

COUNCIL POLICY 600-24 GUIDELINES

**ADMINISTRATIVE GUIDELINES
FOR IMPLEMENTATION OF
COUNCIL POLICY 600-24**

**Standard Operating Procedures and Responsibilities of
Planning Groups**

City of San Diego
Department of Community Planning and City Investment

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ADMINISTRATIVE GUIDELINES**

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INTRODUCTION

History of the Guidelines

The Administrative Guidelines to Council Policy 600-24 [CP 600-24 Guidelines] were first prepared in July 1991. Since then they were revised in May 2001 and April 2006, both times following and corresponding to City Council revisions to Council Policy 600-24 [CP 600-24]. Similarly, this revision follows and closely mirrors the May 2007 amendments to CP 600-24.

Objectives of the 2007 Revisions

These revisions accomplish the following objectives:

- Revise the CP 600-24 Guidelines to correspond the May 2007 amendments of CP 600-24.
- Assist community planning groups to implement CP 600-24 by:
 - ◆ Providing practical examples of how various planning groups have implemented CP 600-24.
 - ◆ Clarifying the meaning and application of various terms and phrases used in CP 600-24.
- Convey the most recent interpretations of CP 600-24, and the Ralph M. Brown Act [Cal. Gov't Code § 54950 et. seq.] by the City Attorney.
- Make the cross-referencing between CP 600-24 and the CP 600-24 Guidelines user-friendly with following new tools:
 - ◆ A Table of Contents for CP 600-24. Attachment A.
 - ◆ A corresponding Table of Contents for the CP 600-24 Guidelines.
 - ◆ Under Articles I-IX, providing:
 - Subject titles for each numbered section.
 - Topic headings for topics of common interest under each section.
 - ◆ An Index of topics of common interest.
- Provide helpful websites, and new attachments, for additional self-study on development project review procedures, and parliamentary procedures.

To ensure clarity and reduce the potential for confusion and ambiguous interpretation, the current revision, most noticeably, removes restatements of CP 600-24, and allows the changes to both CP 600-24 and the CP 600-24 Guidelines, to be directly compared rather than narrated from a historical perspective.

BACKGROUND

The Background section of CP 600-24 describes the scope of authority of planning groups as primarily making recommendations to the City on land use matters within the recognized area of jurisdiction for each planning group.

CP 600-24 does not authorize planning groups to advise the City on other social or economic policy issues, such as education, healthcare, labor, crime, or other non land use, quality of life issues, that are within the purview of a different City body, or an entirely different governmental body. However, as a matter of practice, City Council, from time to time, solicits planning group opinions on non-land use matters, because planning group members, as individuals, commonly tend to work on multiple issues, and belong to numerous organizations, in their communities.

While CP 600-24 authorizes planning groups to make recommendations on land use matters and policies, CP 600-5 governing Community Planning, and CP 600-9 governing the Community Planners Committee, also discuss the roles of planning groups relative the mission and goals of the Department of Community Planning and City Investment [CPCI].

The Background section is the first section with substantive discussion about the applicability of the **Brown Act**. To identify which provisions of CP 600-24 are a result of applying the **Brown Act** to the planning groups all sections or sentences in CP 600-24 that are **Brown Act** requirements start with, “In accordance with the Brown Act Section . . .” These are constructed to ensure that following them will ensure **Brown Act** compliance.

PURPOSE

The Purpose section of CP 600-24 is to **identify responsibilities of and establish minimum operating procedures governing the conduct of officially recognized community planning groups**. CP 600-24 establishes what actions and behaviors of planning group members are subject to CP 600-24, and establishes what actions and behaviors of planning group members violate CP 600-24 when individuals are not acting in their official planning group capacity.

POLICY

Bylaws Must be Consistent with Policy

This section of CP 600-24 discusses the requirement planning groups to create and operated within bylaws consistent with CP 600-24. The section explains that the Bylaws Shell (June 1, 2007)[Bylaws Shell] appended to May 2007 CP 600-24 amendments standardized many provisions that have been standardized for all planning groups.

Deviations from Standard Bylaws

The City Council supports standardization of planning group bylaws but will consider deviations. The Bylaws Shell incorporates optional provisions under certain topics, and represents the degree of acceptable variation to suit different planning groups. Arranged by Article and section, bylaws provisions that include a range of options fall into the following subject areas:

■ Article III

- ◆ Section 1: The number of planning group seats and how they are filled.
- ◆ Section 2: Planning group seat categories, and minimum qualifications to vote.
- ◆ Section 3: The allowable length of terms of service by planning group members.

- Article IV
 - ◆ Section 2: When to filling vacant seats, and whether by election or appointment.
- Article V
 - ◆ Section 1: The allowable frequency of general elections.
 - ◆ Section 2: The location of election polls, and various options to cast votes.
 - ◆ Section 4: Finalizing planning group elections.
 - ◆ Section 5: Additional details on election procedures.
- Article VI
 - ◆ Section 2(viii): The role and level of participation by planning group chair.
 - ◆ Section 2(b)(i): The establishment of subcommittees and ad hoc committees.
- Article VII
 - ◆ Section 1: Establishing officers and officers terms of service.
 - ◆ Sections 2 to 4: Establishing duties of the planning group officers.
- Article VIII
 - ◆ Section 1: Establishing group-specific procedures, structure, and internal policies.

Bylaws that are prepared by planning groups and follow the standardized provisions will ordinarily be approved administratively by CPCI and the City Attorney. However, if bylaws deviate from the standardized provisions, CP 600-24 states that the such deviations must be approved by the City Council.

Nonprofit Corporation Planning Groups

A planning group that is also a non-profit corporation must separate its corporate bylaws from the planning group bylaws because, typically, corporate provisions run contrary to the intent of CP 600-24, such as permitting proxy and absentee voting, holding meetings outside the jurisdictional boundary, having exclusionary membership requirements, using secret ballots used to elect officers, composing committees of a majority of non members, and restricting public input in managing consent agenda items. Any planning group interested in becoming a non-profit corporation may consult with CPCI and the City Attorney, in advance, to ensure the planning group bylaws are maintained separately and continue to conform to CP 600-24.

New Planning Group Formation

A new planning group may be formed only in an area, or community, of the City where no recognized community planning group already exists. Citizens in the community may organize and propose a new community planning group [planning group] to the City. Draft bylaws could be developed along with a proposed organization of planning groups seats to represent the broadest variety of interests in the community. Citizens interested in establishing a new recognized community planning group are advised to work with their City Council member because the City Council must approve both the initial bylaws and the initial membership of the planning group.

If the development status of an area is such that a new group would really constitute of group of speculative land developers, it would likely lack the prerequisite diversity, and CPCI would likely recommend against its formation. Those few planning groups that have been formed prematurely, before diversification of land ownership, have failed or been severely hampered in their duties by the excessive direct economic interests of their members under CP 600-24, Article V, Section 2(c).

ARTICLES

ARTICLE I

Name

Article I covers the official name, the activities of, the boundaries of, and the official positions that may be taken by, a planning group.

Section 1. Official name

Section 1 states that there will be an official name of the planning group and that it is subject to approval by the City Council.

The official descriptors of planning groups vary from group to group, for example, using planning group, planning committee, community council, advisory committee, and planning board, but the official name is the one approved and recognized by the City Council.

CHANGING THE NAME

A planning group name change requires a bylaws amendment, while a community plan name change requires a General Plan amendment. The City engages in a thorough discussion with various community stakeholders before approving any name planning group name change.

A planning group will usually seek to change their official name when, for example,

- ◆ A community thinks a different name better represents the character of the community.
- ◆ The official name of the community planning area is changing concurrently with a community plan amendment.

Note that usually a planning group name change, if approved, will be inconsistent with the community name, until the next community plan amendment, and with the General Plan, until it is updated to reflect the community plan amendment.

Section 2. Activities

Section 2 states that all activities of the planning group shall be conducted in its official name.

Some planning groups ensure they are consistently represented by adopting bylaw provisions specifically instructing planning group members on how to represent the planning group.

When expressing opinions on matters outside the planning group responsibilities, individual planning group members should not identify themselves as members of the planning group, unless it is to qualify that they do not represent the planning group. Misrepresenting the planning group in any way can jeopardize individual eligibility for legal defense and indemnification pursuant to the Ordinance Providing For Legal Representation To And Defense And Indemnification Of Community Planning Committees (0-2009-00).

Planning groups that convene as both the recognized planning group and as a separate, non profit corporation must clearly distinguish when they are acting as one and not the other.

Section 3. Boundaries

Section 3 states that the boundary for a recognized community planning group is based on the boundary of the applicable adopted community plan. Some planning group boundaries include adjacent planning areas that have no planning group.

This section states that planning group meetings must meet within the boundaries of the community planning area. The location should be centrally located, or within reasonable physical proximity to most of the members of the community. When there is no meeting facility within the community plan boundary, the planning group should attempt to find a facility as close as possible to the central population or business center of the planning group area.

This section also states that planning groups will make recommendations to the City when a land use plan when a plan relates to a planning group area boundary. A land use matter or development project relates to the planning group boundary when it is within close proximity and impacts the adjacent planning area.

