

## COUNCIL POLICY

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SUBJECT: STANDARD OPERATING PROCEDURES AND  
RESPONSIBILITIES OF RECOGNIZED RECREATION ADVISORY  
GROUPS  
POLICY NO.: 700-42  
EFFECTIVE DATE: TBA

### BACKGROUND:

Recreation Advisory Groups have been formed and recognized by City Council to make recommendations to City Council, the Parks and Recreation Department and Board, City staff and other agencies to promote recreation programs in the community through planning, publicizing, and coordinating community programming, and to make recommendations on capital improvement projects consistent with Council Policy 600-33 within each Recreation Advisory Group's boundaries. Previously, recreation councils provided these services for their communities as well as financial management for certain recreation classes, programming and events as detailed below.

Recreation councils were established in an advisory role in the 1950s. Their role as a financial partner expanded after passage of Proposition 13 in 1978 when they started managing contracts, generating revenue and paying for recreation classes. Council Policy 700-42 formalized the City's relationship and provided indemnification to recreation councils under certain situations, starting in 1981. Recreation councils served an important advisory function for capital improvement projects, a function that the City needs to continue as older parks are renovated and more parks are built. They were an invaluable conduit of public input, and helped the City ensure that the Parks and Recreation Department (hereafter DEPARTMENT) operated in a manner consistent with the needs and priorities of the community.

Council Policy 700-42 (hereafter POLICY) provided recreation councils limited administrative responsibilities such as collection and expenditure of funds paid by the public. Pursuant to this POLICY, the DEPARTMENT issued Special Use Permits to the recreation councils to administer recreational programming.

As an essential partner to the DEPARTMENT, recreation councils and their volunteer members helped to identify programs and events that met the needs of their community. They hired independent contractors and offered recreational classes when City staff lacked the expertise to teach specialized classes. Recreation councils also co-sponsored free and low-cost community events. They helped to fund enhanced maintenance such as field renovations, turf fertilization, and gym floor resurfacing.

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It became necessary to change the City's relationship with the recreation councils when the City Attorney's Office issued Legal Opinion LO-2017-20 on September 8, 2017. This public memo stated that all funds collected by recreation councils are City funds and therefore subject to Charter and Municipal Code requirements governing the use of City funds. As a result, DEPARTMENT staff prepared a request for the City Council to modify aspects of recreation council operations, and developed a strategy to ensure continuity of services at the time current recreation council special use permits were slated to expire on December 31, 2017.

After the Special Use Permits expired, Interim Standard Operating Procedures (hereafter Interim SOP), which consist of components of the current recreation council Standard Operating Procedures and Special Use Permit, absent the financial responsibilities and revenue collection aspects of which are not consistent with City Charter and Municipal Code requirements. The Interim SOP is superseded by this revised POLICY on recreation councils, now referred to as Recreation Advisory Groups (hereafter ADVISORY GROUP(S)).

To be recognized by the City as the official voice of their community, ADVISORY GROUPS must adhere to this POLICY and Council Policy 600-33, as well as their City-approved bylaws (hereafter BYLAWS). The City does not direct or recommend the election of specific individual members following the initial recognition of the ADVISORY GROUP, nor does the City appoint members to groups, or recommend removal of individual members of a group. The City does not delegate legal authority to ADVISORY GROUPS to take actions on behalf of the City. ADVISORY GROUPS are voluntarily created and maintained by members of communities within the City.

The hierarchy for advisory bodies within the DEPARTMENT boards begins with the Park and Recreation Board, followed by the Community Parks I and II Area Committees, and lastly the ADVISORY GROUPS.

**PURPOSE:**

The purpose of this POLICY is to identify responsibilities and establish minimum operating procedures governing the conduct of ADVISORY GROUPS when they operate in their official capacity. This POLICY applies to elected or appointed members of ADVISORY GROUPS, who are more fully described in Article III.

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It is the policy of the City Council to require each ADVISORY GROUP, as a condition of official recognition by the City, to submit a copy of its own operating procedures and responsibilities, otherwise known as BYLAWS, to the Parks and Recreation Department (DEPARTMENT). These BYLAWS must contain, at a minimum, all the provisions addressed in this POLICY, and conform to the criteria contained herein, including the BYLAWS shell attached to this POLICY. Individual ADVISORY GROUP BYLAWS may utilize options within the standardized BYLAWS shell and may also expand on provisions in this POLICY to better meet the needs of their diverse communities. However, all BYLAWS must remain in conformance with the provisions of this POLICY to maintain official recognition by the City.

