

# ADMINISTRATIVE GUIDELINES

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

REVISED [xx/2006]

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CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

<u>Administrative Guidelines Section</u>	<u>Council Policy (CP) 600-24 Section</u>
(1) Encouraging Participation	Art. III, Sec. 3 Art. V, Sec. 2 Art. VI, Sec. 3 Art. VIII, Sec. 1 (2), (3), (6)
(2) General Members	Article III
(3) Term Limitations	Art. III, Sec. 4
(4) Vacancies	Art. IV, Sec. 1-2
(5) Committee Rosters	Art. IV, Sec. 4 Art. III, Sec. 2
(6) General Election Procedures	Art. VIII, Sec. 1 (1) Art. V, Sec. 1-3
(7) Attendance and Quorums	Art. VI, Sec. 2
(8) Parliamentary Procedures and Voting	Art. VI, Sec. 2,3 Art. VIII, Sec. 1(2)
(9) Notification of Meetings	Art. VI, Sec. 3
(10) Annual Reports	Art. VI, Sec. 4
(11) Orientation Training	Art. VI, Sec. 6
(12) Direct Economic Interest	Art. VI, Sec. 7
(13) Representation at CPC	Art. VII, Sec. 5
(14) Endorsements	Art. II, Sec. 4
(15) Subcommittees	Art VI, Sec. 2
(16) Making Amendments to Adopted Bylaws	

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**Table of Contents**

**Introduction**

- 1. Overview of Recognized Community Planning Groups**
  - 1.1 Roles and Authorities**
  - 1.2 Encouraging Community Participation**
    - **Community Outreach**
    - **Diverse Representation**
- 2. Recognized Community Planning Group Composition**
  - 2.1 Categories of Membership**
    - **Elected Planning Group Members**
    - **Appointed Members**
    - **Community at Large**
    - **General Membership**
  - 2.2 Term Limitations**
    - **Basic Term**
    - **Continuous Service Beyond Basic Term**
  - 2.3 Subcommittees**
- 3. Conduct of Recognized Community Planning Group Meetings**
  - 3.1 Open Meetings**
  - 3.2 Notification of Meetings**
    - **Regular Meetings**
    - **Special Meetings**
    - **Emergency Meetings**
    - **Subcommittee Meetings**
  - 3.3 Attendance and Quorums**
    - **Attendance**
    - **Quorums**
  - 3.4 Parliamentary Procedures and Voting**
    - **Robert's Rules of Order**
    - **The Agenda**
    - **Debates on Motions**
    - **Voting Obligations**
    - **Point of Order**
    - **Official Positions of Planning Groups**
    - **Calculating a Vote**
    - **Voting Rights of the Chair**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

- **Multiple Votes on Projects or Policies**
- **Minutes**
- 3.5 **Direct Economic Interest, Recusals and Abstentions**
  - **Recusals and Direct Economic Interest**
  - **How to Evaluate the Presence of Direct Economic Interest**
  - **Abstentions**
- 4. **Responsibilities and Procedures**
  - 4.1 **Community Planning Group Orientation Training**
  - 4.2 **Indemnification Ordinance**
  - 4.3 **Elected Member Rosters**
  - 4.4 **Annual Reports**
  - 4.5 **Representatives at the Community Planners Committee**
  - 4.6 **Distribution of Information**
  - 4.7 **Filling Vacancies**
    - **General Provisions**
    - **Filling a Seat with a Differently-Qualified Individual**
    - **Vacancy Due to Ineligibility During a Term**
  - 4.8 **Endorsements and Representations**
  - 4.9 **Making Amendments to Adopted Bylaws**
    - **General Provisions**
    - **Amendments Affecting Elections**
  - 4.10 **Discipline or Removal of Elected Members or Violations by a Planning Group**
    - INDIVIDUAL MEMBERS' ACTIONS**
      - **Removal of Elected Planning Group Member Based on Eligibility**
      - **Discipline or Removal of an Elected Planning Group Member**
    - VIOLATIONS BY AN ENTIRE PLANNING GROUP**
- 4.11 **Code of Conduct**
- 5. **Elections**
  - 5.1 **Elections Procedures**
    - **Impartiality and Objectivity**
    - **Individual Planning Group Responsibilities**
    - **Promoting Planning Group Elections**
    - **Voting Proxies**
    - **Majority Vote, Preferential Vote, and Plurality Vote**
    - **Planning Group Election Procedures**

**Attachments**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**1. Sample Registration for Planning Group Membership Application**

**2A. Sample Planning Group/City Use Roster**

**2B. Sample Planning Group/Public Use Roster**

**3. Annual Report Format**

**4. Community Planners Committee [CPC] Membership Data Form**

**Appendices by Reference**

1. **Elections Handbook [link to it]**
2. **Council Policy 600-24 found at [cite web location]**
3. **O-17086 NS Indemnification Ordinance found at [cite web location]**
4. **Planning Effective Meetings Handbook [link to it]**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

Introduction

Section	Title	Council Policy Section	History
--	Introduction	POLICY	Added [month] 2006

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

**INTRODUCTION**

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

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

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

1.0 Overview of Recognized Community Planning Groups

Section	Title	Council Policy Section	History
1.1	Roles and Authorities	POLICY	Added [month] 2006
1.2	Encouraging Community Participation <ul style="list-style-type: none"><li>• Community Outreach</li><li>• Diverse Representation</li></ul>	Article III	Added April 2001 Amended [month] 2006



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

## **1.1 ROLES AND AUTHORITIES**

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

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

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

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

## **1.2 ENCOURAGING COMMUNITY PARTICIPATION**

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

Although interest in the ~~community~~ planning group process tends to run highest in areas with

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

### **Community Outreach**

~~The policy Council Policy 600-24 also requires a good faith effort on the part of the committees recognized community planning groups to advertise publicize regularly scheduled meetings and annual elections in neighborhood newspapers and by other available means. Usually this includes posting agendas and election notices in public locations, such as local branch libraries, recreation centers, community kiosks or bulletin boards. Many planning groups have developed their own websites upon which election information can be placed. Also, community newspapers carry articles about the planning groups' activities throughout the year, and advertise publicize the planning groups' elections. Although the Council Policy 600-24 states that the Planning Department will place advertisements in a citywide newspaper, this is not done currently. Such advertisements have proven to be ineffective, and instead, the Department will provide camera-ready community-specific advertisements to planning committees or community newspapers upon request.~~

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

### **Diverse Representation**

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

categories, details some categories [usually business or property owner categories], or distributes planning group seats based on geographic distribution.

