create, maintain, or manage them. They are voluntarily created and perpetuated by interested members of the local communities. The appointment of members is not subject to review or approval by the City Council or any other City agency. Article III, Section 2 of Council Policy 600-24 provides that "[t]he members of this committee shall consist of the members as of the date of recognition by the City Council, and of such additional members as shall thereafter be elected by eligible community members in the manner prescribed by these Operating Procedures." Section 3 goes on to provide that: "Community planning committee members shall be elected by and from eligible members of the community."

It is also important to note that no authority of the City is delegated to CPGs. Under City Council Policy 600-24 "[t]he City merely 'recognizes' one group of individuals over others for purposes of receiving input on certain land use matters." 1992 Op. City Att'y 366, 367. There is no agency relationship established between the City and a particular CPG by the City's mere recognition of a group. *Id.* at 367. Thus, because the City does not appoint or control membership of CPGs and does not delegate authority to act on behalf of the City to the CPGs, CPGs are not legislative bodies. Because they are not legislative bodies they are not subject to the Brown Act.

It must be understood, however, that in exchange for official recognition from the City, CPGs are encouraged to follow the spirit of the Brown Act. Council Policy 600-24 establishes Betsy McCullough -3- March 7,2000 procedures to be incorporated into the bylaws of each CPG in

order to qualify for official recognition. Although these procedures are not as expansive as those in the Brown Act, they do serve the same general purpose of keeping the meetings open to the public. For instance, "[a]ll meetings of committees and subcommittees shall be open to the public . . . except as otherwise provided in this Council Policy and/or committee bylaws." Council Policy 600-24, art. VI, § 2.

In addition, Administrative Guidelines for Council Policy 600-24 further elaborates on encouragement of community participation. Section 1 provides:

[CPGs are required to] periodically seek community-wide understanding of, and participation in, the planning and implementation process. [They] must provide participation during review of specific development proposals to property owners, residents, and business establishments affected by the proposed project. Any interested member of the public should be allowed to address the proposal, though [the CPGs can define] time limits and . . . method[s] of participation . . . . [CPGs must also make] a good faith effort . . . to advertise regularly scheduled meetings and annual elections . . . .

Administrative Guidelines for Council Policy 600-24, § (1) Encouraging Community Participation (1991).

CONCLUSION

Community Planning Groups are not subject to the Brown Act because they do not meet the statutory definition of a legislative body. The local agency, the City, would have to create and annually appoint the membership of Community Planning Groups in order for them to qualify as legislative bodies. The City does not create Community Planning Groups, it merely recognizes them. Although Community Planning Groups are not subject to the Brown Act, they are required by Council Policy 600-24 to establish procedures which encourage community participation. Thus, they comply with the spirit of the Brown Act by striving to be open and public in the conduct of their business.

CASEY GWINN, City Attorney

By

Richard A. Duvernay
Deputy City Attorney

RAD:lc:623(x043.2)
ML-2000-5

Elections Handbook

2005

City of San Diego Planning Department

The handbook represents a compilation of current Council Policy 600-24, the Administrative Guidelines, current community planning committee bylaws, and references from Robert's rules of Order. The Election Handbook will be revised to reflect any changes to Council Policy and the Administrative Guidelines.

Introduction

The purpose of the Elections Handbook is to help promote effective elections within the City of San Diego's recognized community planning committees. Council Policy 600-24, Standard Operating Procedures and Responsibilities of Recognized Community Planning Committees, is the guiding policy that frames the roles and responsibilities for all committees and their members. The City Attorney and City Planning and Community Investment departments have prepared Administrative Guidelines to help explain the Council Policy provisions and provide more detailed guidance to community planning committees. All committees have generated their own sets of bylaws that are tailored from Council Policy 600-24. Within the Policy statement of Council Policy 600-24, committees' bylaws must follow the format and be in conformance with the criteria of CP 600-24 as a condition of recognition. As self-governing private organizations, the planning committees have modified their bylaws to fit the uniqueness of their community planning areas.

An important component of committee bylaws is the procedure for the election of community planning committee members. In order to operate successfully with broad community participation, elections must reflect the integrity of the committee, the bylaws, Council Policy 600-24, and the membership. When the committee bylaws explicitly detail election procedures and contain contingency procedures for the broad spectrum of election nuances, elections are run smoothly and there is a seamless transition as the committee changes composition. Election procedures are more likely to be successful if a sincere effort is made by the planning committee to disclose election details early and to make the process open and accessible to the community.