ADVISORY GROUPS may propose amendments to its BYLAWS by two-thirds vote of the voting members of the ADVISORY GROUP at a regularly noticed meeting. Proposed amendments shall be submitted to the DIRECTOR and to the City Attorney for review and approval within 120 days from the vote. Any proposed amendments that are inconsistent with the standardized BYLAWS shell, attached to this POLICY, shall be scheduled for consideration by the DIRECTOR. An ADVISORY GROUP'S proposed revisions to their adopted BYLAWS do not go into effect, and may not be used by the advisory group until the DIRECTOR has approved the BYLAWS and has notified the advisory group of the effective date of the amendment. Failure of an ADVISORY GROUP to comply with the approved operating procedures and responsibilities will be cause for the DEPARTMENT to withdraw the group's official recognition.

As this POLICY is amended from time to time, the DEPARTMENT shall state whether the ADVISORY GROUP BYLAWS must be updated to conform to the amended Council Policy and whether previously approved community-specific deviations to the ADVISORY GROUP BYLAWS will govern.

ADVISORY GROUPS must utilize this POLICY and their adopted BYLAWS to guide their operations. City staff will prepare and maintain Administrative Guidelines which are intended to more fully explain this POLICY's minimum standard operating procedures and responsibilities of ADVISORY GROUPS. The latest version of Robert's Rules of Order (Robert's Rules) should be used when this POLICY, and ADVISORY GROUP BYLAWS are silent on operations or other area of concern and interest.

**DEFINITIONS:**

**Department Instruction** – A supplemental resource provided by the DEPARTMENT to assist in interpreting and implementing standard operating procedures for ADVISORY GROUPS and DEPARTMENT staff.

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Bylaws - Rules adopted by an organization chiefly for the governance of its members and regulations of its affairs.

Event Co-sponsorship – To jointly sponsor a community special event between the DEPARTMENT, ADVISORY GROUP and/or other organization. Co-sponsored events are open to the public and have a broad public benefit.

Fiscal Year - A fiscal year is the twelve-month period that an organization uses for budgeting, forecasting and reporting. The fiscal year for the City of San Diego is July 1 through June 30.

Joint Use – A shared use of public facilities and resources via a mutually beneficial arrangement.

Membership, At-large – At-large is a designation for members of a governing body who are elected or appointed to represent the community as defined by a groups' BYLAWS.

Membership, Organizational – Organizational Membership is a designation for members of a governing body who are elected or appointed to represent park and recreation facility user groups as defined by a groups' BYLAWS.

Program/Activity – A recreation class, camp, league, or any other type of program or activity taking place at a City of San Diego park and recreation facility.

Ralph M. Brown Act - The Ralph M. Brown Act, located at California Government Code 54950 *et seq.*, is an act of the California State Legislature, authored by Assembly member Ralph M. Brown and passed in 1953, that guarantees the public's right to attend and participate in meetings of local legislative bodies.

Recreation Facility – A public facility for recreation in the City of San Diego, including but not limited to a recreation center, swimming pool, activity center, community park, neighborhood park, golf course, bay and beach.

Roberts Rules of Order - A recognized guide for conducting meetings effectively and fairly, and for making decisions as a group.

Special Event - Defined in San Diego Municipal Code section 22.4003 and generally refers to organized assembly or activity consisting of seventy-five or more people who gather for a common purpose. Special Events include concerts, parades, fairs, festivals, and mass participation sports including running events.

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Simple Event – Refers to an event that has projected attendance that will not exceed park capacity; activities are contained within the boundaries of the park; activities do not require review by other City Departments (i.e. Fire Department, Police Department, etc.); and would otherwise not require the review of the Special Events Office.

Complex Event – Refers to an event that has elements that require the review of the Special Events Office and/or other City Departments (i.e. Fire Department, Police Department, etc.); impacts public safety; exceeds the park capacity and impacts property and/or streets adjacent to the park.

**ARTICLE I  
NAME AND BOUNDARY**

Section 1. Official Name. ADVISORY GROUPS shall adopt and operate under an official name, which shall include the respective community or site name followed by "PARKS AND RECREATION ADVISORY GROUP." All activities of the ADVISORY GROUP shall be conducted under its official name.