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

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

~~While these methods of fostering diversified community interests are the responsibility of the planning committee planning group, the Planning Department may take an active role in helping to establish diversity on planning groups during the preparation of community plan updates because of the need to seek direct feedback from the community at large. This might include establishment of ad hoc plan update subcommittees or similar groups that increase public participation in the update process.~~

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

2.0 Recognized Community Planning Group Composition

Section	Title	Council Policy Section	History
2.1	Categories of Membership [formerly Elected Members and General Members] <ul style="list-style-type: none"> <li>• Elected Planning Group Members</li> <li>• Appointed Members</li> <li>• Community at Large</li> <li>• General Membership</li> </ul>	Article III, Section 3 Article V, Section 2 Article VI, Section 3 Article VIII, Section 1	Adopted July 1991 Amended April 2001 Amended [month] 2006
2.2	Term Limitations [formerly Community Planning Committee Term Limitations] <ul style="list-style-type: none"> <li>• Basic Term</li> <li>• Continuous Service Beyond Basic Term</li> </ul>	Article III, Section 4	Adopted July 1991 Amended April 2001 Amended [month] 2006
2.3	Subcommittees	Article VI, Section 2	Adopted July 1991 Amended April 2001 Amended [month] 2006

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**2.1 GENERAL MEMBERS CATEGORIES OF MEMBERSHIP**

**Elected Planning Group Members**

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

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

**Appointed Members**

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

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

**Community at Large**

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

**General Membership**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

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

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

A sample membership application is attached for your use.

In summary, a planning group’s bylaws should clearly discuss the role of both the elected planning committee members and any general membership, or other community members, should be clearly described any category of membership in a planning group’s adopted and approved bylaws for issue areas such as elections and voting.

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

## **2.23 COMMUNITY PLANNING COMMITTEE TERM LIMITATIONS**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

**Basic Term**

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

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

**Continuous Service Beyond Basic Term**

~~Two exceptions to the term limitations policy were adopted in 1989. Members serving in excess of eight or nine years at the time of the policy amendment in 1989 were allowed to continue their committee membership until the expiration of their then current term. In addition, m~~Members who have served more than eight or nine years, ~~if elected to an additional term by at least a two-thirds majority,~~ may serve in excess of the term limits without a break in service, subject to the following:

- 1 - A good faith effort has to be made by the planning group to develop a list of potential new candidates that exceeds in number the seats that are open for election.
- 2 - If a candidate with service beyond eight or nine years is to appear on the ballot with new candidates, the ballot must identify that the candidate exceeds the planning group's allowable term limits and that the candidate must receive a two-thirds vote to be elected. It should also state that this candidate will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., a new candidate receives priority over candidates exceeding the term limit.
- 3 - Only after open seats are filled with new members may candidates with service beyond eight or nine years, who received a two-thirds vote, be considered for remaining open seats, with the highest vote recipient exceeding the eight or nine year limitation taking the first open seat that they qualify for, etc.
- 4 - No more than 25% of the total planning group membership can consist of members serving in excess of the specified terms of service. At the time of the election, if 25% of the planning group is made up of members serving in excess of the specified terms of service, the candidate with service beyond eight or nine years may not even be considered.

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

Election by a two-thirds majority to a term beyond eight or nine years should be considered "time on" for the purposes of counting continuous service. If an additional term is subsequently sought without a break in service, a two-thirds majority vote is again required. ~~No more than twenty five percent of the total committee membership can consist of members serving in excess of the specified term limits.~~

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

### **15 2.3 SUBCOMMITTEES**

~~The only reference to subcommittees in Council Policy 600-24 states that, "all meetings...shall be open to the public and shall be conducted in accordance with Roberts Rules of Order except as otherwise provided in this Council Policy and/or committee bylaws."~~ It is up to each individual recognized community planning group to decide whether or not it wants to establish subcommittees. Subcommittees can be very useful in helping a planning group carry out ~~their~~ its responsibility of advising the City in the preparation and implementation of a community plan. Subcommittees allow for increased participation in the community planning process. They have also proven to shorten the meeting of the full planning group by developing recommendations upon which the planning group can vote.

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

~~In addition, the Planning Department recommends that~~ Subcommittees should adhere to all of the other provisions of Council Policy 600-24 that might apply; ~~and The Planning Department also recommends that~~ the composition and operating procedures of subcommittees should be included in ~~the~~ a planning group's bylaws.

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



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

**Meetings and Procedures**

~~Because subcommittees serve as official arms of the planning groups, they should adhere to the provisions of Council Policy 600-24 stated above. All subcommittee meetings must be open to the public. In order to make sure that subcommittees are as open as possible, meetings should not be held in private homes.~~

**Recommendations**

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

3.0 Conduct of Recognized Community Planning Group Meetings

Section	Title	Council Policy Section	History
3.1	Open Meetings [moved from Attendance and Quorums]	Article VI, Section 10	Adopted July 1991 Amended April 2001 Amended [month] 2006
3.2	Notification of Meetings <ul style="list-style-type: none"> <li>• Regular Meetings</li> <li>• Special Meetings</li> <li>• Emergency Meetings</li> <li>• Subcommittee Meetings</li> </ul>	Article VIII, Section 1(3)	Adopted July 1991 Amended April 2001 Amended [month] 2006
3.3	Attendance and Quorums <ul style="list-style-type: none"> <li>• Attendance</li> <li>• Quorums</li> </ul>	Article VI, Section 2	Adopted July 1991 Amended April 2001 Amended [month] 2006
3.4	Parliamentary Procedures and Voting <ul style="list-style-type: none"> <li>• Robert’s Rules of Order</li> <li>• The Agenda</li> <li>• Debates on Motions</li> <li>• Voting Obligations</li> <li>• Point of Order</li> <li>• Official Positions of Planning Groups</li> <li>• Calculating a Vote</li> <li>• Voting Rights of the Chair</li> <li>• Multiple Votes on Projects or Policies</li> <li>• Minutes</li> </ul>	Article VI, Sections 2,3 Article VIII, Section 1	Adopted July 1991 Amended April 2001 Amended [month] 2006
3.5	Direct Economic Interest, Recusals and Abstentions <ul style="list-style-type: none"> <li>• Recusals and Direct Economic Interest</li> <li>• How to Evaluate the Presence of Direct Economic Interest</li> <li>• Abstentions</li> </ul>	Article VI, Section 7	Adopted July 1991 Amended April 2001 [renumbered] Amended [month] 2006

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

### **3.1 OPEN MEETINGS**

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

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

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

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

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

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

### **9 3.2 NOTIFICATION OF MEETINGS**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

### **Regular Meetings**

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

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

Suggested guidelines for notification include:

- \* Applicants for development projects should receive notice of pending planning group meetings during which their projects will be voted on at least 72 hours prior to the scheduled meeting.
- \* ~~Affected property owners or business establishments whose properties abut, front or are otherwise directly affected by the pending development project should be notified at least 72 hours prior to the scheduled meeting.~~