Section 4. Official Positions

Section 4 protects the planning group duty to represent a community but also preserves the rights of members to express their personal views on issues of interest to them.

Some planning groups designate one member such as the planning group chair, or other officer, to officially represent the planning group on all matters, other planning groups designate various members such as committee chairs, or others with particular subject matter expertise, to represent the planning group on particular issues.

When expressing opinions on matters within the assigned responsibilities of the planning group, individual planning group members, expressing personal positions on these same matters, must explicitly differentiate their opinion from the position of the planning group, and, state for the record, that they are not speaking for the entire planning group. Failure to make this qualification can jeopardize eligibility for legal defense and indemnification under the Ordinance Providing For Legal Representation To And Defense And Indemnification Of Community Planning Committees (0-2009-00).

ARTICLE II

Purpose of Community Planning Group and General Provisions

Article II covers how planning groups make recommendations on land use matters, review

proposed development projects, solicit review assistance from the City, and amend their bylaws, and it covers the limits on planning group political activity.

Section 1. Recommendations on Land Use Matters

Section 1 affirms the limited role of planning groups, as advising the City on land use matters and policies, as requested by the City.

Section 2. Reviewing Development Projects

Section 2 discusses the role of the planning group in the review of proposed development projects.

The roles of Development Services, individual development project applicants, and the planning group are clearly set forth in Information Bulletin 620, Coordination of Project Management with Community Planning Groups, Development Services Department. Attachment B.

TIMING OF ACTION ON PROJECTS

A planning group should act only time on a proposed development project. Projects should be designed to a “point of reasonable certainty” where the planning group vote can comfortably recommend approval, denial, or additional conditions such that the project is essentially the same one that will be considered by the Hearing Officer, the Planning Commission, or the City Council.

Some planning groups identify this “point of reasonable certainty” at the start of the public review period of the environmental document. Others identify this point as early as when Development Services Department issues its first or second Project Assessment Letter to the project applicant. On this latter approach, however, planning groups have little guidance regarding project compliance with the City policies or regulations at this stage and are therefore discouraged from using this as a point of reference.

Some planning groups may refuse to act on a development project that has reached a “point of reasonable certainty” if it thinks there has not been ample and fair opportunity for community comment. To prevent this situation, some planning groups readily accept or seek out early presentations by project applicants, during the project development phase, especially on large, complex, or controversial projects.

SUBSEQUENT ACTIONS

Projects acted upon multiple times at multiple meetings may be recognized, when, for example:

- ◆ A project has been substantially revised either by and at the behest of the applicant, or as a result of the City project review process.
- ◆ The planning group has received incorrect or significant new information on project impacts to the community.
- ◆ The time for planning group project review was shortened because the City or the applicant was unable to adhere to the procedures

and timeframes established in Information Bulletin 620, Coordination of Project Management with Community Planning Groups, Development Services. Attachment B.

Robert's Rules of Order specify different procedures for "reconsideration" and "amending or rescinding a motion previously adopted." "Reconsideration" occurs when the planning group decides to revote at the same meeting during which the original motion was voted upon. This may happen when the original motion was misunderstood by one or more members, when a member made a mistake in casting his or her vote, or additional information has caused one or more members to consider changing their position. To prevent abuse of the procedure, Robert's Rules requires that the motion "to reconsider" can only be made by a member who voted on the prevailing (winning) side. If a motion to reconsider passes, then the initial action is erased and the group debates and votes again on the issue.

Different rules apply when the group wants to revote on a matter originally voted upon at a prior meeting. A motion to reverse or modify a previous position at a subsequent meeting can be made by any member. Robert's Rules specify various votes required for such a motion to pass, depending on whether there was prior notice. Since a community planning group is subject to the Brown Act, notice is required and the intent to bring the matter up again must be on the agenda. Since there must be advance notice, the motion to reverse or modify a previous position only requires a majority vote.

If key stakeholders complain that they were denied the opportunity to participate in the planning group's consideration of the action, the chair may determine that an item should be placed on the agenda again. This option 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 review process.

Bylaws, or separate standard operating procedures, may establish how a planning group reviews and votes on projects, including:

- ◆ Establishing a fixed "point of reasonable certainty" for planning group action.
- ◆ How to notice the community and project applicants, if the planning groups chooses to exceed the Brown Act minimum notice requirements.
- ◆ Specific procedures for project review by the planning group such as establishing project review committees.
- ◆ Defining under what circumstances the planning group will take subsequent action.

Section 3. City Assistance to Planning Groups

Section 3 states that planning groups who operate in compliance with CP 600-24 will be provided with CPCI assistance in carrying out their project advisory duties.

Section 4. Nonpartisan and Nonsectarian

Section 4 states that a planning group may not under any circumstance discriminate against any person whether a planning group member or a member of the public. This means planning groups shall not discriminate based on race, color, sex, age, creed, religion, national origin, sexual orientation, or physical or mental disability.

Section 5. Elections and Ballot Measures

Section 5 addresses how planning groups maintain independence, as elected, non-partisan advisors, to the City on local land use matters. Planning groups should not endorse activities unrelated to land use matters and policy. For example, endorsements have been improperly sought for religious holiday celebrations. Another example includes community fairs and festivals. Other, broader-based, community organizations, such as town councils or neighborhood organizations, not recognized by the City of San Diego, are better suited to endorse these and a variety of other community activities. The planning groups are encouraged to consult with CPCI if they are unsure about endorsing a particular activity.

CANDIDATE ENDORSEMENTS

Individual Planning Group Members.

CP 600-24 does not prohibit a planning group member from running for elective office, or from participating in political activities of their choosing.

Planning group members running for elective office are prohibited from portraying what could be interpreted as a planning group endorsement on any election materials. However, service on a planning group contributes towards qualification for public elective office and such service, past or present, may be portrayed on any election materials. If a planning group member is serving on a planning group and running for elective office, election materials portraying such service should clearly state that the planning group has not endorsed the member.

Election materials typically include printed materials, such as yard signs, and flyers, and may include multi-media broadcasts, as well as oral, written, or verbal election endorsements, in newspapers, letters to the editor, or on radio and radio talk shows, internet discussion groups, and internet blogs. Planning group members may contact CPCI or the City Attorney to further clarify what qualifies as election materials.

Planning group members participating in general political activities may not use their planning group affiliation when endorsing a ballot measure, or endorsing a candidate for elective public office. Candidate means all candidates for public office on the election ballot within the City of San Diego.

Planning Group as a Whole.

A planning group as a whole may not endorse candidates for elective public office. The City Clerk regularly informs all candidates for public office within the City of San Diego about the responsibilities of planning groups to refrain from endorsing them. A candidate may nevertheless

ask to make an election speech to a planning group. Planning groups may accept invitations, but should not actively seek out, presentations by candidates for any elective public office. If candidates for any public office seek to address a planning group, the planning group should invite all candidates for that position to address the planning group at the same meeting.

While not encouraged, it is recognized that some communities have long-standing traditions of co-sponsoring candidate forums with other community-based organizations.

BALLOT MEASURES

Planning groups as a whole may take positions on ballot measures. Presentations on the pros and cons of a ballot measure should be given to planning groups at the same meeting. Planning groups may set rules about what kinds of land use and citywide planning ballot measures they will consider for endorsement.

Section 6. Forfeiture of Rights to Represent Its Community

Section 6 advises generally that:

- ◆ While planning groups are included as an integral part of the development project review process, there are established time frames within which any reviewer, including the planning group, must respond with their comments.
- ◆ A general refusal by a planning group to act on one or more development projects will not necessarily halt the processing of that project.

CPCI has indicated that, from time to time, it may exercise discretion to grant extensions of review periods to a planning group, if that planning group is working diligently to complete its recommendations in a timely manner, but is facing with factors outside of their control for example, lack of critical information, an ill-timed planning group meeting, or some other deviation from the process and timeframes established in Information Bulletin 620, Coordination of Project Management with Community Planning Groups, Development Services Department. Attachment B.

Section 7. Amendments to Bylaws

Section 7 states that any amendments proposed to adopted bylaws do not go into effect until they are reviewed and approved by the City either by either:

- 1) CPCI and the City Attorney, if the bylaws amendments are consistent with CP 600-24, or
- 2) The City Council, if the by laws amendments deviate from, and are inconsistent with, CP 600-24.

Unapproved provisions should not be implemented until the City informs the planning group chair that the amendment is approved. (See Article VIII)

AMENDING ELECTION PROCEDURES

If a proposed bylaw amendment affects election procedures, the planning group should begin its

bylaw amendment process far enough in advance to allow the review and approval process to conclude before the election. Proposed amendments should be submitted to CPCI 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 prior to the start of any election activity, including the forming of the Elections Subcommittee, then the current bylaws must be utilized throughout the election process.

ARTICLE III

Community Planning Group Organizations

Article III addresses the structure and representation requirements of a planning group.