Section 2. Boundary. A boundary for an ADVISORY GROUP'S area of authority is based on the geographic area which encompasses at least one of the following: one recreation center, neighborhood park, joint use facility, skate park, or a dog park. The boundary is intended to give an ADVISORY GROUP the advisory responsibilities over the boundary that has been established based on logical, man-made, or geographic boundaries. Joint use facilities are assigned to the closest ADVISORY GROUP. A boundary does not include open space and regional parks.

Section 3. Changes to Boundary. As new parks and recreation centers are developed, the DEPARTMENT may determine that a boundary other than that of the BOUNDARY is appropriate for an ADVISORY GROUP'S oversight, and may identify a BOUNDARY either smaller than, or more encompassing than, the BOUNDARY. Where a new recreation facility is being developed, newly formed and recognized ADVISORY GROUPS may assume part of a BOUNDARY previously held by another ADVISORY GROUP, creating new boundaries for each group.

ADVISORY GROUPS may disband and/or merge with neighboring ADVISORY GROUPS, expanding the boundaries of a group. Public notice to the affected community and the ADVISORY GROUPS shall be given 60 days prior to any change taking effect to allow for public

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input and recommendations. Changes, including those initiated by an ADVISORY GROUP, to the boundaries of an ADVISORY GROUP'S BOUNDARY of authority shall only be made when approved by the DIRECTOR and the Park and Recreation Board after public input is taken and considered.

- Section 4. Meeting Location. Meetings of ADVISORY GROUPS shall be held within its BOUNDARY. When, however, an ADVISORY GROUP does not have a meeting facility within its BOUNDARY that is ADA accessible to all members of the public, they shall meet at the closest ADA accessible public meeting facility.

### **ARTICLE II PURPOSE OF RECREATION ADVISORY GROUPS**

- Section 1. Purpose of the Recreation Advisory Group. The purpose of the ADVISORY GROUP shall be to promote recreation programs in the community through planning, publicizing, and coordinating community programs and facilities. The ADVISORY GROUP will have limited jurisdiction over recreational activities at those city park facilities within the ADVISORY GROUP'S designated BOUNDARY as detailed in Article I, Section 2.
- Section 2. Input and Recommendations. As provided in this POLICY and Council Policy 600-33, the ADVISORY GROUP shall serve as the recognized conduit and sponsor for community input regarding park and recreation programs, facilities, and park development projects. Accordingly, the ADVISORY GROUP shall provide input and make recommendations for all park development projects planned within the BOUNDARY. Additionally, the ADVISORY GROUP may also make recommendations to the DEPARTMENT, the Park and Recreation Board, and other park advisory committees on other matters related to park and recreation programs and facilities. Notwithstanding any of the foregoing, all such input and recommendations by the ADVISORY GROUP are advisory only and are not binding on the City or any official or body thereof.
- Section 3. Bylaws. ADVISORY GROUP will serve as the DEPARTMENT'S officially recognized ADVISORY GROUP for the BOUNDARY, as established by this POLICY, provided that the ADVISORY GROUP'S adopted BYLAWS are in accordance with the terms and conditions of this POLICY. The ADVISORY GROUP'S BYLAWS shall be subject to review by the DIRECTOR, in his or her sole discretion, for compliance with this

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POLICY. Failure of the BYLAWS to comply with applicable laws, this POLICY, or any aspect thereof within 120 days of notification of such violation, shall be cause for DEPARTMENT to not officially recognize the ADVISORY GROUP as the group serving the BOUNDARY under this POLICY, and the DIRECTOR may suspend the ADVISORY GROUP'S activities until such time the BYLAWS comply with the above.

**ARTICLE III  
MEMBERSHIP**

- Section 1. Number of Members. The ADVISORY GROUP shall consist of not less than five (5) current MEMBERS, nor more than fifteen (15) current MEMBERS. The DIRECTOR may, in his or her discretion, approve a larger membership for the ADVISORY GROUP, when such membership would give better representation to a community. If an ADVISORY GROUP'S membership becomes less than five, a 90 day grace period will be provided to reach minimum membership or the ADVISORY GROUP will be disbanded and merged with the nearest ADVISORY GROUP.
- Section 2. At-Large and Organizational Members. The membership of an ADVISORY GROUP may consist of at-large and organization MEMBERS. The BYLAWS shall state the total number of MEMBERS and the percentage, if any, of at-large MEMBERS of the ADVISORY GROUP. An at-large MEMBER shall mean any individual who lives, works, or owns property in the BOUNDARY. An organization MEMBER shall mean an individual who represents an organized or special interest community service or athletic group that conducts primary operations within the BOUNDARY. Organization members and at-large MEMBERS shall be elected or otherwise confirmed as a MEMBER in compliance with the BYLAWS.
- Section 3. Membership Eligibility. To be eligible as a MEMBER an individual must be at least eighteen (18) years of age. MEMBERS shall be, to the extent possible, representative of the BOUNDARY. MEMBERS must be willing to accept and perform responsibilities delegated by the ADVISORY GROUP. Eligibility may be further defined in the BYLAWS, but may not alter the eligibility requirements set forth in this POLICY.
- Section 4. Membership Selection. ADVISORY GROUP shall select MEMBERS as set forth in the BYLAWS, which may be determined by an election process or by a confirmation process. If the BYLAWS authorize