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

~~It is suggested that a week to 10-day notice be given to project applicants, affected neighbors and business establishments when controversial or significant regional projects will be voted on. This is the timeframe within which the a planning group's agenda should be mailed out, and allows a project applicant to confirm his/her attendance at the meeting in order to make a presentation or answer questions and hearing the community's concerns.~~

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

### **Special Meetings**

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

### **Emergency Meetings**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

### **Subcommittee Meetings**

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

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

## **7 3.3 ATTENDANCE AND QUORUMS**

### **Attendance**

Regular attendance by elected members of a recognized community planning group members at scheduled recognized community planning group meetings is required by Council Policy 600-24. Because of this, the Policy requires that a planning group seat be vacated if a member fails to attend three consecutive meetings or four meetings within the 12-month period of April through March each year, without an excuse. ~~The definition of attendance excuses has been left to individual committees to decide. As a guideline for adoption in the bylaws of individual committees, it is suggested that appropriate excuses include personal or family illness, death in the family, call to active duty in the military, or unavoidable business responsibilities. The committee chair should be notified a minimum of 24 hours in advance if a member is unable to attend a scheduled meeting.~~

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

A record of attendance, usually included in the monthly planning group minutes, is required to be filed with the Planning Department (contact your community planner). This is required to be filed within fourteen days following approval of the planning group minutes. In addition, planning group resolutions on specific projects should include ~~whether or not a quorum was present at the meeting~~ the full planning group's vote on the project. Planning groups should also vote to approve meeting minutes at the following scheduled meeting, so that, for example, January's meeting minutes should be voted upon during the February meeting and forwarded to the Planning Department within 14 days of the February meeting.

~~All meetings of committees or subcommittees are required to be open to the public. No "executive sessions" or closed sessions of the planning committees are allowed. In comparison, the City Council and Planning Commission are both subject to the Ralph M. Brown Act—the open meeting act adopted by the State of California—and are allowed to conduct closed sessions for purposes of potential litigation, personnel matters, or real estate transactions. None of these matters are within the purview of planning committees.~~

### Quorums

A quorum of a recognized community planning group is a majority of non-vacant seats of that planning group. Council Policy 600-24 also requires that a quorum be present whenever a community planning committee planning group wishes to conduct business such as voting on a project or taking other actions, or vote on a project or action. Quorums are defined as a majority of non-vacant seats. However, certain committees require a greater number of members be present than a simple majority. A person with an excused absence may not count as a member present toward a quorum. See Section (8) for a discussion of quorum related to voting eligibility.

A planning group member who must recuse on an item does not count towards meeting a quorum for that item. Conversely, a member who abstains, does count towards meeting a quorum. See Section 3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS for a discussion of abstentions and recusals.

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

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

The only actions that can legally be taken in the absence of a quorum are to fix the time in which

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

to adjourn, recess, or take measures to obtain a quorum (for example, contacting members during a recess and asking them to attend). The prohibition against transacting business in the absence of a quorum cannot be waived even by unanimous consent. ~~In the absence of a quorum, and if it is deemed convenient by the members present, the members may hear a presentation, but cannot vote, on an item. If an important opportunity would be lost unless acted upon immediately, the members present at the meeting can, at their own risk, act in the emergency in the hope that their actions will be ratified at a later meeting at which a quorum is present.~~

Before calling a meeting to order, the chair should be sure a quorum is present. If a quorum cannot be obtained, the chair should call the meeting to order, announce the absence of a quorum and entertain a motion to adjourn or one of the other motions allowed, as described above.

~~If a meeting has a quorum to begin with~~ quorum of a planning group is present at the beginning of a meeting, but members leave the meeting temporarily, the continued presence of a quorum is presumed. Members intentionally leaving a meeting to cause a lack of a quorum jeopardize the operations and integrity of the planning group. unless the chair or a member notices that a quorum is no longer present. If the chair notices the absence of a quorum, it is his/her duty to declare the fact, at least before taking any vote or stating the question on any new motion. If the chair or a member notices the apparent absence of a quorum, can raise a point of order should be raised to that effect. at any time so long as he or she does not interrupt a person who is speaking At that time, the meeting should be stopped in order for the chair to assess whether a quorum is expected to return. If not, the meeting should be adjourned unless there are any non-action items remaining that the planning group wishes to discuss.

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

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

If a planning group loses a quorum due to recusals, and the agenda item is time sensitive and must be heard at that meeting, it may be heard and the planning group should inform the City on the project review recommendation form or letter that the vote does not reflect a quorum due to recusals. If the agenda item is not time sensitive then the item should be continued to a later meeting when a quorum can be convened. See Section 3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS for a discussion of recusals.



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

Periodically, ~~community~~ planning groups have trouble retaining member interest. The reasons for declining interest can be varied. If your planning group begins to experience problems maintaining a quorum, it could seriously affect the planning group's ability to operate effectively.

Upon recognition of this sort of problem, it may be useful for the planning group chair to contact the Planning Department to consider alternative solutions. A planning group whose membership is 20 members may request to amend its bylaws to require fewer members. The minimum number of members allowed is 12. The number of members is not a variable number: it is a specific number between 12 and 20 that the planning group should select and adopt into their bylaws to meet the needs of the community.

### **§ 3.4 PARLIAMENTARY PROCEDURE AND VOTING**

#### **Roberts' Robert's Rules of Order**

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

#### **The Agenda**

Usually the chair or another designated person is charged with the responsibility ~~for~~ of preparing the agenda. The person preparing the agenda can, of course, seek assistance with the task. The agenda consists of the items of business to be discussed at a meeting and should clearly identify information items separate from action items. An item that should be on every agenda and early on the agenda should be Public Comment on non-agenda items. This is consistent with the recognized community planning group's and Council Policy 600-24's goals to invite and encourage broad community participation in planning group activities. Planning groups may place time limits for each speaker during public comment in order to allow participation of individuals who want to speak while keeping the meeting running efficiently.

Once an agenda for a regular meeting has been distributed it should not be revised prior to the meeting unless the revised agenda can be distributed more than 72 hours prior to the scheduled meeting. If the need to revise occurs within 72 hours of the meeting, the agenda should be revised as discussed below.

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

from or rearrange the order of items on the proposed agenda.

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

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

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

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

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

Complete information must be provided in advance of the meeting to all planning group members, so that each knows what is being proposed and has the opportunity to consider whether the item warrants discussion. Consent agendas are not to be used to hide action that will be controversial--- to do so breaches the trust and credibility of the planning group and the public as well as undermines the value of this practice.

