San Diego, California

PROCEDURE FOR FORMATION OF A PROJECT AREA COMMITTEE

FOR THE

COLLEGE COMMUNITY REDEVELOPMENT PROJECT

Adopted by the San Diego City Council
On September 22, 1992
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PROCEDURE FOR FORMATION OF A PROJECT AREA COMMITTEE

I. [§ 100] GENERAL

A. [§ 101] Purpose

The purpose of this document is to set forth a Procedure as required by the Community Redevelopment Law, California Health & Safety Code Sections 33000 and et. seq. (the "Law"), for the formation of a project area committee in connection with the adoption of the redevelopment plan for the College Community Redevelopment Project. The City Council of the City of San Diego has determined that a substantial number of low and moderate income families may be affected and/or displaced by the proposed redevelopment project, and it has directed the Redevelopment Agency of the City of San Diego to form a project area committee. The Agency shall comply with this Procedure to form and select the project area committee.

B. [§ 102] Authority

This procedure has been adopted by resolution of the City Council of the City of San Diego, pursuant to Section 33385 of the Law.

II. [§ 200] DEFINITIONS

Whenever the following terms are used in this Procedure, unless otherwise defined, such terms shall have the meaning ascribed to them in this Article 200.

A. [§ 201] Agency

"Agency" means the Redevelopment Agency of the City and any officers, employees, contractors and agents, including those in City departments, who may be assigned the duties and responsibilities for implementing this Procedure.

B. [§ 202] Business

"Business" means any lawful activity having been conducted within the Project Area for two (2) years or more by a for profit entity only whose overall function and purpose are primarily:

(1) For the purchase, sale, lease, or rental of personal and real property , and manufacture, processing, or marketing of products, commodities, or any other personal property; or:

(2) For the sale of services to the public.

C. [§ 203] Business Owner

"Business Owner" means any person or legal entity which owns and operates a facility within the Project Area, or which owns property in the Project Area for investment and not for occupancy.

D. [§ 204] City

"City" means the City of San Diego, California.

E. [§ 205] City Council

"City Council" means the legislative body of the City.

F. [§ 206] College Area Community Council

"College Area Community Council" means the community planning group designated for the College Area by City Council Resolution No. R-261799.

G. [§ 207] Existing Community Organization

"Existing Community Organization" means any existing nonprofit association of persons and/or entities which has its headquarters or a site office within the Project Area, or a substantial number of whose constituents are persons and/or entities within the Project Area, and which association is generally recognized within the Project Area as a community organization, excluding San Diego State University and the San Diego State University Foundation. Existing organization is required to have been in existence for at least two (2) years prior to any PAC election for which they are a candidate.

H. [§ 208] Fraternity

"Fraternity" means representatives from each of the chapter houses belonging to corporations which own or lease property in the Project Area and are administered by Alumni Housing Council Boards. This does not include active student members.

I. [§ 209] Project Area

"Project Area" means that area selected by the Planning Commission of the City on August 6, 1992 to be included within the Redevelopment Project which is being considered for adoption pursuant to Law.

J. [§ 210] Project Area Committee

"Project Area Committee" or "PAC" means the committee formed and selected pursuant to Section 33385 of the Law and in accordance with this Procedure.

K. [§ 211] Redevelopment Project

"Redevelopment Project" means the College Community Redevelopment Project which is being considered for adoption pursuant to Law.

L. [§ 212] Religious Centers

"Religious Centers" means the United Methodist Wesley Foundation, Intersection House, Jewish Campus Center, Roman Catholic Newman Center, Campus Center, Church of Jesus Christ of Latter-Day Saints Institute of Religion and Episcopal Student-Center, all of which own or lease property in the Area.

M. [§ 213] Resident

"Resident" means any person who owns, leases, or rents a residential dwelling within the Project Area and occupies the same as his or her residence.

N. [§ 214] Residential Owner Occupant

"Residential Owner Occupant" means any Resident who owns all or a substantial fee interest in the dwelling unit which he or she occupies.