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MEMBER selection by the confirmation process, the BYLAWS shall require the potential MEMBER to attend three (3) consecutive meetings prior to submitting a letter of intent to the DEPARTMENT representative for the ADVISORY GROUP.

- Section 5. Member Communication. No MEMBER shall communicate on behalf of the ADVISORY GROUP or identify affiliation with the ADVISORY GROUP in public communications unless that MEMBER is specifically authorized by the ADVISORY GROUP to act as its official representative. Public communications include, but are not limited to, written communications, public testimony and newspaper interviews.
- Section 6. Removal of Members. Any MEMBER found by the ADVISORY GROUP, by a preponderance of evidence, to be in violation of the BYLAWS, may be removed from the ADVISORY GROUP by two-thirds vote of the ADVISORY GROUP and confirmation by the DIRECTOR. A MEMBER may also be removed, pursuant to a two-thirds vote of the ADVISORY GROUP and confirmation by the DIRECTOR, after three consecutive absences or four total absences in the prior twelve (12) months from the ADVISORY GROUP'S regular meetings. At the end of each fiscal year the Secretary shall submit a written report to the ADVISORY GROUP detailing MEMBER attendance for the prior twelve (12) month period. For any potential removal of a MEMBER, the MEMBER at issue shall be informed by the ADVISORY GROUP, in writing, at least thirty (30) calendar days in advance of any action to revoke his or her membership.
- Section 7. Filling a Vacancy. A vacancy exists upon receipt of a written resignation from a MEMBER, or upon removal of a MEMBER pursuant to this POLICY or the BYLAWS. Upon confirmation of a vacancy from a report of the Secretary, new MEMBERS shall be added as provided in the BYLAWS. The term of office of a MEMBER filling a vacancy shall be for the balance of the vacated term.
- Section 8. Membership Dues Prohibited. No membership dues shall be required.

### ARTICLE IV OFFICER ELECTIONS

- Section 1. Officer Election Process. Elections of ADVISORY GROUP officers shall be held in accordance with the BYLAWS. Voting on the election of



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officers shall be by written ballot or a show of hands, and shall be documented in the minutes. No secret ballot or proxy votes shall be permitted. Ballots shall be available at the noticed ADVISORY GROUP meeting at which the election will be held. ADVISORY GROUP shall retain completed ballots and make them available to the public, upon request, at a publicly ADA accessible area at the location where the ADVISORY GROUP regularly conducts its meetings and official business, for a minimum of thirty (30) calendar days from the related election. The results of the election shall be reported in the ADVISORY GROUP meeting and contained in the minutes as set forth in this POLICY.

- Section 2. Officer Positions and Terms. The ADVISORY GROUP officers shall be MEMBERS of the ADVISORY GROUP. Officers shall be elected by a majority vote of the MEMBERS present at the meeting, and only after notice of the election was announced and posted at the previous regular meeting of the ADVISORY GROUP. Officer positions shall be set forth in the BYLAWS; however, the ADVISORY GROUP shall have at least the following officers: Chairperson; Vice Chairperson; Secretary. The BYLAWS may create additional officers. The BYLAWS shall set forth the length of each officer's term; however, no term shall exceed two (2) years. No person may serve in the same office of the ADVISORY GROUP for more than four (4) consecutive years, unless authorized by the DIRECTOR in his or her sole discretion.
- Section 3. Removal of Officers. The BYLAWS shall set forth a written procedure for disciplinary action of and removal of ADVISORY GROUP officers and shall create an appropriate appeals process.