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

The public should have the opportunity to testify on items on the agenda during the time the item is discussed. The planning group should allow public input and should limit the time for each speaker to ensure equitable public participation.

### **Debates on Motions**

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

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

~~Technically, a meeting should not consider any matter unless it has been placed before the meeting in the form of a motion. In practice, however, it is sometimes advantageous to permit limited discussion of a general topic before a motion is introduced. A preliminary discussion can sometimes indicate the precise type of action that is most advisable, whereas presentation of a motion first can result in a poorly worded motion, or a proposal for action that, in the light of subsequent discussion, seems inadvisable. This departure from strict parliamentary procedure must be used with caution, however. The chair must be careful not to let the meeting get out of control.~~

Normally, a planning group member may speak only once on the same question, except for the mover of the main motion, who has the privilege of "closing" the debate (that is, of speaking last). If an important part of a planning group member's speech has been misinterpreted by a later speaker, it is in order for the planning group member to speak again to clarify the point, but no new material should be introduced. If two or more people want to speak at the same time, the chair should call first upon the one who has not yet spoken. Planning groups may want to adopt rules limiting the time a member may speak in any one debate—for example, five minutes.

The mover of a motion may not speak against his or her own motion, although the mover may vote against it. The mover need not speak at all, but when speaking, it must be in favor of the motion. If, during the debate, the mover changes his or her mind, he or she can also inform the planning group of the fact by asking the planning group's permission to withdraw the motion.

### **Determining Results of a Vote Voting Obligations**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

**Point of Order**

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

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

**Official Positions of Planning Groups**

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

### **Calculating a Majority Vote**

~~Most motions of a recognized community planning group are decided by a majority vote. A majority vote is more than half of the vote cast, counted after abstentions are disallowed half of the eligible voting members present plus one. For example, if a planning group consists of 16 members but only 12 are present and all are eligible to vote on an item, a majority vote would be seven. If 15 votes are cast, one an abstention, for instance, then a majority will be eight votes. If 20 votes are cast, 5 as abstentions, a majority is also eight votes. The total for counting a majority is the votes for and against a motion, not including the abstentions. Based on the discussion below, there are only occasional reasons to abstain. More commonly, members either vote or recuse themselves.~~

~~Section 15 of The Charter of the City of San Diego contains a provision which states that "No member shall be excused from voting except on matters involving the consideration of his own official conduct or in which his own personal interests are involved." This language precludes City Council members from abstaining unless a conflict of interest exists.~~

~~Although this provision of the City Charter does not apply to planning groups, it is an advisable practice for planning groups to follow. Pursuant to Article VI, Section 2 of Council Policy 600-24, planning group members have a duty to attend planning group meetings. Implicit in the duty to attend meetings is the duty to participate in, and vote on, matters.~~

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

~~If a direct economic interest exists as discussed in Section (12), the individual may not participate, is not part of the meeting quorum, and is not an abstention. An individual with a direct economic interest does not count toward a quorum on that item, and should physically remove themselves from the committee’s table, and they should not participate in any way as a committee member on that item.~~

~~In the unusual circumstance that the number of recusals causes the planning committee to lose a voting quorum, a vote may still be taken. This should only be done if it is not possible to obtain a quorum by continuing the matter in order to include participation by absent committee members. If forced to act with less than a quorum due to these circumstances, the outcome should be forwarded to the City with an explanation of why the vote is less than a quorum vote.~~

~~Limited legitimate justifications for abstaining do exist. For example, a committee member may have missed a meeting where important information was presented about the item on the agenda, or the member may be new to the committee that meeting. A committee member who abstains should state for the record the reason for abstaining. A committee member who abstains should do so before the matter is presented or debated. In other words, it is generally inappropriate for a committee member to participate in the debate on a matter, ask questions and express opinions, and then abstain from voting.~~

**Voting Rights of the Chair (Special Prerogative to Abstain)**

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

Robert's Rules of Order state that if presiding officers are members of their planning groups and participate in ballot votes, they have the same voting rights as any other member. ~~A presiding~~

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

~~officer has the right, but not the obligation, to vote and also may cast a vote which will decide an outcome. The Rules do qualify the matter by allowing the "...rule or custom within a particular board... to be used by a committee."~~ Generally, it is up to individual planning groups to determine if the chair of the group should participate in all votes, with the same rights as all other members. This should be specifically addressed in the group's bylaws.

~~Generally, presiding officers have the same right to debate as other members, but are cautioned that impartiality is best maintained by not participating in the debate. Where presiding officers feel compelled to join the debate, they should first hand the gavel over to the highest ranking member present who has not participated in the debate. The "... rule or custom within a particular board..." applies to the debate as well as to the vote.~~

In light of Robert's Rules of Order, p Planning groups should decide which upon a model that is most effective in leading planning group discussions to successful votes: works best for them: one where the chair both debates and votes; or, one where the chair debates but does not vote except to make or break a tie; or, one where the chair neither debates nor votes. These options vary from Robert's Rules of Order by removing the option for the chair to create a tie. Purposefully creating a tie vote, and therefore delaying or prohibiting a legitimate planning group vote from being forwarded to the City is contrary to Council Policy 600-24's intent to receive land use advice from a planning group. It is important that whatever model a planning group chooses, it should be clearly understood by everyone, memorialized in the planning group bylaws or in an adopted rule, and consistently followed. In those models where the chair participates, he/she should not dominate the discussion and the chair should not make a motion on the item before the planning group.

~~Using a model where the chair only votes to break a tie, the outcome of any motion requiring a majority vote will be determined by the chair's action in cases in which, without his/her vote, there is either a tie vote or one more vote in the affirmative than in the negative. Because a majority of affirmative votes is necessary to adopt a motion, a tie vote rejects the motion. If there is a tie without the chair's vote, the chair can vote in the affirmative, thereby creating a majority for the motion. If the chair abstains from voting in such a case, however, the motion is lost (because it did not receive a majority).~~

~~If there is one more affirmative vote than negative votes without the chair's vote, the motion is adopted if the chair abstains. If he/she votes in the negative, however, the result is a tie and the motion is therefore lost.~~

~~In short, the chairperson can vote either to break or to cause a tie; or, when a two-thirds vote is required, can vote either to cause or to block the attainment of the necessary two-thirds.~~

**Voting on Revised Projects Multiple Votes on Projects or Policies**

Discussion Items or development projects should be acted upon only one time by a recognized community planning group. This does not preclude presentations to the planning group during policy or project development in order to receive early input from the planning group and the

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

community. The vote should occur during a timeframe where the planning group believes there has been an opportunity for public input, or when a development project is at a point where it is close to being finalized. The project should be at a point of certainty where the planning group vote could recommend approval or denial of the project, or recommend additional conditions, with some certainty that the project upon which the recommendation is based is the project that actually will be considered by the decision maker [the Hearing Officer, the Planning Commission, or the City Council]. Planning groups often identify this point of certainty during the public review period of the environmental document. Other planning groups are prepared to take a position after the first or second Project Assessment Letter sent to the applicant. Until an assessment letter is sent, planning groups have little guidance from staff regarding the project's compliance with the City's policies or regulations.