O. [§ 215] Residential Tenant

"Residential Tenant" means any Resident who occupies his or her dwelling unit by right under a lease, rental agreement, or other arrangement with the owner of the dwelling unit. Family members who reside with residential owner occupants but own no fee interest in the residential dwelling are considered residential tenants.

P. [§ 216] Sorority

"Sorority" means representatives from each of the chapter houses belonging to corporations which own or lease property in the project area and are administered by alumnae board members. This does not include active student members.

Q. [§ 217] Student

"Student" means any person enrolled at San Diego State University on either a full or part time basis.

III. [§ 300] PUBLICIZING THE OPPORTUNITY TO SERVE ON THE PROJECT AREA COMMITTEE.

The Agency shall publicize the opportunity to serve on the PAC. The Agency may take any or all of the following actions to publicize the opportunity to serve on the PAC:

A. [§ 301] Posting Notice

The Agency may post notice of the opportunity to serve on the PAC in conspicuous locations throughout the Project Area. Such notices may also be posted in the following locations:

(1) Office of the City Clerk
(2) Foyer of the City Administration Building; and
(3) Public buildings in the Project Area

B. [§ 302] Display Advertisement

The Agency may place notice of the opportunity to serve on the PAC in a display advertisement in a newspaper of general circulation with the City.

C. [§ 303] Public Announcement

The Agency may make an announcement to the general public at any of its regular meetings held prior to any public meetings, hearings, or plebiscites required by this Procedure,

announcing the opportunity to serve on the PAC.

D. [§ 304] Published and Mailed Notice

The Agency may include notice of the opportunity to serve on the PAC in any published and/or mailed notice which the Agency gives, in accordance with the Law and this Procedure, of any meeting, hearing, or plebiscite relating to the formation and selection of the PAC.

E. [§ 305] Other Mechanisms to Publicize Opportunity to Serve on PAC

The Agency may produce radio advertisements, distribute flyers, or undertake such other action as it deems necessary or advisable to further publicize the opportunity to serve on the PAC.

F. [§ 306] Foreign Languages

The Agency may, if it determines necessary or advisable to effectively carry out the purpose of this Procedure, translate any of the notices or announcements required by this Procedure into another language.

IV. [§ 400] MEETINGS, HEARINGS AND PLEBISCITES

The Agency shall conduct meetings, hearings and plebiscites as necessary or appropriate to explain and form the PAC.

A. [§ 401] Public Meeting to Explain the PAC

The Agency shall conduct one (1) public meeting to explain the establishment of, functions of, a minimum of and opportunity to serve on the PAC.

At such public meeting, the Agency shall distribute copies of the following documents:

(1) This procedure;
(2) The College Community Preliminary Redevelopment Plan or the pertinent portions thereof; and
(3) Any other materials the Agency determines would be useful.

In addition to the material listed above, the Agency upon request may distribute copies of the following documents:

(1) Sections 33385 through 33388, inclusive, of the law; and
(2) Candidate Information Forms, as defined in Section 703 of this procedure; and
(3) Any other materials the Agency determines would be useful.

The number of copies to be made available at the meeting shall be sufficient to meet the estimated number of attendees anticipated. Additional copies of the material shall be sufficient to meet the estimated number of attendees anticipated. Additional copies of the materials shall be available to the public at a place or places designated by the Agency.

The Agency may limit the number of documents to be distributed to any one person or entity to (1) set, in order to avoid excessive and unnecessary costs. Any person or entity may request additional copies of the documents at a reasonable duplication cost.

B. [§ 402] PAC Candidates Forum

After the Agency conducts the public meeting to explain the PAC, as required in Section 401 of this Procedure, the Agency shall hold such other public meeting or meetings as may be necessary to introduce candidates for the PAC election and to provide an opportunity for all PAC candidates to deliver a speech or participate in a candidate's discussion forum. All eligible PAC candidates shall be invited to attend this meeting and participate in its proceedings.

C. [§ 403] PAC Election Meeting

After the Agency conducts the public meeting to explain the PAC, as required in Section 402 of this Procedure, the Agency shall hold such other public meeting or meetings as may be necessary to complete the formation and selection of the PAC. The purpose of such meeting or meetings shall be to hold an election for the PAC membership seats in accordance with requirements of this Procedure. The PAC Election Meeting may be combined with the PAC Candidates Forum at the discretion of the Agency.