Section 1. Not Fewer Than 12, Not More Than 20

THE 12-20 RULE

Section 1 clarifies the “12-20 rule” which expresses the range of elected or appointed members a planning group may select to operate. This number must be fixed and included in its adopted bylaws. This number varies by community and should be chosen to balance continuity of membership with incorporating new members. If member seat elections are staggered, a higher number of elected members is preferable. City Council approval is needed to exceed the maximum number of 20 members.

OFFICERS

Planning group officers and CPC representatives must be elected or appointed from among the 12-20 members, and also must be among members who originally were elected not appointed.

Section 2. Recognition of Members

Section 2 clarifies who is recognized and governed by CP 600-24. Only the elected or appointed the individuals of the planning group are recognized and governed by CP 600-24.

APPOINTED SEATS

Planning groups may find that a community interest would be better represented by a planning group member filling a seat by appointment. Usually, having a limited number of appointed seats is consistent with CP 600-24. Appointments may be made by the planning group or by the entity that the seat represents, depending on the seat. If planning groups include an appointed seat, then the bylaws should clearly define the following:

- ◆ The reason for the appointed seat.
- ◆ Any special responsibilities of that seat.
- ◆ The level of participation of that seat in voting, meetings, and subcommittees.
- ◆ The length of the terms of service.
- ◆ Whether and how that seat may be converted to another category.
- ◆ Whether the planning group or the represented entity appoints the seat.

GENERAL MEMBERS

These CP 600-24 Guidelines delete previous guidance about “general members.” So-called “general members” have never been recognized or governed by CP 600-24. Historically some

planning groups nevertheless developed lists of individuals, for example, based on whether an individual showed a sustained interest over time in planning group activities, and dubbed them “general members,” thus distinguishing them from the elected and appointed members. Establishing “general members” often resulted in limited participation of the broader community in planning group activities, particularly in elections. Although removing guidance on “general members,” these CP 600-24 Guidelines instead strengthen provisions related to establishing eligibility of individuals throughout the community to participate in community planning activities.

Section 3. Representation of the Community.

Section 3 concerns achieving balanced and diverse representation of the community.

BALANCE AND DIVERSITY

Some planning groups balance and diversify their elected membership by adding categorized seats. Categories may include but are not limited to the following:

- ◆ Geographical seats, defined by proximity to local parks, beaches, canyons, a major highway, a historic district, a commercial center, or an adjacent jurisdiction with citywide or regionally influence.
- ◆ Neighborhood seats that adhere to boundaries and names as defined in the community plan.
- ◆ Seats for neighboring planning groups or other adjacent jurisdictions.
- ◆ Non governmental group seats, for organizations with a demonstrated record of community involvement.
- ◆ Non profit organization seats for neighborhood beautification groups, environmental justice, and other similar groups that are particularly active in the planning area.
- ◆ Local quasi-governmental agency seats, for park advisory committees and school boards.
- ◆ Seats for business associations, or industrial trade groups, that dominate a business or industrial sector of the community.

ADJUSTING REPRESENTATION OF LAND USE AND ECONOMIC INTERESTS

When a planning group needs to adjust the categories and number of member seats, to reflect changing community demographics, then the bylaws must be amended. The planning group should support the amendment by clarifying the nature of the changing community composition, and based on layperson experience and observations, by describing the following:

- ◆ The apparent driving forces behind the change, such as rapid economic

development or rapid economic decline. This could include, for example, describing roughly, the number of homes built since the last bylaws were adopted, or the proportion of community planning area still available for commercial or industrial land development.

- ◆ The apparent change in community interests, for example, caused by the greater influx of families, the general aging of community members, or increased concentration of groups with particular land use interests, for example, community farming, group athletic fields, commercial services, affordable housing, educational facilities, biotech laboratories.

Planning groups may contact CPCI for specific suggestions on how to achieve a more balanced and diverse group.

HOME-BASED BUSINESSES

Planning groups that wish to include representation of the growing number of home-based businesses may consider designating a separate seat as a “home occupation” to preserve the sufficient representation of commercial and industrial seats.

Section 4. Terms and Limits.

Section 4 discusses member term limits, breaks in service, extended term limits, and mid-term vacancies. *See also* Art. VI, Section 3. Generally, members and officers should encourage and foster community outreach to encourage a moderately paced “changing of the guard” and thus increase and diversify community participation.

BASIC TERM LIMIT

The basic term limits are as follows:

- ◆ Members serving two or four year terms are limited to a total of eight (8) consecutive years.
- ◆ Members serving three year terms are limited to a total of nine (9) consecutive years.

Years of service accumulate consecutively even if a member serves on more than one member seat. Years of service do not accumulate for seats held consecutively on different planning groups.

BREAKS IN SERVICE

A break in service does not count toward any term limits. A member who has been termed out may begin a new term after a one year break in service. Time served before and after a break in service of less than one year counts as continuous service.

EXTENDED TERMS OF SERVICE

Members who have termed-out may extend service beyond the basic term limit subject to the following:

- 1) A good faith effort has been 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) The ballot, if it includes both new and termed-out candidates, must:
 1. Identify the candidates who are termed-out.
 2. State that two-thirds vote is necessary to elect any termed-out candidate.
 3. Where there are more elected candidates than available seats, indicate that elected, non termed-out candidates will fill seats before termed-out candidates.
- 3) Elected termed-out candidates will be seated in descending order starting with the candidate that received highest number of votes.
- 4) No more than 25 percent of the planning group members may consist of termed-out members.
- 5) No termed out member may serve as an officer of the planning group regardless of prior planning group experience.

The planning group bylaws should explain how elected members will fill seats remaining open after an election. For example, some planning groups give new candidates priority to switch seats so long as they are qualified to fill that particular seat and have received two-thirds of the votes. *See Article V for a discussion of optional voting methods and vote tabulation.*

MID-TERM VACANCIES

If a vacancy occurs mid-term before the next election, a termed-out member may be nominated to fill a vacancy if the following conditions are met:

- 1) There are no other nominations of non termed-out members for the seat.
- 2) Upon filling the vacancy, termed-out members will not exceed 25 percent of the total members.
- 3) The termed-out member receives two-thirds of the vote.

Section 5. Eligibility to Serve

Section 5 clarifies when a planning group can disqualify an individual planning member as ineligible to serve. Typical reasons include moving outside the community planning area boundaries and excessive absences.

Section 6. Risk of Loss of Indemnification

Section 6 introduces the risk of disqualifying for legal defense and indemnification under the Ordinance Providing For Legal Representation To And Defense And Indemnification Of Community Planning Committees (0-2009-00) for violating CP 600-24, the bylaws, or the requirements of the **Brown Act**.

ARTICLE IV

Vacancies

This article contains basic directives about vacancies that arise prior to the annual election. A planning group must find a mid-term vacancy exists when a member:

- 1) Submits a written resignation to the planning group,
- 2) Incurs excessive absences (CP 600-24, Article IV, Section 1), or
- 3) Becomes ineligible (CP 600-24, Article III, Section 5).

Section 1. Finding a Mid-Term Vacancy Exists

Section 1 states that finding a vacancy is generally not discretionary. Finding a vacancy when a member resigns, or is no longer eligible, is clearly mandatory not discretionary. Finding a vacancy when a member exceeds the allowable number of absences, is also mandatory, except in the narrow instance where misinformation causes an absence. The chair should always consult the potentially vacated member before the action, to provide an opportunity to either resign gracefully, or to obtain evidence of facts to prevent a finding. Finding a vacancy must be a noticed action item at a regularly scheduled meeting. The chair should agendaize the item as soon as the secretary delivers a written report stating facts to establish a vacancy. The motion, “to find a vacancy exists” passes on a majority vote. Some planning groups establish contingency protocols for when the chair or the secretary become disqualified or ineligible to serve. A vote determining a vacancy may not be done by secret ballot. Though because of the often sensitive nature of finding a vacancy, many planning groups use marked ballots instead of raised hand counts. Marked paper ballots must identify who cast the vote, and must be made available for public review after the vote. *For further guidance, refer to the April 18, 2008, City Attorney Letter Opinion, Request to Nullify Recent Action on Secret Ballots and Conform Bylaws to the Brown Act.*

Section 2. Filling Mid-term Vacancies.

Section 2 offers planning groups the option to fill a mid-term vacancy either by conducting an election, or by planning group appointment. Election does not mean by a vote of sitting planning group members; it means an election by members of the community who are eligible to vote in the annual elections. *See August 21, 2008, City Attorney, “Peninsula Community Planning Board’s Appointment of Doug Cohen.”* Planning group bylaws should be clear on the procedures required to fill mid-term vacancies. Article V on elections includes various topics to consider in devising such procedures. Vacancies are filled for the remainder of the current term of the vacated seat regardless of when term for the vacated member would have expired.

CATEGORIZED SEATS AND MID-TERM VACANCIES

To demonstrate good faith to maintain diverse and balanced representation, where a vacancy threatens to diminish such diversity and balance, planning groups should apply the following guidelines:

- 1) If the planning group categorizes some seats, the filling of a vacancy of a categorized seat should be with a candidate who meets the eligibility requirements for that same category.
- 2) Filling a vacancy in one category with a candidate from a different category should be considered temporary and that seat should only be filled until the expiration of the term, and then revert to the original category identified in the bylaws..
- 3) If a planning group has difficulty filling a vacant residential seat by the deadline, the planning group should first try to fill the seat with an individual who qualifies for another residential category or district.
- 4) If a planning group has difficulty filling a vacant non-residential seat by the deadline, the planning group should first try to fill the seat with an individual who qualifies for another non-residential category or district.