However, it is recognized that items or projects may be considered over a period of time at multiple meetings. If a project has been substantially revised since a prior vote by ~~the~~ a planning group, or a planning group received incorrect or additional information, at the planning group's discretion the revised project may be placed on the agenda for a new vote by the planning group rather than as a reconsideration of a prior vote [i.e., be placed on the agenda and voted on at that meeting with a simple majority vote rather than being voted on as a reconsideration, with a decision at the following meeting]. It should be noted that a change in a planning group's membership composition is not a reason to reconsider and revote on a project.

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

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

### **Minutes**

Council Policy 600-24 states that, "a report of attendance and a copy of planning group approved minutes that include the votes taken on each matter acted upon for each meeting shall be retained by the group and shall be available for public information. Additionally, a copy of the approved minutes shall be submitted to the Planning Department within 14 days after approval by the planning group." Therefore, the Planning Department typically receives final minutes about 45



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

days after the subject meeting. It is important that planning groups provide minutes in a timely manner, as required by the Policy, for review by the public and for use in City business.

### **12 3.5 DIRECT ECONOMIC INTEREST, RECUSALS AND ABSTENTIONS**

~~This section of the Council Policy was amended in July, 1990 to clarify the City Council's direction regarding the issue of conflict of interest. The provision requires that members who have direct economic interest in a project, disclose that interest and refrain from voting or participating in any manner as a member of the planning group. It is, however, acceptable for the member to assist in the presentation of the project to the group, so long as it is clear that the member is acting as an applicant and not as a group member.~~

~~According to the City Attorney, "direct economic interest" would include being an owner or part owner of the property, business or development which is the subject of the application, or having any financial interest such as a lease or option to purchase the property or a security interest represented by a note deed of trust on the property. During planning committee review of other planning actions, such as ordinances, a conflict of interest would exist if a planning committee member had any kind of direct financial interest in the results of the ordinance and should not participate as a committee member during any actions taken by the committee on that ordinance. For example, if a planning committee member had a home occupation permit and the City was considering actions to amend the home occupation ordinance, that planning committee member should refrain from participating in any planning committee advisory actions on the ordinance amendment.~~

~~Community wide, or large scale actions that include one or more member's property among many would not constitute direct economic interest unless the proposed actions would affect a direct economic interest of a member in a manner different than the affect on the public generally. In general terms, if personal income is derived from approval of a project, the member should refrain from participation.~~

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

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

situations is discussed below. In addition this section provides guidance on how to try to determine financial effect, i.e., direct economic interest, outside of certain typical situations.

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

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

### **Recusals and Direct Economic Interest**

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

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

1. Related to private development projects, members who have an identifiable financial interest in the project through: (1) being an owner or part owner of the property, business or development which is the subject of the application, or (2) being the project architect or engineer, or (3) being an employee [i.e., receiving compensation from a company] of a company which is part of the project team in any capacity, or (4) being a former member of the team of THAT PARTICULAR PROJECT and received compensation within the past six months, or (5) being a compensated board member of a company which is part of the project team in any capacity, or (6) being a compensated board member or employee

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

- of a non-profit organization which is proposing a development project or is part of a project team in any capacity.
2. Related to ordinances or large scale planning policy issues: when a financial interest can be identified as affecting a planning group member in a manner differently from the public generally. [See below on How to Evaluate the Presence of Direct Economic Interest.]
  3. Related to land use plans [as defined in the Land Development Code: (1) community plans, specific plans, precise plans, and the General Plan], or (2) during a City-initiated amendment or plan, or (3) if there is a land use change on a piece of property and the member is related to the project in a manner described in #1 above. In general, policies and recommendations in a land use plan will affect an individual member the way it affects other members and the public generally.
  4. Public agency employees or board members: whether elected or appointed to a seat specified for a particular public agency representative, such as a university, an employee or board member from that agency should be presumed to be unable to benefit financially from a planning group decision involving the member's agency. The member may want to consider abstaining, on a case-by-case basis, if there is an appearance of a non-monetary conflict.

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

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

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

**How to Evaluate the Presence of Direct Economic Interest**

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

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

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

Relevant factors to help in the evaluation are:

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

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

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

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

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

**Abstentions**

An abstention should be used when a member of a recognized planning group feels that he or she should not participate in the vote of an item for a legitimate, non-financial reason. While it is the obligation of a planning group member to participate in, and vote on, matters before the planning

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

group, it is also the planning group member's obligation to abstain when a legitimate reason warrants it. For any abstention, the member should state the reason for it. There are several identifiable situations that should result in an abstention: when a non-financial conflict exists and when there is a lack of information upon which to base a vote.

Examples are:

1. When there is a possibility that a conflict could exist: the member cannot determine that there is a financial connection to the project but suspects there may be one not known at the time of the planning group discussion.
2. When there is a perception of a conflict: the member knows that the project affects him/her as it does the public generally, but honestly thinks that others will disagree with that position.
3. When the member's property is in proximity to the subject property: the member may want to make personal comments about the project [i.e., make comments that go beyond what the role of a planning group member is in reviewing a project as it relates to the adopted community plan.]
4. When the member has a personal relationship with the project applicant and believes the relationship will be perceived by other members as prejudicial toward the project.
5. When a member does not feel he or she has enough information to participate in the vote: this could occur when an item was heard at a prior planning group meeting and a member was not present. In this situation, the member should abstain at the beginning of the item. On occasion, after a presentation on a new item, a member may still not feel he or she has sufficient understanding of the item to vote on it. In this situation, the member participated in the discussion but then abstained when the vote is called. This should be a rare occurrence as each planning group member has the opportunity to ask questions during the discussion of the item or even seek a continuance to get the lacking information.

Basically, keep the following guidelines in mind for abstentions:

1. To the degree possible, abstentions should be declared prior to the start of an item. The member should declare the abstention, and the reason for it, and not participate in the discussion.
2. If a planning group member determines that he/she will need to abstain in the middle of a discussion on an item, it should be announced immediately and that member should not participate any further.
3. It is inappropriate for a planning group member to participate in a planning group debate, ask questions, express opinions, perhaps even make the motion or the second, then abstain from voting.