The handbook is a collection of election details that have been collected from Council Policy 600-24 and the bylaws of the community planning committees. The discussion focuses on who the Council Policy recognizes – the 12-20 elected committee members. Some committees go on to identify a general membership category – discussions of eligibility for which are not discussed within the handbook. The handbook provides a glimpse of the spectrum of specificity that is contained within the bylaws of the community planning committees and provides staff advice based upon our election experience with all community planning committees.

One of the most important points for committee members to take from this handbook is that members should have a clear understanding of their bylaws. After the 2004 elections and upon review of the committee's bylaws, your committee may determine to strengthen election procedures and provide further details through bylaw augmentation and amendment. The ultimate goal is a smooth election, a seamless transition, and broad community participation.

Community Planning Committee Elections

Council Policy 600-24 requires that all bylaws include a procedure for election of committee members (Article VIII Section 1 (1). Bylaws must incorporate requirements for planning committee candidacy, and clearly define general and elected membership and voting eligibility, including membership application or registration. Within the bylaws, a method of review of voter qualification as well as a method of cross-checking voting eligibility at the time of election must be included to eliminate qualification confusion. Pre-election procedures vary among the 42 planning committees. The Election Handbook depicts the spectrum of how different planning

committees structure their bylaws to address pre-elections procedures and membership qualifications, thus showing the range of specificity throughout the bylaws of all of the planning committees.

Pre-election Preparations

- **Member Eligibility Requirements**

  Basic member eligibility requirements are the same for all 42 planning committees and are dictated by Council Policy 600-24. CP 600-24 states that community planning committee members shall be elected by and from eligible members of the community. To be an eligible community member, an individual must be at least eighteen (18) years of age, and shall be affiliated with the community as a property owner or resident or local business person with a business address in the community at which employees or operators of the business are located.

  Eligibility may be further defined in committee bylaws. Some committees have gone on to have more specifically defined categories. It is fundamentally important to know from inception of the category how to qualify someone for this category. Community planning committee members shall to the extent possible, represent the broad community and diversified community interests. Most community planning committees have adopted this same language within their bylaws.

- **Soliciting new planning committee members/eligible candidates on an ongoing basis**

  In order to ensure that meeting attendees understand the roles and duties of the community planning committee, the Chairperson can provide a brief introduction on the purpose and duties of the planning committee at the beginning of each meeting. The introduction assists individuals interested in participating in the planning committee with a clear understanding of the overall duties and purpose of the Committee. The introduction can include a brief statement of the overall purpose set forth by Council Policy 600-24 and the committee's bylaws as well as the planning area boundaries. As committee members introduce themselves, they can state their name, seat and, if pertinent, the area of the community they represent.

  - **Sample Chair Intro**

    The ___[insert committee name]____ is the officially recognized land use advisory committee to the San Diego City Council. Our role is to review and provide recommendations to the City on land use and development-related projects and issues that fall within the [insert area name] Community Planning Area. While we are an advisory body we are not a decision-making body – we provide advice to City officials and decision-makers, the Planning Commission and City Council.

    The [insert area name] community is made up of the neighborhoods bounded by… [provide general geographic description].

My name is [insert name] and I am the chair of [insert committee name]. All of the committee members are [residents, business owners, etc.] in the [insert name] area and elected by the community during general elections that are normally held in March. The other elected committee members will now introduce themselves…..

Many committees do not have eligibility requirements or attendance requirements or membership requirements for voting in a community planning committee elections. In general, voter eligibility in the committee elections is based upon proof of residency or a business address within the community at the time of the election. Committees without membership requirements have determined that planning committee voter eligibility should be no more restrictive than voter eligibility in a City election.

Where committees have membership requirements, membership forms can be made available at planning committee meetings. The forms need to clearly indicate eligibility categories according to the adopted bylaws. The forms can be placed on the sign-in table as individuals enter the room. In the event of a committee vacancy, membership forms can be included with the agenda in the monthly mail out. The bylaws can state which committee member will maintain the membership applications on file, or individual forms can identify to whom the form can be returned.