Section 3. Inactive Status

Section 3 describes the CP 600-24 requirement that vacancies must be filled not later than 120 days following the date of determination of the vacancy.

FAILURE TO FILL A VACANCY

CP 600-24 authorizes the City to place a planning group on inactive status if a vacancy, that leaves fewer than 12 members in good standing, is not filled within 120 days. A planning group may continue to conduct business, but the City will neither send the planning group development projects, policies, or other land use matters for review, nor recognize any planning group actions until the membership rises to 12 or greater. While on inactive status, the planning group should solicit new members and potential candidates for the next general election. The time on inactive status counts towards the term limits of the elected members.

ARTICLE V

Elections

Article V addresses planning group election procedures. The planning group must make the election process fair, open, objective, and accessible, to the entire community of eligible voters. CP 600-24 establishes a few mandatory election requirements but charges each planning group with the responsibility to adopt specific election procedures. Planning groups may find Roberts Rules of Order Newly Revised, Chapter VIII. Voting, and Chapter IX. Nominations and Elections, useful to develop election procedures that will give the entire community confidence in planning group elections. Such confidence is more likely to result in trust and acceptance and in fewer election challenges. Attachment C includes sample model election procedures from various planning groups.

ELECTION PROCEDURES

Mandatory election procedures

The election procedures must be in the adopted bylaws, or incorporated by reference from a separate document, and must, at minimum, include the following requirements, as drawn from

various sections of CP 600-24 concerning elections:

1. From CP 600-24, Article III:

- ◆ Section 1. The 12-20 Rule.
- ◆ Section 4. Terms and Limits.
- ◆ Section 5. Eligibility to Serve.

2. From CP 600-24, Article IV:

- ◆ Section 2. Filling Vacancies.
- ◆ Section 3. Failure to Fill a Vacancy.

Essential election procedures

CP 600-24, Article VIII, Section 1(5) specifies essential aspects of elections that planning groups **must consider** when devising election procedures.

- Promoting planning group elections.
- The process for determining eligibility of candidates and voters.
- Ballot preparation, handling, and counting procedures.
- Poll location and operation criteria, and limits on electioneering.
- Election challenges.

Planning groups also **should strongly consider** establishing additional election procedures, for example:

- Verifying the qualifications purported by candidates in advance of the election.
- Setting multiple election dates and voting times to foster broader community participation.
- Establishing additional **ballot procedures** such as:
 - ◆ Mail-in ballot procedures.
 - ◆ Ballot record keeping, especially if there are multiple voting dates.
 - ◆ Maintaining confidentiality of all ballots.
- Establishing additional **poll procedures** such as:
 - ◆ Management procedures for multiple, concurrent polling locations.
 - ◆ Establishing qualifications to manage the polls and volunteers.
 - ◆ Verifying voter eligibility at the polls.

- ◆ Specifying a provisional ballot process.
 - ◆ Handling of write-in candidates.
 - ◆ Closing the polls.
- Tie-breaking procedures.
 - Finalizing election results.
 - Installation of newly-elected members.

The foregoing list is important because election operational procedures not defined by CP 600-24, when left unspecified or vague, are more likely to be closely scrutinized and challenged by the public. Therefore, when preparing election procedures, it is important to be as detailed as possible and to clearly define the roles and responsibilities planning group members play in the process.

Some planning groups distribute, step-by-step, written instructions for election workers, to use on election day, to ensure adherence to planning group election procedures.

VOTING METHODS AND VOTE TABULATION

Some planning groups draw from Roberts Rules of Order Newly Revised, Chapter VIII. Voting, to establish standard methods to vote and tabulate votes.

Where a majority vote is deadlocked, some planning group revert to a plurality vote, by employing several rounds of balloting, or to preferential voting system, by allowing voters to express numerically which candidate they prefer if there are two or more candidates for a single seat. Requiring a majority vote to resolve deadlocked votes could place significant administrative burden on a planning group, causing multiple votes and the need for outside assistance.

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 new process to begin.

MODEL ELECTION PRACTICES

The following examples are recommended election practices that various planning groups have implemented over the years to achieve open, accessible, and fair elections:

- ◆ Creating one elections committee, not separate nominating and elections committees.
- ◆ Forbidding candidates from participating in the election process.
- ◆ Sponsoring a candidate forum to allow the community to learn about the candidates.
- ◆ Establishing multiple polling places, and allowing flexible voting

dates and times.

- ◆ Establishing a fixed distance from the polls for electioneering on election day.
- ◆ Requiring elections not be held during a planning group meeting.
- ◆ Suggesting members who serve on other community boards refrain from candidate endorsements.

Section 1. Annual March Elections

Section 1 states the requirement for annual March planning group elections.

MULTIPLE VOTING DATES

When a planning group selects multiple dates for voting, the dates must enhance the ability of the eligible members of the community to participate in the election, and the bylaws must specify security measures for ballots cast prior to the final day of voting. For example, the first date might be the first Tuesday in March, but a second date might be the first Saturday, to accommodate members who work full time during the week.

Section 2. Publicity for Elections

CPCI uses City TV24 and the CPCI website to publicize the planning group election season. Notices on City TV24 begin in the fall, indicating that planning group elections are in March, and that planning groups may have minimum attendance requirements to be eligible to vote or run for election.

To demonstrate a good faith effort to solicit interest from known community stakeholders, planning groups should consider the following methods to advertise elections:

- ◆ Posting notices to planning group and other community-based internet websites.
- ◆ Posting notices at the local library branch, in local grocery stores, at community centers, and other places where the community gathers.
- ◆ Advertising in community newspapers that target the entire community, as well as various sectors of the community.

The ability and criteria to challenge election results must be clarified as part of the planning group's publicity of the election.

Section 3. Secret Written Ballot

Planning group elections must be by secret ballot. This is not to be confused with the **Brown Act**, which forbids secret ballots for the election of planning group officers. *See* Art. IV, Section 1.

Section 4. Finalizing Election Results

Planning groups may finalize elections either at:

- ◆ The conclusion of the regular March meeting, or
- ◆ A special meeting any time prior to the April regular meeting.

Time must be allowed for voting to be concluded, votes counted, results announced, and for a challenge to be submitted in accordance with the bylaws election challenge procedures. Ballot counting may begin before the last ballot is cast but any and all election results must be kept secret, and may not be announced, until all the ballots are cast and counted.

The seating of new planning group members in April gives time for a challenge and does not disrupt the March meeting. For those planning groups that hold an election separate from and before their March meeting, they may complete all the steps in the paragraph above and seat member and select officers at their regular March meeting.

ARTICLE VI

Community Planning Group and Planning Group Member Duties

Article VI addresses planning group duties, including the duty to work cooperatively, and in a public setting, meeting procedures, planning group rosters, annual reports, financial contributions, and an annual Community Orientation Workshop.

Section 1. Duty to Work Cooperatively and in Public Setting

Section 1 describes the general duty of the planning group to work cooperatively and in a public setting. Cultivating a climate of civility and respect is essential to a planning group's credibility. Matters addressed with full community participation are more likely to have community consensus and lend credibility to a planning group's recommendations to the City's decision makers. 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 should establish codes of conduct to facilitate effective meetings. Some tools to help to foster working cooperatively are contained in the document "Engaging in Public Dialogue," which is Attachment D of these guidelines.

Section 2. Meeting Procedures

Section 2 covers the following topics:

- (a) **General meeting procedures**, includes draft agenda postings, public comment, adjournments and continuances, consent agendas, quorums and public attendance, development project review, collective concurrence, special meetings, recording meetings, and disorderly conduct.
- (b) **Subcommittees**, includes subcommittee composition and making recommendations to decision makers.

- (c) **Recusals and Absentations**, includes defining and comparing each mechanism on the basis of member participation, timing, achieving a quorum, and exceptions to each, and providing guidelines on how to apply each one, and the consequence of the failure to apply them.
- (d) **Meeting Documents and Records**, including draft agendas by mail, agendas at meetings, minutes, and records retention.

The **Brown Act** governs most of the provisions in Section 6 thus limiting the range of acceptable bylaws deviations in this area.

(a) General Meeting Procedures

- i. **Regular Meeting Agenda Posting** . There are several recurring topics that arise around posting draft agendas for regular meetings, and adopting a final agenda at any meeting.