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

Responsibilities and Procedures

Section	Title	Council Policy Section	History
4.1	<u>Community Planning Group</u> Orientation Training	Article VI, Section 6	Adopted July 1991 Amended April 2001 Amended [month] 2006
4.2	Indemnification Ordinance	Policy Section	Added [month] 2006
4.3	Elected Member Rosters [formerly Committee Rosters]	Article III, Section 2 Article IV, Section 4	Adopted July 1991 Amended April 2001 Amended [month] 2006
4.4	Annual Reports	Article VI, Section 4	Adopted July 1991 Amended April 2001 Amended [month] 2006
4.5	Representatives at the Community Planners Committee	Article VII, Section 5	Adopted July 1991 Amended April 2001 Amended [month] 2006
4.6	Distribution of Information	Article VIII, Section 1	Added [month] 2006
4.7	Filling Vacancies [formerly Vacancies] <ul style="list-style-type: none"> <li>• General Provisions</li> <li>• Filling a Seat with an Individual from a Different Category</li> <li>• Vacancy Due to Ineligibility During a Term</li> </ul>	Article IV, Sections 1,2	Adopted July 1991 Amended April 2001 Amended [month] 2006
4.8	Endorsements and Representations [formerly Endorsements]	Article II, Section 5	Adopted July 1991 Amended April 2001 [renumbered] Amended [month] 2006
4.9	Making Amendments to Adopted Bylaws <ul style="list-style-type: none"> <li>• General Provisions</li> <li>• Amendments Affecting Elections</li> </ul>	Policy Section	Added April 2001 Amended [month] 2006
4.10	Discipline or Removal of Elected Members or Violations by a Group <u>Individual Members' Actions</u> <ul style="list-style-type: none"> <li>• Removal of Elected Planning Group Member Based on Eligibility</li> <li>• Discipline or Removal of an Elected Planning Group Member</li> </ul> <u>Violations by an Entire Planning Group</u>	<u>Article III, Sections 5, 6,</u> <u>7</u>	Added [month] 2006
4.11	Code of Conduct	Article III, Section 6	Added [month] 2006

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

**4.1 COMMUNITY PLANNING COMMITTEE GROUP ORIENTATION TRAINING**

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

Recognizing this value, Council Policy 600-24 requires each planning group member to attend an orientation training session put on by the City Planning Department. ~~This orientation training session usually includes various key concepts necessary for an understanding of the community planning process.~~ The session focuses on the roles and responsibilities of elected members of community planning groups. The training session ~~provides for committee members who complete the training and who act in accordance with Council Policy 600-24 and their planning committee's bylaws~~ discusses the legal indemnification ordinance adopted by the City Council regarding planning groups and how planning groups and their members would be eligible for protection under the ordinance. See Section **4.2 INDEMNIFICATION ORDINANCE**.

Typical topics covered in the extended training sessions offered several times per year include the basics of planning practice, an overview of the City's governmental ~~and Planning Department~~ 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 ~~community~~ planning group process, as embodied in Council Policy 600-24. Four-hour orientations are scheduled ~~once a year, typically in June, typically in April or May,~~ after the City receives roster information for the newly elected planning group members. Abbreviated sessions are held periodically throughout the year. The City continues to extend an invitation to elected members until they attend a session and City staff confirms their attendance.

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

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



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**4.2 INDEMNIFICATION ORDINANCE**

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

1. The person is a duly elected or appointed member operating in accordance with Council Policy 600-9 or Council Policy 600-24; and
2. The person attended the Community Orientation Workshop prior to participating in the activity which gave rise to the claim or action against the planning group or member; and
3. The alleged act or omission occurred or was authorized during a lawful meeting of the planning group or subcommittee thereof; and
4. The alleged act or omission was within the reasonable scope of duties of a planning group as described in the applicable Council Policies; and
5. The alleged act or omission was not in violation of any provision of the bylaws adopted by the planning group and approved by the City; and
6. The member or planning group has made a request in writing to the City for defense and indemnification within five working days of having been served such legal papers; and
7. The member or planning group has performed his, her or its duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person in a similar circumstance would use; and
8. The member or planning group must reasonably cooperate with the City Attorney in the defense of the claim or action; and
9. The member or planning group cannot have acted or failed to act because of fraud, corruption, actual malice or bad faith.

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

**5.4.3 COMMUNITY PLANNING COMMITTEE ELECTED MEMBER ROSTERS**

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

March planning group elections.

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

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

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

Note that these rosters are only for listing of the 12-20 members of the planning group recognized by the Council Policy 600-24. See Section **2.1 CATEGORIES OF MEMBERSHIP**. Many planning groups have established "general" membership categories of participation in planning group activities. These are often used to establish voting rights for vacancies on the board - see **(6) Section 5.1 GENERAL ELECTION PROCEDURES**. The City does not need to retain information about individuals participating in a general membership category.

Note: Planning Groups have requested that their members' addresses and telephone numbers not be given to outside parties who may use the lists for commercial or political reasons. Therefore, the City encourages each planning group to additionally supply the City with a roster containing the following required information: Member Name; Date of Term Expiration; and, Eligibility Category. If the Planning Department has a planning group roster in this format, as well as the full mailing and telephone information for the chair, only the basic roster will be made available to non-City requests.

#### **10 4.4 ANNUAL REPORTS**

Annual Reports are the third piece of information about recognized community planning groups

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

~~planning committees that is~~ are part of the public record (along with bylaws and rosters).

Council Policy 600-24 requires that ~~Community~~ planning groups submit an annual report to the ~~offices of the City Clerk and the Planning Department by February 15~~ the end of March each year. ~~At this time, Annual Reports are maintained only by the Planning Department and should not be sent to the City Clerk's office.~~

The importance of the annual report is twofold: it serves as a record keeping tool to help ensure continuity among the planning group in the event of membership and officer changes; and it provides the planning group, the City and the public at large with an opportunity to review what the planning group has accomplished and to set some goals on what the planning group would like to accomplish. ~~The February 15th~~ timing of the filing date allows the planning group, as comprised prior to the March election, to file a report of its accomplishments.

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

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

- ~~I. Introduction. Include the name of the planning group, its officers and any subcommittees.~~
- ~~II. Administrative Issues. Include the number of meetings held, membership changes, revisions to the planning group's bylaws, procedures and/or policies.~~
- ~~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).~~
- ~~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.~~
- ~~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.~~
- ~~VI. Objectives. Address any or all of the above categories. Discussions might include how the planning group operates or interacts or special projects that the planning group would like to pursue.~~

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

### **4.5 REPRESENTATION AT COMMUNITY PLANNERS COMMITTEE MEETINGS**

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

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

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

~~Following is the~~ The form to use to submit the names and mailing information for a planning group's CPC representative and alternate is Attachment 3 4 to these Guidelines.