D. [§ 404] Presentation of PAC to City Council

After the formation and selection of the PAC, the results shall be presented to the City Council at a public meeting. Notice of the date of presentation of the results to the City Council shall be announced at the PAC formation meeting or meetings, and notice shall be provided to residents and businesses in accordance with Article 500 of this Procedure. During such meeting, the public shall be given the opportunity to make any comments or objections to the election process or any action of the Agency in carrying out this Procedure.

V. [§ 500] NOTICE OF MEETINGS, HEARINGS, AND PLEBISCITIES

The Agency shall provide notice of all meetings, hearings or plebiscites conducted by, or on behalf of, the Agency or City council relative to the formation and selection of the PAC.

A. [§501] Publication

The Agency shall provide published notice of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or City Council relative to the formation and selection of the PAC.

Each notice shall be published at least one (1) time in a newspaper of general circulation within the City at least ten (10) days prior to the date established for the applicable meeting, hearing, or plebiscite and in the manner required by the Law.

In lieu of publishing separate notice for each such meeting, hearing, or plebiscite, the Agency may publish combined notices setting forth all or some of the dates, times, and locations of such meetings, hearings, and plebiscites.

B. [§502] Notice by Mail

The Agency shall provide written notice to all residents and businesses in the Project Area of all meetings, hearings, or plebiscites conducted by, or on the behalf of, the Agency or

City Council relative to the formation and selection of the PAC. The mailed notice requirement shall only apply when mailing addresses to all the individuals and businesses or to all occupants are obtainable by the Agency at a reasonable cost.

The notice shall be mailed by first class mail but may be addressed to "occupant." In lieu of providing a separate notice for each meeting, hearing, or plebiscite, the Agency may provide combined notices pursuant to this section, stating all or some of the dates times, and locations of such meetings, hearings, and plebiscites.

If the Agency has acted in good faith to comply with the notice requirements of this section, the failure of the Agency to provide the required notice to residents or businesses unknown to the Agency or whose addresses could not be obtained at a reasonable cost, shall not in and of itself invalidate the formation or actions of the PAC.

C. [§ 503] Other Forms of Notice

The Agency may post notices, distribute flyers, or undertake such other actions at it deems necessary or advisable in order to further inform Residential Owner Occupants, Residential Tenants, Business Owners, and Existing Community Organizations within the Project Area of the formation and selection of the PAC.

VI. [§ 600] PAC MEMBERSHIP CATEGORIES

A. [§ 601] Categories

The PAC shall have fourteen (14) members selected according to the following categories (and numbers):

a) Two residential tenants
b) One residential owner occupant
c) Two business owners
d) Nine existing community organization representatives

B. [§ 602] Existing Community Organizations

Nine (9) existing community organization representatives shall be elected according to the following categories:

a) Two College Area Community Council
b) One Religious Centers
c) One fraternity
d) One sorority
e) Two students
f) Two other community organizations

Other community organizations may include the following:

1. Charitable Organizations-organizations that have as their focus the provision of support services within the Project- Area such as shelter, food, clothing, counseling, and medical assistance.

2. Civic Organizations- organizations that have as their focus the

betterment of all or a portion of the Project Area by the Promotion of activities and events regarding planning, business conditions, or quality of life.

3. Cultural Organizations- organizations that have as their focus the preservation of ethnic culture, historical preservation, music, theater, dance, art, and similar programs within the Project Area.

4. Student Organizations- recognized student groups at San Diego State University

Each individual who votes in the category of residential owner occupant, residential tenant, or business owner shall also cast votes for (9) existing community organization seats. Each individual who is chosen to vote on behalf of an existing community organization and each student voter shall vote only in her or his respective category of community organization.

C. [§ 603] Vacancies in Membership Categories

In the event there is an insufficient number of candidates elected to each category of membership of the PAC, such seats may remain vacant until qualified candidates apply and a subsequent election is held. The existence of vacancies shall not prevent the PAC from carrying out its duties as required by the Law.