SUPPLEMENTAL POSTING

In addition to posting the draft agenda 72 hours in advance at the meeting location, there are many supplemental ways to post the agenda to ensure community-wide participation. These include the following:

- ◆ Sending the agenda to CPCI. CPCI must receive draft agendas by the Wednesday before the week of the planning group meeting. This allows posting to the CPCI website *and* broadcasting on the City TV24 program entitled, “Community Planning Group Notices,” which airs agendas and meeting times and locations. For program times check City TV24 at www.sandiego.gov/citytv.
- ◆ Posting the draft agenda on the planning group internet website, and on the websites of community newspapers, and community-based organizations.
- ◆ Physically posting the draft agenda at additional locations throughout the community that experience high traffic and visibility, for example grocery stores, the local library, schools, athletic centers, senior centers, and coffee houses.
- ◆ Offering an e-mail list for planning group members, all meeting attendees, project applicants, adjacent planning groups, and regional stakeholders, and all members of the community who are eligible to vote in planning group elections.

AFFECTED PROPERTY OWNERS

A planning group is not required to mail a notice to affected property owners or business

establishments in the vicinity of a proposed development project. The City provides a Notice of Application 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.

ADOPTING AN AGENDA

Planning groups should include an item to adopt the final agenda as the first order of business at a meeting because until the planning group adopts the proposed agenda, it is a proposed agenda. When a motion to adopt the agenda is made, the motion can be made to delete items from, or rearrange the order of items on, the proposed agenda. To add items to the agenda see discussion at CP 600-24 Art. VI, Sec. 2(a)(viii). Once the agenda has been adopted, each item of business on the agenda will come before the planning group unless:

- ◆ No one moves a motion.
 - ◆ No one objects to withdrawal suggested by the sponsoring individual or group.
 - ◆ The meeting runs out of time before the item can be discussed.
- i. Public Comment.** The planning group chair has flexibility in setting time limits on public comment based the level of apparent interest. It is best to set a standard number of minutes for non-agenda public comment, while varying time on other agenda items, depending on length of time devoted to the item and the number of public speakers.
- ii. Adjournments and Continuances.** If a meeting is adjourned, for the unaddressed action items remaining on the agenda, the **Brown Act** allows two options:
- ◆ The leftover items may be agendized on the next regular meeting of the planning group.
 - ◆ A special meeting can be held to address these remaining items. This option is usually reserved for time sensitive items. *See* CP 600-24 Art. VI, Sec. 2(a)(x) on special meetings.
- iii. Continued Items.** [Reserved.]
- iv. Consent Agenda.** Consent agendas bundle items and subject them to a single up or down vote. Consent agendas focus valuable meeting time and energy on the more substantive and controversial topics. The consent agenda usually appears near the beginning of the regular meeting. This allows items to be easily moved to the regular agenda, if necessary. Many planning groups place non-controversial development proposals on a consent agenda but with the condition that if there is any public or member comment about the item it is automatically moved to the regular agenda for full discussion.

- vi. **Quorum and Public Attendance.** There are several recurring topics that arise around taking action pursuant to a quorum and around public attendance.

ATTENDANCE ROSTERS

Although this section prohibits mandatory attendance rosters, a planning group may provide voluntary sign-in sheets, for example, to allow potential planning group member candidates to meet the minimum attendance requirements at CP 600-24 Art. V, Sec. 1, or to create mailing lists to increase community participation.

ATTENDANCE FEES

This section states that no admittance fee may be charged to enter a planning group meeting. This is true no matter who is charging the fee, the planning group, a building owner or operator, or any other entity.

QUORUMS

Before calling a meeting to order the chair must check that a quorum is present to conduct business. The only actions that can be taken in the absence of a quorum are to: 1) fix the time to adjourn or recess, or 2) take measures to obtain a quorum, for example, contacting members during a recess and asking them to attend. Unless there are any non-action items remaining the planning group wishes to consider, the chair should immediately call the meeting to order, announce the absence of a quorum, and entertain a motion to adjourn to either the next regular meeting, to which the agenda items would trail, or to a special meeting, if any item is time sensitive, or both as each item warrants.

Without a quorum, business cannot be transacted, however, by entertaining a motion to adjourn, the planning group has met its obligation to hold its regular meeting. 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. However, members intentionally leaving a meeting to lose a quorum, jeopardize the operations and credibility of the planning group. If the chair or any member notices 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.

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.

Periodically, for various reasons, planning groups have trouble retaining member interest, resulting in low attendance and a failure to achieve a quorum. Article VI, Section 3 discusses how to increase levels of community interest and participation.

- v. **Development Project Review.** Planning group members should learn as

much as possible about the project review process to become proficient in working with the City and project applicants, and in responding to community concerns and public comment. Recommendations include:

- ◆ Becoming familiar with the detailed, comprehensive information on the development review process that is available on the Development Services Department website at www.sandiego.development-services.gov.
- ◆ Reviewing the specific roles played by the City, the project applicant, and the planning group in the review of proposed development projects. These roles are described in the Information Bulletin 620, Coordination of Project Management with Community Planning Groups, Development Services Department. Attachment B.
- ◆ Planning group members attend an annual, Community Orientation Workshop as soon as possible after their initial election to the planning group, and attend smaller training sessions throughout the year.

Some planning groups have adopted various practices to manage recurring challenges such as large projects, large volume of similar projects like condominium conversions, timeliness in receiving project information, changes in project design, and internal planning group operational and procedural matters. These management practices are summarized as follows:

- ◆ Maintaining contact with the assigned development project manager, after being noticed that project has been submitted. Request the project review cycle letters to track project changes and status.
- ◆ Conditioning project recommendations on an applicant modifying the project to accommodate certain community concerns such as parking, landscaping, lighting, bulk and scale, community character, historical integrity, and sensitive environmental resources.
- ◆ Preparing planning group design guidelines, to standardize recommendations for large volume, similar-type projects, such as condominium conversions.
- ◆ Establishing standing committees to address continuing issues in the community such as parking, coastal land use, public infra-structure, and transportation corridor committees, as well as policy and procedural committees, to address internal planning group functions.
- ◆ Creating ad hoc committees for large, complex projects.
- ◆ Creating joint committees with other groups such as town councils, maintenance assessment districts, planned district ordinance committees, recreation councils, and business and industrial groups. Where appropriate,

coordinate with adjacent planning groups to review projects of interest to them.

- ◆ When making motions, specifying the date of the plans relied on during review. Where appropriate request a second round of review, if the project is expected to change substantially after the first review.

viii. Action on Agenda Items. There are several recurring topics that arise around the issue of taking action on agenda items.

ADDING ACTION ITEMS

Before adding action items at a regular meeting, the planning group may wish to consult with CPCI or the City Attorney, to determine if the situation justifies “immediate action.” The reason most commonly cited is an upcoming hearing date before City decision makers, or the close of a project review cycle. Check with CPCI or the Development Project Manager to determine your true deadline.

SECRET BALLOTS

If an agenda item involves filling a mid-term vacancy; it cannot be calculated by secret ballot whether or not the mid-term vacancy is filled by appointment or by election. It must be treated as an action item and it is subject to public comment.

PLANNING GROUP POSITIONS

Planning groups should include specific rules or operating procedures, to guide the roles and responsibilities of planning group members when they represent the planning group positions to the City, or to any other organization or governmental body.

All actions of a planning group must be approved by a vote of the planning group. Certain exceptions may be specified in the bylaws. For example, to permit the chair to file a timely appeal on a project the group voted against. The bylaws may require the chair to report on the action at the next meeting; and require a group confirmation vote as a follow up.

Any recommendation to the planning group made by a subcommittee must be acted upon by the 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. It is acceptable for subcommittee recommendations to the full planning group be placed on the planning group consent agenda consent items for action by the full voting planning group. Only planning group votes should be sent to City decision makers.

ix. Collective Concurrence. It is critical to understand what constitutes a collective concurrence and serial communication, both of which are prohibited under the **Brown Act**.

COLLECTIVE CONCURRENCE

A collective concurrence occurs, before a meeting, when a majority of members, directly or indirectly, collectively engage in any of the following:

- ◆ Substantive conversations about an action item.
- ◆ Discussions to clarify or advance the understanding of a particular issue.
- ◆ Discussions to facilitate agreement or compromise.
- ◆ Circulate a draft motion for advance review and discussion.
- ◆ Debate and discuss the pros and cons of an item before the group.
- ◆ Hold a briefing or informational session to learn more about an item.

SERIAL COMMUNICATIONS

When a series of communications among a majority of members results in a collective concurrence it is called a serial communication. A collective concurrence, whether it occurs at the same time and place, or develops serially, person-to-person, over time, violates the **Brown Act**. To avoid being part of a prohibited serial communication practice the following:

- ◆ When approached by a board member about a particular matter ask who else on the planning group has been contacted.
- ◆ Review e-mails including whole e-mail chains and notice who is being copied. Do not hesitate to ask who else, if anyone, has been copied or blind copied.
- ◆ Tell others who else you have contacted before you start a conversation.
- ◆ Keep notes and records.

x. Special Meetings.

WAIVING SPECIAL MEETING NOTICE

Planning group members may waive their right to receive written notice for a special meeting. Some members condition the waiver on receiving a hand-delivered flyer, a telephone call, or an e-mail as adequate substitute notice.

xi. Emergency Meetings. [Reserved.]

xii. Right to Record. A member of the public is not required to share meeting recordings with the planning group but the planning group is required to make its own meeting recordings available to the public upon request.

xiii. Disorderly Conduct. Disagreements among planning group members, project applicants, and the public are normal, but in the extreme can lead to disorderly conduct. Therefore planning groups should establish codes of conduct to foster respectful, non-threatening, effective communication, even when disagreements are pronounced. A manual with helpful ideas is called, “Engaging in Public Dialogue” See Attachment D.