While not mandatory, a sign-in sheet can be utilized at each planning committee meeting. Sign-in sheet information is used to send monthly agendas to individuals interested in planning committee activities. The information is also used to determine eligibility for general membership and candidacy. Normally, it is the secretary's duty to maintain the sign-in sheets. When an election sub-committee is formed, the sign-in information is provided to the sub-committee for election purposes. If the applicable bylaws have attendance requirements for candidates, the sign-in sheets must include an area for the person's name, mailing address, email address and phone number to be used for contact purposes and establishing eligibility. As a note, privacy issues have arisen regarding these sheets and it is at the discretion of the committee to provide this information to the general public.

Candidacy requirements may be different from general membership requirements. The bylaws can clearly state attendance or eligibility requirements that go beyond general membership and voting requirements.

In summary, if the community planning committee has established a general membership category to which individuals need to belong in order to vote for elections of new community planning committee members, requirements for being a general member must be clearly written in the committee's bylaws.

- **Noticing regular elections to attract new planning committee members as candidates**

Actively noticing elections encourages broad community participation and attracts new candidates for planning committee membership. Noticing can reach a broad range of community interests and reach a wide geographical area. Individual committees may have specific criteria for qualification as a voter or as a candidate; therefore, early

noticing of the elections will inform the community of these procedures in time for their participation in the election. Council Policy 600-24 states that it shall be the duty of the community planning committee to make a good faith effort to contact community newspapers and utilize other means appropriate to their communities to publicize the elections (Article V Section 2). Other than the newspapers, the policy leaves it up to individual committee bylaws to provide additional provisions for the noticing of the elections.

The Administrative Guidelines, under the General Election Procedures (Admin. Guidelines Sec. 6), recommend that the election policies in the bylaws or in procedures are readily available to the public and presented consistently. Detailed instructions that can be distributed in writing will be useful to present to the public. There are a variety of avenues for noticing, including the local community newspaper, local home owners' association newsletters, and on the planning committee website. Information can also be dispersed through emails and server committees as well as through flyers posted in appropriate locations such as the local library, public meeting places, churches, recreation centers, community-based organizations or institutions. While assistance from the City Planning and Community Investment department is available through the community planner for the area, community planning committees know their communities and may determine the most effective measures to utilize in order to reach a broad range of people in the community to encourage participation in the election process.

If a committee has eligibility requirements, an excellent approach to ensuring that individuals are aware of such requirements for both candidacy and general membership is to start noticing the March election in the fall. Following are examples of how some community planning committee bylaws address noticing elections and general membership, a first step in candidacy qualification.

The **Greater North Park** committee includes election and voting information on the monthly agenda beginning in September of each year and also posts it on the North Park Community Association Website. The **Torrey Pines Community Planning Board** bylaws allow for posting of election notices on websites. The committee maintains its own website available for public access, which can be utilized to advertise elections. The **Linda Vista Community Planning Committee** bylaws provide for flyers to be posted announcing the upcoming Committee election in prominent places, as legally permitted, throughout the community; including notices of the election posted at the Linda Vista Library and at the community Bulletin Board in the Linda Vista Plaza. The **Clairemont Mesa Planning Committee** bylaws identify notices of elections to be posted at the Clairemont Friendship Center, the South Clairemont Recreation Center, the Clairemont Public Libraries and Churches as allowed. The **Eastern Area Community Planning Committee** bylaw provisions include noticing the elections in prominent places in the community, such as: Community councils, libraries, shopping centers, Chollas Lake Park, PTA meetings, community council newsletters and public service radio announcements, where possible. The **College Area Community Council** bylaws provide for the general membership to be notified of the date, time, and location of the election through the newsletter or other written notice mailed to the general membership at least fifteen (15) days prior to the election. The **Mission Beach Precise Planning**

Board bylaws indicate that the secretary provides notice in the community press requesting candidate nominations prior to the February meeting, and announcing member elections and candidates prior to the March meeting. The **Normal Heights Community Planning Committee** bylaw provisions include posting of notices at the regular meeting location and at the post office at least two (2) weeks prior to the election; and oral or written notification of business and community committees to the greatest extent practical. The **Midway Community Planning Advisory Committee** bylaws state to advertise the elections through mailing of flyers and posting notices in area businesses. Also, the **Southeastern San Diego Planning Committee** bylaws include the provision of noticing elections through direct mail notice to all general members.