### **4.6 DISTRIBUTION OF INFORMATION**

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

It is the duty of the planning group to act in good faith to distribute the information among elected planning group members and with the public. Planning group letters, project plans, project assessment letters and other communications regarding projects and planning group business should be shared with the public upon request.

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

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

#### **4.7 FILLING VACANCIES**

##### **General Provisions**

Council Policy 600-24 directs each recognized community planning group to establish procedures in their bylaws for filling vacancies ~~and for defining an excused absence. The filling of vacancies on the planning group can have the same potential for controversy that elections have. Because of this, it is important to include vacancy procedures in the bylaws following many of the same principles that are outlined in the administrative guideline on~~ **(6) GENERAL ELECTION PROCEDURES**. As with election procedures, ~~try to make sure that~~ the planning group's procedures for filling vacancies ~~are~~ must be clearly defined and ~~are~~ as unambiguous as possible. Consider membership requirements, methods for candidates to speak on their qualifications or issues, and who votes for the new member(s) ~~(often, only officers vote to fill existing vacancies)~~, as well as how votes are conducted. It is also important that the procedures are communicated and followed consistently, and that an appearance of impartiality is maintained. Vacancies are generally filled for the remainder of the term of the vacated seat.

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

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

If a vacancy is not filled within 120 days but the planning group maintains a membership of at

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

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

**Filling a Vacated Seat with an Individual from a Different Category**

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

**Vacancy Due to Ineligibility During a Term**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

A recognized community planning group member may need to voluntarily resign during his or her term of service because they no longer meet the basic Council Policy 600-24 requirement for being an “eligible member of the community,” or because a planning group’s more detailed category of member seat is not met. The member should recognize the ineligible status him /herself. Otherwise, it should be brought to the member’s attention by the planning group secretary. If the member declines to resign, the planning group may proceed to find that the member has become ineligible to serve on the planning group.

A vacancy may exist due to one or more of the following reasons:

- 1) after three consecutive absences of the member at regularly scheduled meetings;
- 2) after four absences by the member within the 12-month period following the elections or;
- 3) upon determination by the secretary that the member does not meet the membership qualifications outlined in the planning group’s bylaws.

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

~~Council Policy 600-24 directs each planning group to establish procedures in their bylaws for filling vacancies and for defining an excused absence. The filling of vacancies on the planning group can have the same potential for controversy that elections have. Because of this, it is important to include vacancy procedures in the bylaws following many of the same principles that are outlined in the administrative guideline on **(65.1) GENERAL ELECTION PROCEDURES.**~~

~~As with election procedures, try to make sure that the planning group's procedures for filling vacancies are clearly defined and are as unambiguous as possible. Consider membership requirements, methods for candidates to speak on their qualifications or issues, and who votes for the new member (often, only officers vote to fill existing vacancies), as well as how votes are conducted. It is also important that the procedures are communicated and followed consistently, and that an appearance of impartiality is maintained.~~

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

#### **14 4.8 ENDORSEMENTS AND REPRESENTATIONS**

It's important that recognized community planning groups maintain and reinforce their independence as ~~non-partisan~~ non-political advisors to the City on local land use matters. Because of this, Council Policy 600-24 does not permit individual ~~planning committee~~ planning group

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

members to use their planning group affiliation when taking a position on, or endorsing endorsement of, a political any candidate for elective public office, or ballot issue measure. ~~Planning committees~~ Planning groups, as a whole, may ~~endorse non-partisan~~ take a position on ballot measures, but are not permitted to take a position or endorse any a political candidate for elective public office.

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

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

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

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



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

## **16 4.9 MAKING AMENDMENTS TO ADOPTED BYLAWS**

### **General Provisions**

When a recognized community planning group desires to amend its bylaws, the amendment should be discussed in accordance with procedures or bylaw provisions previously set up by the planning group. It is strongly recommended that the planning group involve the assigned community planner early in the process when the planning group starts to amend its bylaws. A planning group may choose to create a subcommittee which will review and propose revisions to the bylaws. The subcommittee will submit a draft to the full planning group at a regular meeting for discussion. Consultation with the assigned community planner is advisable at this point: staff can advise whether revisions as proposed for a vote of the planning group are consistent with Council Policy 600-24. An early indication from staff may avoid the need for repeat votes on bylaw amendments by the planning group.

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

If a planning committee wishes to establish any procedure either called for in the Council Policy, or to replace a provision of Roberts Rules of Order, the procedure may be included within the committee's bylaws, become an appendix, or may be established as a separate procedure acknowledged by an amendment to the bylaws. There are three ways to insert amendments into adopted bylaws: 1. into the bylaws themselves; 2. into an appendix to the bylaws; or, 3. into a procedure. When a planning group establishes a procedure, the bylaws should be amended to specifically identify the existence of the procedure and its general content. Procedures and subsequent amendments are also subject to Planning Director and City Attorney approval.

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

### **Amendments Affecting Elections**

If a proposed bylaw amendment affects adopted election procedures, the recognized community planning group should begin its bylaw amendment process well in advance of the elections, in order to allow sufficient time to complete the review and approval process. Amendments should be submitted to the Planning Department in early fall, otherwise the bylaws will likely not be approved in time to prepare for the March elections. If the bylaws are not approved in time, then the current bylaws remain in effect. Planning groups should keep in mind how the amendment affects candidate eligibility and organization of the election process if applicable, and adjust the time schedule accordingly.

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

### INDIVIDUAL MEMBERS' ACTIONS

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

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

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

### **Removal of Elected Planning Group Member Based on Eligibility**

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

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

formal step of scheduling a planning group action for removal.

**Discipline or Removal of an Elected Planning Group Member**

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

1. Requirement for a description of, and timeframe within which, the alleged violation was committed
2. Requirement for a citation of which Council Policy 600-24 or adopted bylaws provisions the action is claimed to violate
3. Manner in which allegations are to be brought forth to the planning group
4. Timeframes for bringing allegations to the planning group and for resolving allegations, i.e., preparing for a planning group action
5. Procedures for investigation and investigators
6. Procedure for presentation of allegation and fact-finding to the member, and describing the opportunity for rebuttal
7. Notification of upcoming planning group action to the member
8. Dismissal of the member
9. Recourse for the expelled member

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

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

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

#### VIOLATIONS BY AN ENTIRE PLANNING GROUP

Council Policy 600-24 recognizes community planning groups as self-elected and generally self-governing organizations. City staff advises planning groups about how to comply with their bylaws and the Policy. City staff will refer bylaw questions back to a planning group when the planning group's adopted bylaws address an issue but the planning group is hesitant to carry out the bylaw provision, or when the planning group wants to interpret a bylaw provision in a manner differently than it has been used in the past.