(b) Subcommittees

i. Standing Subcommittees [Reserved.]

ii. Ad Hoc Subcommittees [Reserved.]

iii. **Subcommittee Composition.** This section states that all subcommittees must be comprised of a majority of planning group members. Non-planning group members on the subcommittee should demonstrate an understanding of their role on the subcommittee, the limitations on their role, and the ability to be defended and indemnified in their planning group role, pursuant to the Ordinance Providing For Legal Representation To And Defense And Indemnification Of Community Planning Committees (0-2009-00). The planning group should emphasize to subcommittee members not to undertake planning group responsibilities beyond the subcommittee, or represent the subcommittee or the planning group to the City, or to any other organization or governmental body.

iv. **Recommendations.** Planning group subcommittees should schedule consideration of items far enough in advance for the planning group to have time to review subcommittee recommendations and consider the matter. If a subcommittee has voted, and the timing of the planning group meeting is such, that it will occur after a scheduled City hearing, contact the development project manager as soon as possible to determine if a delay in the hearing is reasonable until your planning group can vote and forward its recommendation.

(c) **Recusals and Abstentions**

DUTY TO RECUSE AND ABSTAIN

Members have an duty to fully participate in significant issues before the planning group. If a member repeatedly and intentionally fails to vote on matters before the planning group, it can jeopardize the credibility of the member, and effective operation of the full planning group, which in turn can slowly erode the confidence of the City in planning group recommendations. A continued pattern of non-voting may establish a basis for the planning group to discipline the member under Council Policy Article IX 3(a).

Nevertheless, there are two legitimate situations that may prohibit a member from voting. The first is recusal, the other is abstention. The first occurs when the member has **readily identifiable, direct economic interest** in the outcome of the action. The second occurs where a member has a **legitimate, non-financial, personal interests** in the outcome that would, at minimum, give the appearance of impropriety, or cast doubt on their ability to make a fair decision, or a member lacks sufficient information upon which to cast a vote.

The planning group chair should ask for any recusals or abstentions before starting the substantive discussion on any action item. Unlike abstention, the presence of a recusing member in the room in which the meeting occurs **does not count toward a quorum** for that item.

Generally, when determining whether to recuse or abstain members should err on the side of caution but fact situations may arise where a member wishes to contact CPCI or the City Attorney for assistance.

Table A below compares the differences between recusal and abstention. A full discussion of each procedure follows.

Table A: Recusal and Abstention Compared					
	Requirement	Defined	Participate	Quorum	Exceptions
Recusal	Mandatory	Readily identifiable, direct economic interest; must declare before an action item is discussed	May not discuss or vote upon at all	Not counted towards a quorum on that item	May make presentation
Abstention	Voluntary	Legitimate, non-financial interest, appearance of impropriety; must declare as soon as it becomes self-apparent	Depends when declared, but no participation after declared	Counts towards a quorum on that item	If direct economic conflict becomes apparent after start of action item, abstention is required

i. Recusal

RECUSAL IN GENERAL

Recusal is required when a member of a planning group has a **readily identifiable, direct economic interest** in any project or matter being considered by the planning group. This applies to all planning group members seats including categorized and non-voting seats. If a member has a direct economic conflict, the member must:

- ◆ Recuse before the item is discussed.
- ◆ Physically leave the planning group seating area.
- ◆ Not participate in the discussion from the public seating area.

The vote on the item will not reflect the recusing member at all.

EXCEPTION FOR PROJECT APPLICANT

When a member recuses they must refrain from discussing, voting or participating in any manner as a member of the planning group.

- ◆ The **exception** is that a member, who is also a project applicant, may assist in the presentation of the project to the planning group. This type of participation is acceptable because planning group members, unlike members of City boards and commissions, are not subject to the City’s Ethics Ordinance.

COMMON EXAMPLES OF DIRECT ECONOMIC INTEREST

While some **direct economic interests** must be determined on a case-by-case basis, there are enough common examples that arise in planning groups, where the member, or an immediate family member, is:

- ◆ An owner, or part owner, of all or part of the subject property, business or development.
- ◆ The project architect, engineer, sales agent, or a other team member.
- ◆ An employee, in any capacity, of a company, or subcontractor, or agent representative, which is part of the project team.

- ◆ Is former member of the project team but has received significant compensation for project team work within the past six months.
- ◆ Is a significantly compensated board member of a company which is part of the project team.
- ◆ Is a significantly compensated board member or employee of a non-profit organization that is proposing a project or is part of a project team in any capacity
- ◆ An owner, or part owner, or investor in, or sales agent representing, a property or business, within approximately 500 feet of a project whose value will significantly increase or decrease as a result of project approval.

Significant compensation means at least \$500, and includes, but is not limited to, direct payments, indirect payments, in-kind goods and services, gifts, sales commissions, trustee distributions, stock options, and the like.

More often than not members will not have to recuse themselves from large scale planning policy issues, matters related to land use plans such as community plans, specific plans, and precise plans. More often than not members representing non-profit organizations, public agencies, and those members in categorized seats, will not have to recuse, but if there is an appearance of a non-monetary conflict, the member should consider abstaining.

FAILURE TO RECUSE

It is expected that planning group members 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 before the item is discussed, can determine that a member should recuse. 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 discussion and vote may result in discipline of the member under Council Policy 600-24, Article IX 3(a).

HOW TO EVALUATE THE PRESENCE OF DIRECT ECONOMIC INTEREST

There may be situations that fall within the common examples provided, and which are not easily discerned. If so, a planning group member should use the factors below to decide.

Even though actions of planning group members are governed by Council Policy 600-24, state law can be drawn upon for guidance to assist the member in determining whether they have a direct economic interest. State regulations find no disqualifying conflict of interest if the 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 determine this include:

1. Whether the decision affects a **significant segment** of the public. As a general rule, this means if the decision affects:
 - ◆ 10 percent of residents and homeowners in the community, or

- ◆ 25 percent of similar business owners in the community.
2. Whether the decision will effect the **same type** of economic interest as the public generally, and in a **similar manner**.
 3. Whether, despite affecting the public in general, the decision "**uniquely benefits**" the member.

For example, the financial effect from decisions that establish or adjust rates, assessments, taxes or fees, especially if it effects 10-25% of the other planning group members, and is proportional to each members economic interest, is considered indistinguishable from the effect on the public generally, and therefore is not grounds for recusal.

By contrast, when the financial effect from decisions uniquely effects a member, and it is distinguishable from the public generally, there could be ground for recusal. Common situations include:

- ◆ A particular type of permit or entitlement is being amended. For example, a proposal would prohibit conditional use permits in a certain zone, and the member has a conditional use permit in that same zone.
- ◆ A particular profession would gain or lose significantly. For example, a proposal would increase height limits from three to six stories in commercial zones, and the member is an architect, or commercial real estate agent, who does a significant amount of business in commercial zones.

ii. Abstention.

ABSTENTION IN GENERAL

Abstention is voluntary but strongly recommended where a member has a **legitimate, non-financial, personal interests** in the outcome that would, at minimum, give the appearance of impropriety, or cast doubt on their ability to make a fair decision, or a member lacks sufficient information upon which to cast a vote.

An exception to abstention being voluntary arises when a member only realizes a direct financial interest in the project after the planning group begins considering the item. The member should immediately announce the conflict and abstain from any further participation in that item.

If a planning group member, for any reason, plans to abstain, the member should openly explain why at the meeting. As stated, abstaining members, are counted a quorum for that item.

TIMING OF ABSTENTION

- ◆ Abstentions should be declared **prior to the start** of an item. The member should declare the abstention and explain why, and not participate in the discussion

- ◆ If a planning group member decides to abstain **in the middle** of a discussion on an item, it should be announced immediately and the member should not participate any further.
- ◆ 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, and then abstain from voting.

MULTIPLE ABSTENTIONS FOR LACK OF INFORMATION

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.

COMMON EXAMPLES OF ABSTENTION

- ◆ A member disagrees, but honestly thinks others perceive a direct economic interest. For example, a member owns property close to the subject property.
- ◆ A member has a personal relationship with the project team, and thinks others perceive a bias towards the project.
- ◆ A member lacks sufficient information because he or she was absent when an item was first heard at a prior planning group meeting.

(d) Meeting Documents and Records

i. Agenda by Mail. Some planning groups may not have the capacity to respond to public requests for mailed agendas, or may not have funds for making copies and mailing. Upon request, CPCI will mail, or assure satisfactory distribution, of these requested materials, and will recover appropriate costs.

Some planning groups automatically distribute agendas, meeting minutes, and other materials, such as project back up materials, or community news related to land use and development, to anyone who signs up at a planning group meeting. This technique has a tendency to reduce the volume of individual requests for sending copies by mail.