- **Election Committee**

In general, pre-election procedures are tailored to the needs of each community planning committee through its bylaws or standing election procedures. Although not required, committees seem to function best when the work leading up to the election is distributed among the election committee members and does not fall to one person. Many bylaws state that members up for reelection cannot be selected to serve on the election committee. This is a good practice which helps the community planning committees maintain the appearance of a fair and balanced election and avoid the perception of impropriety and entrenched membership.

The bylaws can provide clear guidelines in relation to eligibility requirements, attendance requirements, membership application deadline, nominations from the floor, write-ins, as well as parameters to create an easily understandable ballot. Bylaws can clearly indicate the duties of the election committee and can specify how to deal with ballots, lists, and incumbents. The **San Ysidro Planning and Development Group** bylaws allow for a nominating committee, composed of members not up for reelection, to prepare a ballot of candidates from eligible persons, to announce the proposed ballot, and to accept qualified nominations from the floor. Nominations are then closed and the nominating committee disbanded, with election responsibilities turned over to an Election Committee. aAccording to the **Uptown Planning Committee** bylaws, at the January meeting, the secretary reports to the planning committee the names of persons deemed automatically eligible for election at the following February meeting.

As the bylaws or election procedures state, the primary purpose of the election committee is to supervise the election preparations as well as the election itself. In order to have an effective election committee, individuals serving on the committee must have a clear understanding of the election process itself.

Both floor nominations, as well as write-ins, are allowed by many committee bylaws. An election committee's understanding of how nominations from the floor are handled and the process for writing in candidates is essential for the election procedures to run as smoothly as possible. In order to be eligible to run for a seat, the election committee must verify that a nominee has fulfilled the eligibility requirements set forth in the bylaws.

In conjunction with candidate eligibility, it is important for the election committee to understand the composition of the committee with respect to member term limits. As an exception to the eight or nine year limit of consecutive service, Council Policy 600-24 does allow for further consecutive service if the board's composition does not exceed 25 percent of termed out members and if the reelected member(s) receive two-thirds majority of the votes cast in a regular election. For further discussion of term limits and the exception, see Determining eligibility of candidates.

An important duty of the election committee includes the review of eligibility of candidates between the time a candidate applies to run and the date of the election. Eligibility must be monitored by the election committee in order to ensure that candidates on the ballot have maintained eligibility and the election runs smoothly. If a candidate becomes ineligible between the time of nomination and the election, the election committee must revise the ballots so voters clearly understand that the ineligible candidate is not a choice on the ballot.

Polling can take place at the regularly scheduled March meeting per the Council Policy (Article V Sec.1). The location must be accessible to all persons and be advertised well in advance of the election date through the avenues discussed in the previous section on noticing. If the bylaws or operating procedures stipulate that multiple polling times and locations are acceptable, it must be clearly identified how voters are tracked in order to avoid multiple ballots being cast by an individual voter.

Election committee members can reference the bylaws to determine what voting qualifications are required. In most instances, a form of identification is required in order to be eligible to vote. Ballots can be distributed to an individual only after eligibility as well as identity has been verified. Voting is done by secret ballot placed in a box, with the election committee monitoring to ensure voters their ballot have been cast in secrecy.

Election committee members should have a clear understanding on whether a plurality or majority of votes cast determines election of candidate (see Post Elections – Counting the ballots). Normally, a plurality of the votes determines the election. This should be stated at the start of the election to all voting members.

- **Determining eligibility of candidates**

Many bylaws include a requirement that defines membership seats by particular categories or geographic areas. The particular categories must be clearly defined to avoid controversy. For example, if a business representative from the community is required, the parameters of a business seat must be clearly defined in the bylaws. Bylaws can specifically outline meeting attendance requirements to ensure that both candidates and elected members understand the time they are committing to the planning committee. Membership application filing deadline can be incorporated into the bylaws as well as clearly stated on the membership application forms.

Council Policy 600-24 states that no person may serve on a committee for more than eight or nine consecutive years, but that after a one year break in service, the individual is

again eligible for election to the committee (Article III Sec. 4). An exception clause was added to the Council Policy in 1989, in order to allow committees with low community participation to continue to have representation with persons willing to serve in excess of eight or nine years. The bylaws can provide a clear understanding of the exception clause that is embodied within Council Policy 600-24. The clause states a committee member may serve in excess of eight or nine consecutive years if that person is reelected to a new term provided that they receive a two-thirds majority of the votes cast by eligible community members participating in a regular election. The number of individuals on a planning committee serving more than eight or nine consecutive years shall in no case exceed 25 percent of the voting committee membership. If there is broad based community participation in the elections and enough new, eligible candidates are on the ballot, use of the exception clause is not necessary. Persons who have served for eight or nine years can fulfill the Council Policy's break in service requirement, while allowing new individuals the opportunity to serve on the planning committee.