**ARTICLE V  
OFFICER DUTIES**

- Section 1. Duties Outlined in Bylaws. The duties of all ADVISORY GROUP officers shall be stated in the BYLAWS.
- Section 2. Officer Seats. The officers of an ADVISORY GROUP shall be elected from and by the MEMBERS of the group. Said officers shall consist of at least a Chairperson, Vice Chairperson and Secretary, and an ADVISORY GROUP BYLAWS may include such other officers as the group may deem necessary. Further duties of the officers may be defined in the BYLAWS.

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Section 3. Chairperson. The Chairperson shall be the principal officer of the ADVISORY GROUP, preside over the ADVISORY GROUP meetings, sign approved minutes for all meetings he or she attended, review annual recreation center fund financial reports and shall be the spokesperson, or appoint, the designee on behalf of the ADVISORY GROUP. The ADVISORY GROUP agenda for each meeting shall be prepared in accordance with the desires and priorities expressed by the Chairperson.

Chairperson shall be responsible for making the appeals of discretionary decisions to the DEPARTMENT on behalf of the ADVISORY GROUP or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the ADVISORY GROUP.

Section 4. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 5. Secretary. The Secretary shall be responsible for the ADVISORY GROUP'S correspondence, attendance records, and minutes and actions (including identification of those group members who constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons) and shall assure that MEMBERS and members of the public have access to this information. The Secretary shall also send the agenda and minutes via the United States Postal Service or electronic mail to every member of the public who has requested notification of the meetings. Secretary shall sign all approved minutes from ADVISORY GROUP meetings.

Upon request by an ADVISORY GROUP, the DIRECTOR may appoint a DEPARTMENT representative to assist the ADVISORY GROUP as a recording secretary. Said DEPARTMENT representative may:

- (a) maintain an attendance record and membership roster;
- (b) report on the attendance record and membership roster at each ADVISORY GROUP meeting;
- (c) record, prepare, and maintain minutes of the RECREATION ADVISORY GROUP meetings;
- (d) make minutes available to the ADVISORY GROUP and the general public; and
- (e) compile and post ADVISORY GROUP meeting agendas.

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The appointed DEPARTMENT representative shall not fulfill any other duties that are to be performed by the Secretary. Notwithstanding the foregoing, both the Secretary and Chairperson shall sign the approved minutes of ADVISORY GROUP meetings as required in this POLICY.

- Section 6. Disseminating Official Business. It shall be the duty of the officers of ADVISORY GROUP to promptly disseminate to all MEMBERS any pertinent information that is received by the ADVISORY GROUP regarding its official business.

**ARTICLE VI**  
**RALPH M. BROWN ACT**

- Section 1. Public Meetings. ADVISORY GROUPS are advisory bodies that are subject to California's Open Meeting Law, the Ralph M. Brown Act ("Brown Act") (California Government Code Section 54950 through 54963). The intent of the Brown Act is that the actions of public bodies be taken openly and that their deliberations be conducted openly. This is consistent with the goals of the DEPARTMENT and ADVISORY GROUP'S operating pursuant to this POLICY. Accordingly, ADVISORY GROUPS shall ensure that all meetings are open to the public, properly noticed, and conducted in compliance with each of the Brown Act provisions as identified in this POLICY.

- Section 2. Violations and Remedies of Brown Act. Some provisions of this POLICY are identified as requirements of the Brown Act. The Brown Act includes civil remedies (California Government Code sections 54960 through 54960.5) and criminal penalties (Government Code section 54959) for violation of its provisions. Thus, ADVISORY GROUPS are encouraged to proactively cure violations themselves. This is to prevent legal actions that would void ADVISORY GROUP actions, and it assures good faith, voluntary compliance with the Brown Act.

Both individual MEMBERS, as well as the group, could be subject to civil remedies. Civil remedies may include relief to prevent or stop violations of the Brown Act, or to void past actions of an ADVISORY GROUP, and may in some cases include payment of attorney's fees.

Individual MEMBERS may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, but only if the MEMBER intended to deprive the public of

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information which the MEMBER knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and includes tentative decisions, but does not include mere deliberation without taking some action. Alleged violations will be reviewed and evaluated on a case- by-case basis.

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

Section 3. Violations and Remedies of Council Policy 700-42. This POLICY provides various remedies for violation of its provisions that are not requirements of the Brown Act by ADVISORY GROUPS or their elected members. Where an ADVISORY GROUP does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the CITY.