VII. [§ 700] ELECTION PROCESS

Prior to each annual PAC election held after the initial three (3) year term of the PAC as required by the Law, the City Council may authorize Agency staff to notice and conduct the PAC election according to these Procedures.

A. [§ 701] Eligibility Requirements for Residents and Business Owners

In order to qualify to vote for resident or business owner members of the PAC, a person must present proof that he or she is at least 18 years of age older and is a resident or business owner within the Project Area.

Proof of eligibility for residents and business owners may include any of the following documents and materials, as applicable:

Residential Owner Occupant

1) Dead of Trust
2) Quit Claim Deed
3) Property Tax Bill
4) Bill of Sale
5) Sales Contract
6) Mortgage Payment Contract
7) Mortgage Payment Book
8) Current County Assessor Property Owner
9) Any other documents or materials which the Agency may deem acceptable

Residential Tenant

1) California driver's license
2) California identification card
3) Lease or rental agreement
4) Lease or rental receipt
5) Housing Commission or Rental Assistance Contract
6) Utility bill
7) Any other documents or materials which the agency may deem acceptable

Business Owner

Two (2) forms of proof (one being a property tax bill, lease, deed of property, or other document proving business activity at the address on the Business Tax Certificate) shall be required. The second form of proof may be: Business must be in existence at least two (2) years prior to the date of the PAC election.

1) Business Card
2) Business Stationary
3) Business License
4) Stock Certificate
5) Certificate of Incorporation
6) Articles of Incorporation
7) Corporation By-laws
8) Deed of Trust
9) Quit Claim Deed
10) Property Tax Bill
11) Bill of Sale
12) Sales Contract
13) Current County Assessor Property
14) Lease
15) Deed to property
16) Any other documents or materials which the Agency may deem acceptable

No more than one stockholder or officer of a corporation may be registered as a voter or candidate on behalf of that corporation.

Business owner may vote or designate in writing one person (who must be an employee of the business) as proxy. Proxy must be submitted at least 72-hours in advance of the time and date of the PAC election.

Eligibility documentation must be current and must indicate the correct name of the individual and the address of his or her residence or business as appropriate. Eligibility requirements for candidates are the same as for voters.

B. [§ 702] Eligibility Requirements for Representatives of Existing Community Organizations

In order to determine the eligibility of a representative from an existing community organization for membership on the PAC, other than fraternities, sororities, and students, the following evidence must be submitted:

Existence of the organization at least two (2) years prior to the current PAC election;

1) Existence and operation within the Project Area, such as articles of incorporation, by-laws, non-profit status, business license or such other documentation;

2) A resolution or minutes of the organization's legislative or executive body designating its representative and authorizing such person to act on its behalf; and

3) Such other documentation which the Agency may deem necessary to carry out the intent of this Section.

In order to determine the eligibility of a representative from a fraternity or sorority, proof of being a member of the chapter's housing corporation must be provided. Eligible candidates must appear on the list of current Alumni Intrafraternity council members for fraternities and Greek Row Panhellenic for sororities from the San Diego State University Housing and Residential Life Office.

In order to determine the eligibility of students, proof of current enrollment at San Diego State University must be provided.

With the exception of the College Area Community Council (CACC) and student categories, each existing community organization shall be entitled to designate one person each to: (a) vote on its behalf for one representative in its category of existing community organizations; and (b) be a candidate in its category of existing community organizations. The CACC shall designate one person to vote on its behalf for the CACC candidates and three persons to be candidates for the CACC seat. Students shall vote at large during the PAC election for the student.

C. [§ 703] Candidate Information Form

In order to facilitate the election of a representative PAC, any person desiring to serve must complete and provide the Agency with a "Candidate Information Form" no later than 72-hours prior to the time and date of the PAC election. Write-in candidates will not be allowed. Copies of Candidate Information Forms will be made available at the PAC formation meeting(s) and will otherwise be available by request to the Agency.