Candidate forums are encouraged at the beginning of the election so voting members have an opportunity to understand each candidate's qualifications. All candidates must be given equal opportunity and equal time to present their qualifications. Space could be made available on the February agenda to include written candidate statements for all candidates.

In no case shall a slate be created or provided to the elected or general membership prior or during the election. A "slate of candidates" occurs when candidate names, especially candidates up for reelection, are portrayed in a way that gives voters the impression that one single vote is a vote for all candidates on the slate.

Elections

- **Polling Locations and Times**

  The Election Committee must provide ample notification of all election procedures. The times and locations(s) of the polls are dependent on the number of members of the Election Committee, the amount of time they can volunteer for the elections, and the estimated turnout for the election. Most elections occur during the regularly scheduled March meeting – with perhaps some time before and/or after for voting and tabulation purposes. When advertising the elections, the times and locations can be clearly stated.

  Polling locations that are stipulated in bylaws or standard operating procedures ensure the Election Committee can announce polling sites and times well in advance of the elections, and that there are enough Election Committee members to handle multiple polling locations and times.

- **Ballot Clarity**

  To reduce confusion and the opportunity for challenging the elections, the election committee must create a clear and simple ballot. The ballot must clearly state the number of open seats available and how many candidates to vote for. It can also state whether

voters can use pencils or pens when marking the ballot. The stipulation of pens only will help alleviate erasure interpretation when the ballots are counted. If there are category restrictions, candidates can be separated by categories.

Write-in restrictions can be clearly denoted on the ballot. If write-in candidates are allowed, space can be made available for a write-in and can clearly state any limitations pertaining to the write-in process. Ballots that are well written and easy to use will help to reduce election challenges by the public.

Election Committees are responsible for determining the validity of the ballots. While creating the ballot prior to the election, the Election Committee can determine what constitutes an invalid ballot. If a ballot is to be considered invalid due to voting for too many candidates, the ballot can boldly state how many candidates can be chosen. If a ballot has a write-in candidate and the bylaws state that write-ins are not accepted, the ballot can clearly state that write-ins will invalidate the ballot.

- **Verification of voter eligibility**

  Group bylaws can stipulate identification requirements needed as proof of voter eligibility. Some bylaws only require proof of identity and address at the polls, while other bylaws can have prior certification restrictions. The **Torrey Hills Community Planning Board** bylaws state that the general election voting is open to General Members over eighteen years of age who meet voter qualifications and sign a roster with qualifying address to cross check voting eligibility.

- **Proxies and Absentee Ballots**

  A proxy is the authority given by one person to another to vote in his/her stead. Per Robert's Rules of Order, proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and nontransferable. Council Policy 600-24 does not address proxy voting as it pertains to elections. The policy does states that "a quorum, defined as a majority of non-vacant seats of the planning committee and/or to vote on projects or actions at regular committee meetings must be present in order to conduct business." (Article VI, Section 2). Consequently, proxies (the authority of another person to act for an absent director) are not permitted during the transactions of the group meetings. Because planning groups abide by Council Policy 600-24, their bylaws, and the intent of Robert's Rules of Order, proxy voting in either elections or on agendized action items is not allowed. Unless specifically incorporated in a group's bylaws, proxies are not permitted for any actions a planning group may take.

  Several planning groups do allow for absentee ballots. Often times, a small fraction of the general membership attend meetings on a regular basis. Because the election of committee members is an important issue for the planning group, an absentee ballot process can be authorized within the group's bylaws. It is important that the absentee ballot process is clearly understood by the Election Committee, and that information regarding absentee voting is disbursed to the general membership in a timely fashion.

The **Rancho Bernardo Community Planning Board** bylaws state that absentee ballots shall be provided by the Election Committee and notices published at least 21 days prior to election day as to availability of absentee ballots, where obtained and procedure for casting an absentee ballot. All absentee ballots are to be returned in a sealed envelope signed by the absentee voter and received by the Election Committee before the election date.