- iii. **Agenda at Meeting.** Some planning groups may have limited capacity to keep materials available for public review following their meetings and may arrange with CPCI for these materials to be stored.
- iv. **Minutes.** Some planning groups include in the minutes the names of individuals who voluntarily sign into the meeting as a way to qualify an eligible member of the community to run as a candidate for a planning group seat.

- v. **Records Retention.** Planning groups must retain and disclose, upon request, planning group meeting agendas, meeting minutes, committee reports, internal and external planning group communications, public use membership rosters (Attachment F), bylaws, and annual reports (Attachment G).

Project plans, project assessment letters, and project environmental documents must be shared with the public upon request. Planning groups, as volunteer organizations, however, are not expected to spend unreasonable or extraordinary amounts of time and expense copying documents, especially for large projects. Planning groups may establish a document response protocol in their bylaws. Some planning groups make project documents available by:

- ◆ Making project materials available for review at the nearest library branch.
- ◆ Referring individuals to Development Services Department or the development project manager to obtain project information directly.
- ◆ Referring to a specific websites that the planning group has identified has having reliable, up to date project information, including, project applicant and project opponent websites.
- ◆ Providing copies of executive summaries and specific portions of documents, relevant to the request, where the requesting member would be satisfied with partial materials.
- ◆ Making all project review documents accessible for public review at planning group meetings, usually at a table in the back of the meeting room, reserved for that purpose.

CPCI is working to establish a citywide system of records retention for planning group records subject to the **Brown Act**. Development Services Department is working to establish a system to post all project information online. Planning groups are not expected to retain project documents, such as environmental documents, project plans, and staff reports, that are routinely stored in the Development Services Department archives.

Section 3 Community Outreach

Section 3 addresses the duty of planning groups to seek out broad community participation.

COMMUNITY OUTREACH

Community wide interest in the planning group matters tend to fluctuate, increasing dramatically when controversial developments or policies are proposed, subsiding at other times, and near dwindling at others. However, some planning groups have a chronic or severe lack of community participation. To generate more consistent interest and community participation some planning groups:

- ◆ Place a value on well-run meetings, including learning Roberts Rules of Order Newly Revised, which because of their universality, tend to facilitate orderly

meetings, and foster a climate of tolerance, respect, and civility.

- ◆ Notice meetings beyond the minimum requirements. See Article VI, Section 2 (a)(i) for ideas on providing supplemental notice.
- ◆ Create a planning group website, and keep it updated and enriched with community wide issue briefings, and with links to other community organizations.
- ◆ Network and communicate with other active local and regional planning groups, and where appropriate, allowing other community based groups to report on their activities.
- ◆ Compose committees with seats from other local community groups.
- ◆ Encouraging members to join and participate in other community organizing efforts.

OUTREACH THROUGH CPCI

Planning groups are strongly encouraged to coordinate outreach with CPCI by sending:

- ◆ Announcements about planning group meetings, and elections, to be posted on the City’s TV24 television station. As stated, CPCP must receive meeting agendas one week before the meeting to be posted in time.
- ◆ Updates about the planning group for distribution on the CPCI general interest e-mail list. This covers a broader swath of the city than any one planning group mailing list, but it may capture the interest of community members who have been more involved in citywide matters.

Section 4 Planning Group Roster and Annual Report

This section addresses the duty of planning groups to maintain current rosters and prepare annual reports for CPCI.

Planning Group Roster

Planning groups should keep two sets of elected membership rosters:

- A roster for City use-only. *See* example at Attachment E
- A summary roster to respond to public inquiry. *See* example at Attachment F.

City Use-Only Roster	Public Roster
<ul style="list-style-type: none">• Member Name• Home Address• Telephone and Fax Numbers• E-mail address• Start Date of Service	Same but excluding home address, telephone and fax numbers, and E-mail address.

<ul style="list-style-type: none"> • Term Expiration Date • Eligibility Category • Seat Category, if any. 	
--	--

Providing this information gives CPCI the ability to determine compliance with CP 600-24 rules governing eligibility to serve, and it allows CPCI to efficiently transmit information on projects, training sessions, and other City meetings and functions, that may be of interest to particular planning groups. Most planning groups collect roster information from application forms used to recruit prospective planning group candidates.

Annual Reports

Annual reports should be five pages or less, and should include the following topics:

- ◆ Introduction
- ◆ Administrative Matters
- ◆ Community Plan Preparation and Implementation
- ◆ Special Projects
- ◆ Summary of Project Review
- ◆ Planning Group Objectives
- ◆ Attach Meeting Minutes for Past Year.

A sample format is provided at Attachment G. At minimum, the annual report should include a summary list of major actions on large projects and policy matters, in chronological order, including the date of each vote, and the vote results. While the annual 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 CPCI.

Section 5 Financial Contributions

This section concerns planning groups accepting voluntary financial contributions. Some planning groups have community fundraisers to defray administrative costs. (The City does not typically reimburse planning groups for any expenditure, although certain materials can be provided to planning groups upon request.) The City recommends against collecting voluntary financial contributions at regular intervals because it creates a perception that contributions are required to participate in the planning group.

Planning groups and planning group members should not request or accept in-kind gifts, or contributions from individuals presenting projects to the planning group. It may be acceptable, for a business in the community to provide meeting space for the planning group, as long as the location is open and accessible to the public. To avoid potential conflicts of interest, the planning group must also determine if the business donating the space makes the space available to the public generally. If not, the planning group should not meet at that location. If so, then the planning group should meet elsewhere whenever an agenda item arises that would impact the business donating the space.

Section 6. Community Orientation Workshop

Section 6 requires planning group members to be “COW-certified” by attending an annual Community Orientation Workshop (commonly referred to as “the COW”) within 12 months of being elected or appointed to the planning group. The purpose of the training is to ensure compliance with CP 600-24 and the Brown Act, and to strengthen legal defense and indemnification of members under the Ordinance Providing For Legal Representation To And Defense And Indemnification Of Community Planning Committees (0-2009-00).

Topics covered at the COW typically 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 CP 600-24. Four-hour orientations are scheduled typically in May, after the City receives updated roster information; an abbreviated session typically follows in the fall.

It is the duty of each planning group chair to notify CPCI of the election or appointment of new members and to attend the first available session. Non-planning group members on subcommittees may attend a COW as space allows. CPCI is currently working on providing online training so that both planning group members, and non planning group members of subcommittees, can be COW-certified without having to wait for months before the next COW training.

ARTICLE VII

Planning Group Officers

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Section 1. Officers

Section 1 contains basic information about how to establish the roles of the chair, vice chair, and secretary positions, and how to add additional officers.

Sections 2. Chair

Sections 2 discusses the basic responsibilities of the chair.

Section 3. Vice Chair

Sections 3 discusses the basic responsibilities of the vice chair.

Section 4. Secretary

Section 4 discusses the responsibilities of the secretary, who has significant responsibilities, especially in the area of records retention. Some secretaries find volunteers to assume the following duties:

- ◆ To act as the group parliamentary procedure expert, and so monitor meeting procedures related to motions, voting, and public speakers.
- ◆ To collect and assemble materials from meetings for records retention.

Anyone providing assistance to planning group officers should be a planning group member, or COW- certified, to ensure the officers and group will be eligible for legal defense and indemnification under the Ordinance Providing For Legal Representation To And Defense And Indemnification Of Community Planning Committees (0-2009-00).

Section 5. Community Planners Committee

Section 5 discusses how planning groups represent themselves on the CPC. Attachment H is the form used to convey CPC representative information to the CPC chair. If neither the representative, nor the alternate, can attend a CPC meeting the planning group may send a substitute, who may speak but not vote on behalf of the planning group.

Role of CPC in Long Range Planning

CPC meetings provide a forum to discuss long range, citywide planning matters. Often items heard at CPC are subsequently forwarded to individual planning groups for action. The meetings often include presentations by CPCI or other informative speakers. The meetings are an opportunity to network with other community leaders and query City staff on important policy or development issues. Positions taken by CPC on important issues are especially helpful to the Planning Commission, the City Council, and the Office of the Mayor. Increasingly, the City has depended on CPC members to serve on task forces and special committees addressing long range, citywide planning issues.

Section 6. Dissemination of Information

Section 6 stresses that CPC representatives are have a duty to report CPC actions back to their planning groups. The CPC representative should forward copies of the CPC meeting agenda and minutes to the secretary for circulation to all the planning group members. Planning group members may also review CPC agendas, minutes, and back up materials for the CPC meetings on the CPCI website at www.sandiego.gov/planning/community/cpc.

ARTICLE VIII Planning Group Policies and Procedures

Article VIII provides a framework for planning groups to develop procedures and policies tailored to the particular needs of their community planning area. To conduct planning group business, members will, of necessity, need to gradually learn the basic meeting procedures from Robert's Rules of Order Newly Revised, because neither CP 600-24 nor the **Brown Act** provide a comprehensive operational or procedural framework for operating a community planning group. Some planning groups have members who are respected as knowledgeable parliamentarians, and they rely on such members to guide them in establishing solid meeting processes. Again, solid meeting processes foster community participation, diversity and balance, and group credibility. Websites useful to learn Robert's Rules include:

- ◆ www.robertsrules.org
- ◆ www.parlipro.org

- ◆ www.rulesonline.org

Planning groups whose membership is relatively new to community planning have found the simplified yet respected meeting rules, called Rosenberg's Rules of Order, to be a good starting point to learn the basics quickly. *See* Attachment I. Websites useful to learn Rosenberg's Rules of Order include:

- ◆ www.solanocounty.com/resources/ResourceManagement/PublicWorks/RosenbergsRulesofOrder.pdf
- ◆ www.daverosenberg.net/articles/RulesOfOrder.htm.