The Candidate Information Forms will call for the following information:

1) The name and address of the candidate; including "qualifying address," if different;

2) The membership category for which the candidate is running; and

3) A brief statement of the candidate's qualifications

Failure of any person to submit a signed Candidate Information Form and proof of eligibility to serve as a PAC member for the chosen category prior to the Agency announced submission deadline shall remove the person from candidacy.

The persons voting on behalf of existing community organizations shall each be given one ballot for the appropriate category of existing community organizations. The ballot would be in addition to any ballots which the person would be eligible to receive as an individual.

D. [§704] Pre-election Registration

Prior to the election, any person desiring to vote must register with the Agency by producing proof of eligibility to vote as provided for in Sections 701 and 702 of this Procedure. After a person is registered, he or she shall be given seven ballots, one for each membership category for which he or she qualifies and one for each of the six categories of existing community organizations.

The persons voting on behalf of existing community organizations shall each be given one ballot for the appropriate category of existing community organizations. This ballot would be in addition to any ballots which the person would be eligible to receive as an individual.

Any person eligible to be a candidate in more than one membership category must choose one of the membership categories. Proof of eligibility must be provided for the category chosen.

E. [§ 705] Candidate Speeches

All candidates shall be given a reasonable opportunity to make a speech at the public meeting held for this purpose prior to the election. The Agency shall establish the period of time allowed for each speech, taking into consideration the number of candidates and other circumstances surrounding the election.

F. [§ 706] Balloting

Ballots shall be provided for each membership category. Any person eligible to vote in more than one membership category must choose one membership category. Each individual who votes as a Resident Tenant, Resident Owner Occupant, or Business Owner will be allowed to cast votes on a total of five ballots, one category to which she or he belongs and one for each of the community organizations seats. Crossover voting between categories of residential owner

occupants, residential tenants, and business owners is prohibited.

Each individual chosen to vote on behalf of an existing community organization and each student voter will receive one ballot for the subcategory of community organizations to which each belongs.

Voting shall be conducted by secret ballot. The Agency may set up private booths, but such booths are not required. The Agency shall make reasonable effort to insure private voting. Simply folding the ballot and passing it to an authorized election assistant will suffice.

The tallying of ballots shall occur at the meeting in a manner so as not to disturb the rest of the election meeting. The public shall be invited to observe, but there shall also be a representative from the City Clerk's office to provide official verification.

G. [§ 707] Results

The Agency shall announce the winners of each category of membership as soon as reasonably possible after the balloting for each category. The candidates with the highest number of votes in each applicable category shall be elected until all membership slots for each category are filled. In the event of a tie vote, the flip of a coin administered by a representative of the City Clerk's Office shall decide the winner. Run-off elections will not be conducted to resolve tie votes. Final election results shall be presented to the City Council for ratification no later than ninety days after the project area has been selected, as required by law.

The Agency staff shall announce that the election results (including ballots) will be kept for presentation to the City Council in the event of any challenges. Any challenges to the election of any member to the PAC must be made in writing and submitted to the City Council within one week after the election. Any challenge must be directed to the propriety of the election itself and to the results (except in so far as the election procedures affected the results). The decision of the City Council shall be final.

VIII. [§ 800] GENERAL PROVISIONS

A. [§ 801] Implementation

The Agency is authorized to formulate and take all actions necessary or appropriate to implement this Procedure consistent with the Procedure and the Law.

B. [§ 802] Agency Costs

The Agency may charge fees to persons purchasing or leasing property from the Agency in the Project Area and to persons participating in the redevelopment of the Project Area under an owner participation agreement in order to defray any cost to the agency or the City Council of complying with this Procedure.

C. [§ 803] Compensation of PAC Members

The members of the PAC shall serve without compensation.

D. [S 804] Statement of Economic Interests

As required by the California Political Reform Act, PAC members shall be required to file annually California Form 700, Statement of Economic Interests. The City Clerk's Office shall administer the filing of Form 700 for PAC members.

IX. [§ 900] AMENDMENT OF PROCEDURE

The City Council may amend this Procedure to make any necessary adjustments or changes to effectively form and select a representative PAC.