- **Closing the polling place(s)**

  Prior to the close of elections, a general announcement should go out soliciting any outstanding ballots. If the election takes place during a regularly scheduled committee meeting, the Chairperson should announce the close of the elections and state that ballots will not be accepted after the polls close. Normally this should be done half way through the meeting in order to ensure adequate time for the counting of the ballots. If the bylaws state and the election committee has determined that there may be several polling locations, the date and time for the polls to be open and closed must be clearly publicized early in the election process. All ballots must be gathered into one place and counted all together, even if multiple polling times and places are used.

  It can be made clear prior to the election who will be counting the ballots, and how many ballot counters will be needed based on the estimated turnout for the election. If there is an election committee established, it is often the members of the election committee that collect and count the ballots. No candidate can be present during the counting of the ballots.

Post-Election

- **Counting the Ballots**

  The basic method for determining how many votes cast will determine the election of a candidate is a *plurality vote*, except where bylaws state otherwise. A plurality vote is the largest number of votes to be given any candidate. Determining election by a plurality of votes is the method most often used in community planning committee elections because there are three or more candidate choices possible. The candidate having the largest number of votes has a plurality and is declared the winner.

  If bylaws state that a *majority vote* determines a candidate's election, majority means "more than half". A *majority vote* then means that a candidate will need to receive more than half of the votes cast to be declared the winner. If there are more than three candidates for a seat on the planning committee, a candidate would have to obtain more than half of the votes cast for that seat. For example, if 19 votes are cast, a majority (more than 9 ½) is 10. If 20 votes are cast, a majority (more than 10) is 11. If 21 votes are cast, a majority (more than 10 ½) is 11. If any seat(s) remains unfilled after the election because a candidate did not receive a majority vote, the balloting needs to be repeated as many times as necessary to obtain a majority vote for the seat(s). When repeated balloting for a seat is necessary, the names of all nominees are kept on the ballot. The nominee receiving the lowest number of votes is never removed from the

ballot unless the bylaws require such action, as the nominee may turn out to be a "dark horse" on whom voters may prefer to elect to the committee (Robert's Rules of Order pages 425-427).

In the event that the number of votes cast for candidates for the same seat is close, a recount could be done to ensure the ballots cast for each candidate is accurate. In numerous bylaws, the task of counting ballots is the duty of the election committee, and may include City staff persons or council representatives. The counting is done at the regularly scheduled meeting, with the final determination of the legality of all ballots cast reported to the Chairperson who announces the results at the end of the planning committee meeting.

Council Policy 600-24 states that a committee member may serve in excess of eight or nine consecutive years if that person is elected to a new term provided that they receive a two-thirds *majority* of the votes cast by eligible community members participating in a regular election. New candidates or committee members seeking reelection and are not termed out may need only a plurality or simple majority of votes to be elected. The ballot counters need to have a clear understanding of determining the number of votes each candidate needs in order to be elected to the committee.

Very few committee bylaws address tie-breaking procedures, nor are they addressed in Robert's Rules of Order as they relate to election of candidates. Prior to the election, the planning committee can establish a procedure for resolving a tie-vote situation. The **Centre City Advisory Committee** bylaws state a coin toss or the drawing of straws will determine the winner in the event of a tie vote, with both candidates having the opportunity to be present for the coin toss or drawing of straws.

Upon final verification of the count, the election committee reports the election results to the Planning Committee Chairperson, then certifies and publishes the results. A community planning committee's election procedures can identify when ballots will be counted and the reporting, certification and notification of the results so that the planning committee and the community may know when to expect the results of the election. The **Rancho Bernardo Community Planning Board** bylaws state that the ballot counting, certification and notification process shall be completed within twenty-four (24) hours of the closing of the polls unless for good cause the election committee deems it necessary to extend the time, but in no event shall the counting, reporting, certification and notification process be delayed more than seventy-two (72) hours after the close of the polls. The **San Ysidro Planning and Development Group** bylaws state that following the close of elections, the Election Committee will count the ballots, report the results, seal and retain the ballots for ninety (90) days, and then disband.

The Chairperson is responsible for preparing and certifying the report of the election committee and ensuring that it is forwarded to the City Planning and Community Investment department. In order to contend with a contested election, the bylaws can assign who shall keep the ballots and for how long the ballots may be kept. The bylaws can state that an independent authority may review and verify the ballots.