Alleged Violations by a Member of a Recreation Advisory Group. In the case of an alleged violation of this POLICY or an ADVISORY GROUP'S adopted BYLAWS by a group MEMBER, the group shall conduct an investigation consistent with the Administrative Guidelines and adopted group BYLAWS.

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

If corrective action or measures are not feasible, the group may remove a MEMBER by a two-thirds vote of the voting MEMBERS, or by a substitute method specified in adopted BYLAWS for removing an appointed member. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted ADVISORY GROUP BYLAWS.

A MEMBER risks loss of indemnification for failure to comply with the non-Brown Act provisions of this POLICY or those provisions in the member's own adopted group BYLAWS.

Alleged Violations by a Recreation Advisory Group. In the case of an alleged violation of this POLICY or adopted BYLAWS by an ADVISORY

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GROUP, or by multiple MEMBERS, the violation shall be forwarded in writing to the City for investigation. The City will engage in a dialogue with the ADVISORY GROUP to determine the validity of the complaint and to seek resolution of the issue or dispute.

If a violation against an ADVISORY GROUP as a whole is proven and there is a failure of the group to take corrective action, the group will forfeit its rights to represent its community as an ADVISORY GROUP recognized under this POLICY. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the DIRECTOR to the City Council.

ADVISORY GROUP shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

An ADVISORY GROUP found to be out of compliance with the provisions of this POLICY that are not subject to the Brown Act, or with its adopted BYLAWS, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS and any future amendments thereto.

**ARTICLE VII  
CONFLICTS OF INTEREST**

Section 1. Financial and Economic Interests. All MEMBERS of ADVISORY GROUP performing the obligations and duties under this POLICY, as individuals, and an ADVISORY GROUP, must disclose their economic interest and refrain from participating and voting on items of direct financial or economic interest before the ADVISORY GROUP. The DEPARTMENT retains the right to refuse any proposed expenditure of funds in ADVISORY GROUP'S budget if the expenditure will result in a financial or economic interest of any MEMBER or ADVISORY GROUP personnel.

Section 2. All Applicable Laws. All MEMBERS of ADVISORY GROUP performing the obligations and duties under this POLICY, as individuals, and an ADVISORY GROUP, shall at all times comply with all applicable laws regarding conflicts of interest. Unless permitted by applicable laws, no MEMBER shall vote or otherwise participate in any ADVISORY GROUP action or project if that MEMBER has a direct or indirect economic interest in the action or project.

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**ARTICLE VIII  
RECREATION ADVISORY GROUP MEETING PROCEDURES**

Section 1. Public Meetings. ADVISORY GROUPS and their MEMBERS shall conduct official business in a public setting in a facility that is ADA accessible to the public. All ADVISORY GROUP recommendations, and official authorizations, positions, and opinions shall be obtained through broad community input by a public meeting of ADVISORY GROUP held in compliance with the Brown Act, DEPARTMENT policies, and the requirements of this POLICY. Officers of an ADVISORY GROUP may oversee administrative business of the group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at publicly noticed ADVISORY GROUP meetings.

It shall be the duty of an ADVISORY GROUP, and of each individual MEMBER, to refrain from conduct that is detrimental to the group or its purposes under this POLICY. No MEMBER shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the ADVISORY GROUP'S agenda.

Section 2. Council Policy Shall Control. The BYLAWS shall provide that in the event of a conflict between any provisions of the BYLAWS and this POLICY, the terms, conditions and obligations of this POLICY shall control.

Section 3. Membership Rosters. ADVISORY GROUP shall maintain a current, up-to-date roster of the names of each MEMBER and whether each MEMBER is an at-large member or an organization member. The roster shall be provided by the ADVISORY GROUP to the DEPARTMENT promptly, but no later than within thirty (30) days, upon any change.

Section 4. Conduct of Meetings. ADVISORY GROUPS are responsible for assuring compliance with meeting procedures under this POLICY.

(a) Meeting Procedures.

It shall be the duty of each MEMBER to attend all ADVISORY GROUP meetings.

(1) Regular Agenda Posting. At least 72 hours before a regular

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meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time, and location of the meeting. The agenda shall be posted in a place freely ADA accessible to the general public and shall include information on how a request for accessible accommodation may be made. At the time of the posting of the agenda, the agenda shall also be sent via the United States Postal Service or electronic mail to every member of the public who has requested notification of the meetings.