ARTICLE IX

Rights and Liabilities of Recognized Community Planning Groups

Article IX addresses enforcement of CP 600-24 and the **Brown Act** emphasizing that planning groups govern themselves and their members to encourage compliance and use mistakes as learning tools for the future.

Section 1. Indemnification and Representation

Section 1 requires planning group members to comply with CP 600-24, and their own adopted planning group bylaws, to qualify for representation and legal defense pursuant to the Ordinance Providing For Legal Representation To And Defense And Indemnification Of Community Planning Committees (0-2009-00).

Section 2. Brown Act Remedies

Section 2 addresses **Brown Act** remedies and violations. As with other CP 600-24 provisions, the preferred remedy following a valid complaint is self-correction. If a planning group receives a written complaint alleging a **Brown Act** violation, it should be forwarded to CPCI within 5 business days, for review and referral to the City Attorney, to ensure the correct procedures are followed, all issues are addressed, and remedies are enacted in a timely manner. When deciding whether to self-correct, planning groups should err on the side of caution, since self-correction requires little effort, will likely not change the resulting vote, but will ensure maximum public participation and statutory compliance. When a planning group forwards a complaint CPCI it should state whether the planning group has already decided to proceed with self-correction.

Section 3. Council Policy 600-24 Violations and Remedies

Section 3 discusses how planning groups address violations by individual members of the planning group, and by the planning group as a whole. Violations are lodged by written complaint using a form found at Attachment J.

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

Roles of the Planning Group, CPCI, and the City Attorney

It is the responsibility of the planning group, not the City, to address alleged violations of CP 600-24 by individual members. CP 600-24 does not contemplate either CPCI or the City Attorney taking decisive action against planning group members, for violations of CP 600-24, although CPCI may, upon request by a planning group, offer advice on how to proceed, based on experience with how other planning groups have addresses similar situations. Planning groups are authorized to conduct an investigation, and where feasible take corrective action, as is deemed appropriate by the group. Investigation procedures are outlined and incorporated into the standard planning group Bylaws Shell attached to CP 600-24.

From time to time, usually originating from a CPCI referral, the City Attorney will issue written opinions on whether planning group member actions are in substantive and procedural compliance with CP 600-24 and the **Brown Act**.

DIVERSITY AND CIVIC PARTICIPATION

Most types of inappropriate actions by planning group members can be simply and effectively remedied by peer feedback and patient mentoring. This is highly preferable to pursuing rigid and severe discipline. Inappropriate behavior frequently is due to inexperience or lack of awareness. For most participants, the planning groups are entry level organizations to become more involved in, and learn how to influence, important neighborhood and community affairs that may affect them directly. Thus to encourage long term, sustained civic participation, planning groups should be sensitive to the diverse backgrounds of planning group members, should maintain a generous degree of tolerance, and should emphasize constructive criticism and group education over harsh disciplinary action.

DISCRETIONARY REMOVAL FOR DISRUPTIVE BEHAVIOR

Removal of a planning group member is a serious action which must be pursued rarely and only in extreme cases. There may be extenuating circumstances where the benefit of removing a planning group member without any doubt outweighs attempting to continue to operate with that member. For behavior that is chronically and severely disruptive to planning group operations, and detrimental to group credibility, but is not a violation of Council Policy 600-24, or the planning group bylaws, a planning group may determine that it is most appropriate to remove the planning group member. It must be considered with extraordinary care and thoroughness by the entire planning group, and must adhere to the following procedures.

- a. Any action by a 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.
- b. A preliminary vote by a majority of a quorum of the planning group is required to show the level of interest in proceeding with removal of a member.
- c. Due to the significant nature of removing an elected member, and to ensure a fair and public process, standardized procedures for conducting an investigation and hearing are provided in the standardized Bylaws Shell. These procedures detail the following topics. Additional procedures would have to be approved as bylaws amendments. *See* Article II,

Section 7.

1. Documenting a violation.
2. Conducting an investigation.
3. Presenting a violation to the planning group.
4. Recourse for an member who is removed.

BECOMING INELIGIBLE TO SERVE

The planning group must remove an individual who has become ineligible because they are no longer qualified to serve.

- ◆ As stated in Article IV, Section 1, a planning group member becomes ineligible to serve for excessive absences.
- ◆ According to Article III, Section 3, a member who moves outside the planning group area jurisdiction will ordinarily become ineligible to serve because they cease to meet the eligibility criteria to vote, and they no longer fall into any of the categories of planning group seats, although there may be exceptions for individuals who have been designated to represent certain designated seats.

The process for removing members who become ineligible are as follows:

1. The planning group secretary preliminarily determines that the member has become ineligible, then prepares a written report and sends it to the chair.
2. The planning group chair provides the member with the secretary's report showing the apparent loss of eligibility to serve, and allows the member a fair opportunity to review it, and an opportunity to respond or resign, prior to the more formal step of scheduling a planning group action for removal.
3. The chair places the item on the next agenda.
4. The planning group must find the member ineligible if there is reasonable support for the secretary report.

(b) Alleged Violations by a Planning Group.

It is the responsibility of CPCI to investigate, and attempt to resolve, alleged violations against the multiple members or against the entire planning group.

INVESTIGATION BY CPCI

The phrase "investigation by the Mayor's office," as it used in this subsection, does not mean a formal criminal or civil investigation. It refers to an informal process, shaped by the nature of the allegations, and will usually involve discussions with individual members, or with the entire planning group, as well as discussions with potential eyewitness CPCI staff, or others, and review of planning group minutes, correspondence, or other documents. CPCI may offer advice

on how to proceed, based on their experience with how other planning groups have addressed similar situations, or may refer the matter to CPC.

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- A Table of Contents for Council Policy 600-24, amended May 22, 2007
- B Information Bulletin 620, Coordination of Project Management with Community Planning Groups, Development Services Department
- C Sample Model Election Procedures for Community Planning Groups
- D Engaging in Public Dialogue Handbook, ____ [DATE]
- E Sample Planning Group City Roster
- F Sample Planning Group Public Roster
- G Sample Planning Group Annual Report
- H Planning Group Representative to the CPC Information Sheet
- I Rosenberg's Rules of Order
- J Sample Planning Group Complaint Form
- K Sample Registration for Eligible Members of Community to Vote or Hold a Community Planning Group Seat

Attachment A
Table of Contents for Council Policy 600-24, amended May 22, 2007.

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Council Policy 600-24

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Attachment B
Information Bulletin 620, Coordination of Project Management with Community
Planning Groups, Development Services Department.

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Attachment C
Sample Model Election Procedures for Community Planning Groups.

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Attachment D
Engaging in Public Dialogue Handbook, ____ [DATE]

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Attachment E

XXX 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

Attachment F

XXX Planning Group Public Roster - Month, Year

Chair

Name

Address

City, State Zip Code

Email Address

Telephone Number

Fax Number

Term expiration/Initial Term Date

Seat (if applicable)

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

San Diego Planning Department

202 "C" Street, MS-4A

San Diego, CA 92101

Email Address

Phone Number

Fax Number

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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

Attachment G

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.

Attachment H
Community Planners Committee Membership Data Form

**COMMUNITY PLANNERS COMMITTEE
MEMBERSHIP DATA**

Planning Committee

Chair

Date

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

e-mail_____

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):

e-mail_____

The designated alternate is (name and address below):

e-mail_____

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 SDPlanningGroups@sandiego.gov.

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

Attachment I
Rosenberg's Rules of Order

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Attachment J
Sample Planning Group Complaint Form
**RECOGNIZED COMMUNITY PLANNING GROUP
COMPLAINT FORM**

In accordance with City of San Diego Council Policy 600-24, entitled "Roles and Responsibilities of Recognized Community Planning Groups", any organization that is the recognized planning group for a community operates under certain agreements with the City, including complying with Council Policy 600-24 and with City-approved bylaws.

This form is to be used by any individual or organization wishing to inform the City of San Diego about a suspected issue of non-compliance by a recognized community planning group. The City staff and City Attorney's office will investigate and respond to complaint.

Date: _____

Name of Planning Group: _____

Date of Incident, if any: _____

Description/Summary of Incident or Complaint:

City Atty Draft

(provide summary here; continue on 2nd page or attach documentation if appropriate)

The City may request more information from you, and the resolution of the issue may involve your further participation. Please provide contact information as follows:

Your name _____ Best phone number _____

E-mail address _____.

Additional complainants: _____

Resolution by City: _____

Resolution by Planning Group: _____

Attachment K



**Sample Registration for
Eligible Members of Community to Vote or Hold Community Planning Group Seat**

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 ___		