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

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

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

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

#### 4.11 CODE OF CONDUCT

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

Discussions involving planning group members, members of the public, and individuals making presentations, should be respectful toward all participating individuals. Planning group members can disagree with positions or representations put forward by project applicants, but should do so in a non-threatening and non-personal manner. Planning groups are encouraged to establish codes of conduct in order to facilitate effective meetings. Some tools to help you maintain a civil and respectful climate are contained in the Planning Department’s document “Engaging in Public Dialogue.” The document can be found on the Planning Department’s website at [www.sandiego.gov/](http://www.sandiego.gov/) [cite exact location].

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

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

Elections

Section	Title	Council Policy Section	History
5.1	Election Procedures [formerly General Election Procedures] <ul style="list-style-type: none"> <li>• <u>Overview</u></li> <li>• Impartiality and Objectivity</li> <li>• Individual Planning Group Responsibilities</li> <li>• Promoting Planning Group Elections</li> </ul>	Article V, Sections 1,2,3 Article VIII, Section 1	Adopted July 1991 Amended April 2001 Amended [month] 2006

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

	<ul style="list-style-type: none"><li>• Voting Proxies</li><li>• Majority vote, Preferential Vote, and Plurality Vote</li><li>• Planning Group Election Procedures</li></ul>		
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CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

## **6 5.1 ~~GENERAL~~ ELECTION PROCEDURES**

### **Overview**

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

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

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

### **Impartiality and Objectivity**

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



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

### **Individual Planning Group Responsibilities**

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

Try to make sure that the election policies in the bylaws or in procedures are readily available to the public and presented consistently. It is useful to prepare detailed instructions that can be distributed in writing.

### **Promoting Planning Group Elections**

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

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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

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

- 1) Announce at planning group meetings
- 2) Announce on the printed and distributed planning group agendas
- 3) Announce on planning group websites if applicable
- 4) Announce on email listings
- 5) Announce in community newsletters, newspapers
- 6) Display flyers at Community Service Centers, libraries, bulletin boards and other meeting places
- 7) Distribute flyers throughout the community

### **Voting Proxies**

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

### **Majority Vote, Preferential Vote, and Plurality Vote**

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

It is also permissible for a planning group to amend its bylaws to allow an alternative voting calculation method. A planning group may use a "Preferential Voting System", as described in Robert's Rules of Order, as follows: on the ballot, where there are more than two candidates for one seat, instruct the voters to indicate a numerical preference for each candidate, e.g., a "1" is given to the voter's first choice candidate, a "2" for the second choice candidate, etc., for all candidates. In counting the votes for a given planning group position, for each candidate, the "1"s, "2"s, etc. are counted. If one candidate receives a majority of the votes, that candidate is elected. However, if no candidate receives a majority, the votes originally given to the candidate receiving the least number of "1"s are distributed to the other candidates that were given "2"s. The ballots are again counted to see if, with those redistributed votes, someone receives a

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

majority of the votes. If no one receives a majority of votes cast, the next lowest candidate's ballots are redistributed to the candidates indicated by the number "2", and the votes are again counted to determine if a majority has been received by one candidate. Eventually, without conducting subsequent rounds of balloting, a majority winner is determined.

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

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

### **Planning Group Election Procedures**

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

1. Verification of candidate eligibility [making sure that the eligibility is confirmed prior to creating a ballot to avoid questioning of candidate eligibility during the election]
2. Creating a ballot with all candidates appropriately represented
3. Handling of write-in candidates [if applicable]
4. Location[s] of polls, including managing multiple concurrent polling locations [if allowed]
5. Management of the polls by planning group members
6. Verifying voter eligibility
7. Setting election date[s]
8. Setting voting time[s]
9. Mail-in ballot procedures [if applicable]
10. Closing the polls
11. Counting the ballots, including when, by whom, and how to account for candidates continuing beyond eight or nine consecutive years of service
12. Ballot record keeping
13. Tie-breaking procedures, including a Preferential Voting system, to be clarified prior to the conducting of the election
14. Election challenge procedures
15. Installation of newly-elected members
16. Maintaining confidentiality of secret written ballots

### **Administrative Guidelines Attachments**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

Attachment Number	Attachment Title	History
1	Sample Registration for Planning Group Membership Application	Amended [month] 2006
2A	Sample Planning Group City Use Roster	Amended [month] 2006
2B	Sample Planning Group Public Roster	Added [month] 2006
3	Annual Report Format	Added [month] 2006
4	Community Planners Committee (CPC) Membership Data Form	Amended [month] 2006

**RECOGNIZED COMMUNITY PLANNING GROUP  
MAILING ADDRESS**

<b>SAMPLE REGISTRATION FOR RECOGNIZED PLANNING GROUP  GENERAL MEMBERSHIP APPLICATION</b>
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CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**

[date, 2006]

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 _____	

**Attachment 1**

**NAME**  
**Planning Group**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**City Use Roster – Month, Year**

**Chair**

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

**Vice Chair**

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

**Secretary**

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

**Treasurer**

<b>Name</b>	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]**

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

**Community Planner**

<b>Name</b>	Phone Number	Fax Number
San Diego Planning Department		
202 “C” Street, MS-4A		
San Diego, CA 92101		
Email Address		

Last updated XXX

**Attachment 2A**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**NAME**  
**Planning Group**  
**Public Roster – Month, Year**

**Chair**

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

**Vice Chair**

<b>Name</b>	Term Expiration/ Initial Term Date	Seat (if applicable)
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**Secretary**

<b>Name</b>	Term Expiration/ Initial Term Date	Seat (if applicable)
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**Treasurer**

<b>Name</b>	Term Expiration/ Initial Term Date	Seat (if applicable)
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**Elected Members**

<b>List Each Name</b>	Term Expiration/ Initial Term Date	Seat (if applicable)
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**Community Planner**

<b>Name</b>	Phone Number	Fax Number
San Diego Planning Department		
202 "C" Street, MS-4A		
San Diego, CA 92101		
Email Address		

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

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

Last updated XXX

**Attachment 2B**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

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

**Section I. Introduction.**

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

**Section II. Administrative Issues.**

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

**Section III. Plan Preparation and Implementation.**

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

**Section IV. Special Projects.**

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

**Section V. Project Review.**

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

**Section VI. Objectives.**

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



CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**COMMUNITY PLANNERS COMMITTEE (CPC)**  
**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](mailto:SDplanningGroups@sandiego.gov).**

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

**Attachment 4**

CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[date, 2006]

**Appendices by Reference**

Appendix Number	Appendix Title	History
1	Elections Handbook	Moved into Administrative Guidelines [month] 2006
2	Council Policy 600-24	
3	O-17086 NS Indemnification Ordinance	
4	Effective Meetings Handbook	