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

(2) Public Comment

- a. Agenda Items: Any interested member of the public may comment on agenda items during regular or special ADVISORY GROUP meetings.
- b. Non-Agenda Items: Each agenda for a regular ADVISORY GROUP meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda, but that are within the scope of the group. MEMBERS may respond by asking for more factual information, or by asking a question to clarify, and may schedule the item for a future agenda. However, no discussion, debate, or action may be taken on such items.
- c. An ADVISORY GROUP may adopt time limits for individual items and for individual speakers to ensure operational efficiencies, but such time limits must be reasonable and give competing interests equal time.

(3) Adjournments and Continuances. ADVISORY GROUP meetings may be adjourned to a future date. Within 24 hours, a notice of adjournment must be clearly posted on

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or near the door of the place where the original meeting was to be held.

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

If a subsequent meeting is held more than 5 days from the original meeting, a new regular meeting agenda must be prepared; otherwise if shorter, the original meeting agenda is adequate.

- (4) Continued Items. If an item is continued from a prior regular meeting to a subsequent meeting, more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.
- (5) Consent Agenda. For items to be considered for a "Consent Agenda" all the following are recommended:
  - a. A subcommittee of the ADVISORY GROUP has discussed the item at a noticed subcommittee meeting,
  - b. All interested members of the public were given an opportunity to address the subcommittee, and
  - c. The item has not substantially changed since the subcommittee's consideration.

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

- (6) Quorum and Public Attendance. It shall be the duty of each MEMBER to attend all ADVISORY GROUP meetings. The minimal number of MEMBERS in attendance at each



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ADVISORY GROUP meeting in order to constitute a quorum shall be stated in the BYLAWS. A quorum shall not be less than the majority of non-vacant seats of an ADVISORY GROUP. A quorum must be present in order to conduct business, to vote on projects, and to take actions at regular or special group meetings.

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

- (7) Proposed Development Participation. When considering proposed park development projects for ADVISORY GROUP recommendation, ADVISORY GROUP shall adhere to Council Policy 600-33 and allow participation of all members of the public, including those from other areas as directed by the DEPARTMENT, and with special emphasis on obtaining participation from all interested parties including, but not limited to, property owners, residents, and business establishments in proximity to the proposed development. The ADVISORY GROUP shall inform the project applicant or representative each time such review by the ADVISORY GROUP will take place and provide the applicant with an opportunity to present the project.

- (8) Action on Agenda Items.
- a. An item not noticed on the agenda may be added if either two-thirds of the voting members of an ADVISORY GROUP, or every MEMBER if less than two-thirds of the voting MEMBERS of an ADVISORY GROUP are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the ADVISORY GROUP after the agenda being posted.
  - b. Voting requirements vary by subject of the action:
    - i. Removing an elected or appointed

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MEMBER in accordance with Article III of this POLICY requires a two-thirds vote of the voting MEMBERS. An ADVISORY GROUP may adopt into its BYLAWS a substitute method to remove an appointed member.

- ii. A ratifying vote to remove a MEMBER due to ineligibility in accordance with Article III, Section 6 of this POLICY requires a majority vote of the voting MEMBERS.
- iii. Approving an amendment to adopted BYLAWS requires a two-thirds vote of the voting MEMBERS.
- iv. All other group actions, including subcommittee votes, only require a simple majority of the voting MEMBERS in attendance when a quorum is present.

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

All actions taken by ADVISORY GROUPS, including votes, must be taken in public.

Positions on agenda items shall be established only by the votes taken by the voting MEMBERS as identified in Article III, Section 1 of this POLICY.

- (9) Collective Concurrence. Any attempt to develop a collective concurrence of the MEMBERS as to action to be taken on an item by MEMBERS of the group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices (such as email, text, and social media), is prohibited, other than at a properly noticed public meeting.
- (10) Special Meetings. The chair of an ADVISORY GROUP, or a

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majority of the MEMBERS, may call a special meeting. An agenda for a special meeting shall be specified as such and shall be prepared and posted at least 24 hours before a special meeting. Each MEMBER shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the MEMBER files with the group secretary a written waiver of notice at, or prior to the time of, the meeting.

The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting.

Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

- (11) Emergency Meetings. Brown Act section 54956 describes emergency meetings for matters related to public health and safety. These matters are outside of the purview of ADVISORY GROUPS and are prohibited under this POLICY.
- (12) Right to Record. Any person attending a meeting of an ADVISORY GROUP must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
- (13) Disorderly Conduct. In the event that any ADVISORY GROUP meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the group may first cause removal of the individual or individuals.