- **Installation of new committee members**

  Bylaws or election procedures can also state when newly elected committee members will be seated. Often times new committee members are not seated until the next planning group meeting. The seating of committee members as the first order of business at the meeting following the March elections allows for an uninterrupted planning committee meeting in March. This also allows time for the City Planning and Community Investment department staff to provide new committee members with community and financing plans so that they may become familiar with the documents prior to their first meeting. The **Normal Heights Community Planning Committee** bylaws state that newly elected Committee members shall be installed at the beginning of the April meeting. Installation at the beginning of the first meeting following the elections assures the earliest possible implementation of the election results.

  Article IV of Council Policy 600-24 states that if vacancies exist on the committee, the vacancies shall be filled in a manner specified by the planning group's bylaws. If there are vacancies that exist on the committee at the time of an election, the bylaws can state that the planning group may have the vacancy identified on the ballot and solicit candidates to fill the seat for the duration of the vacated seat. This is consistent with Council Policy 600-24, Article IV, Section 2, which states that the term of office of any member filling a vacancy shall be for the balance of the vacated term. If the bylaws allow and the planning committee decides to fill a vacancy at the time of the March elections, this course of action can be clearly stated in the election procedures.

- **Unfilled seats**

  If there are unfilled seats after an election, bylaws can establish the course of action. For most groups, a vacancy is declared, and the normal process for filling a vacancy in followed. An example of another course of action is found in the **Centre City Advisory Committee** bylaws which state that in the event there are an insufficient number of candidates elected to each category of membership, such seats may remain vacant until qualified candidates apply and a subsequent election is held.

- **Challenges to election procedures or to ballot tabulation**

  The method of challenging an election can be clearly delineated in the group bylaws. The bylaws can clearly state the Election Committee responsibilities for handling challenges to the election. Remember, challenges may be a direct result of unclear election procedures, with elections not appearing to be open and orderly to voters, members, and the public. If challenges occur regularly, groups can consider bylaw revisions to include procedures for challenges. The best method for reducing or preventing challenges to elections is to have clear, detailed, and comprehensive election procedures.

- **New member responsibilities**

  All newly elected committee members are required by City Council Policy 600-24 to attend a Community Orientation Workshop (COW) training session as soon as possible after the elections. The City Planning and Community Investment department hosts

several sessions throughout the year, with one scheduled for April 24, 2004 to train all newly elected committee members. The workshop focuses on members understanding the roles and responsibilities outlined in Council Policy 600-24, as your committee's actions are legally indemnified by your having attended this workshop and acting in accordance with Council Policy 600-24. It is important for members to understand that attendance at a COW session AND the continuance of valid operating procedures insures indemnification on authorized agenda items.

- **Roles of City Planning and Community Investment Department and City Attorney**

  In the spirit of self-governance and committee credibility, community planning committees are responsible for the interpretation of their committee bylaws. The City Planning and Community Investment department is available to assist and to help frame bylaw interpretation at any time, but bylaw interpretation is ultimately the committee's responsibility. Ideally, questions and concerns regarding elections can be presented to the City Planning and Community Investment department in the late summer and early fall to ensure that issues are discussed and resolved early and prior to the March elections. At the request of the committee Chairperson, staff is available to meet with the Chairperson and Election committee in order to recommend resolutions to bylaw issues and concerns. If an issue cannot be resolved prior to the election, the City Planning and Community Investment department is always available to review and discuss election issues and potential solutions with the committee Chairperson and Election Committee. The City Attorney's office does not become directly involved in issues pertaining to the planning committees. Rather, the City Planning and Community Investment department consults the City Attorney's office for direction on a matter if it cannot be resolved by the planning committee working with the City Planning and Community Investment department.

Conclusion

The City Planning and Community Investment department, in close collaboration with a subcommittee of the Community Planners Committee, has prepared the Election Handbook to help facilitate balanced and effective planning committee elections. The handbook, a collection of election details gathered from Council Policy 600-24 and the committees' bylaws, provides both a range of current bylaw procedures and staff advice based upon our election experience with all community planning committees.

Every planning committee can experience smooth elections with an election committee that closely follows explicit election procedures and committee bylaws. Again, one of the most important points for committee members to take from this handbook is that members should have a clear understanding of their bylaws and election procedures. Supported by Council Policy 600-24, the committee's bylaws and election procedures, and good faith effort, the ultimate goal of an election with broad community participation and without controversy can be achieved by the recognized planning committees.