If that is unsuccessful then the ADVISORY GROUP may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The ADVISORY GROUP may also readmit an individual or individuals who were not responsible for the disruption.

- (b) Abstentions and Recusals.

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- (1) Recusals. Any MEMBER with a direct economic interest in any item that comes before the group or its committees or subcommittees must: (1) disclose to the group that economic interest, (2) must recuse himself or herself from voting, and (3) must not participate in any manner as a MEMBER of the group for that item on the agenda. Situations requiring recusals are described in the Administrative Guidelines.
- (2) Abstentions. In limited circumstances, from time to time, MEMBERS may abstain from either voting on an action item, or from participating and voting on an action item. The MEMBER must state, for the record, the reason for the abstention. Situations allowing abstentions are described in the Administrative Guidelines.

Section 5. Subcommittees. ADVISORY GROUPS are encouraged to establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular group meetings.

- (a) Standing Committees. Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas, such as sports councils. All standing subcommittees of an ADVISORY GROUP are subject to Brown Act public noticing and meeting requirements as set forth in Article VIII, Section 4(a) of this POLICY.
- (b) Ad Hoc Subcommittees. Ad hoc subcommittee meetings are established for a finite period of time to review more focused issue areas and are disbanded following their review. While the Brown Act does not impose requirements upon ad hoc subcommittees when made up entirely of members of the ADVISORY GROUP and constituting less than a quorum of the group, this POLICY requires all subcommittee meetings be noticed and open to the public by inclusion of the meeting announcement on a regular meeting agenda, by an electronic notice, or by announcement at a regular ADVISORY GROUP meeting.
- (c) Committee Composition. The majority membership of any committee or subcommittee shall consist of elected or appointed MEMBERS.

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- (d) Recommendations. All committee and subcommittee recommendations must be brought forward in writing for an ADVISORY GROUP vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the DEPARTMENT as the official recommendation of the ADVISORY GROUP without a vote taken at a scheduled group meeting.

Section 6. Meeting Documents and Records.

- (a) Agenda by Mail. Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the MEMBERS, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year but must be renewed by January 1 of the following year.
- (b) Agenda at Meeting. Any written documentation prepared or provided by City staff or MEMBERS that is distributed at a group meeting shall be made available upon request for public inspection without delay. If such material is distributed at an ADVISORY GROUP meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff or MEMBERS or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. Further, the City may charge for the cost of reproduction of any materials requested by an individual or individuals.
- (c) Minutes. For each ADVISORY GROUP meeting, a report of member attendance and a copy of approved minutes shall be retained by the group, and shall be available for public inspection. The draft minutes shall be available to the public at a publicly ADA accessible area at the location where the ADVISORY GROUP regularly conducts its meetings as soon as reasonably possible, but no later than 72 hours prior to the next ADVISORY GROUP meeting. A copy of the draft minutes shall also be delivered to the DEPARTMENT designated representative by the same time.

The minutes of each ADVISORY GROUP'S meetings shall

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include the MEMBERS who constituted a quorum at that meeting. The votes taken on each action item shall include: MEMBERS who voted for, against or abstained on the item. In addition, for each action item the record should include the names of the speakers and the nature of the public testimony that appeared before the group.

Any changes to the draft minutes shall be discussed and adopted by a majority vote of the MEMBERS present at that next ADVISORY GROUP meeting.

Copies of approved minutes shall be available to the public within 72 hours of the next scheduled ADVISORY GROUP meeting, and shall be kept for a minimum of thirty (30) calendar days at the location where the ADVISORY GROUP regularly conducts its meetings.

ADVISORY GROUPS are not required to audio or videotape their meetings but if they do then they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

- (d) Records Retention. ADVISORY GROUP records, as described below, must be retained for public review. ADVISORY GROUP records are meeting agendas and any other writings that are distributed to at least a majority of the MEMBERS in connection with a matter subject to consideration at an open meeting of the ADVISORY GROUP. Records do not include writings that are required to be submitted to the City in accordance with this POLICY to substantiate and document a group's operation and compliance. ADVISORY GROUPS also receive materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, ADVISORY GROUP records, and non-records.

Section 7. Financial Contributions. ADVISORY GROUPS may develop a policy for financial contributions from the community to the Recreation Center Fund for the purposes of furthering the efforts of a group to promote recreation activities. However, no membership dues shall be required, and no fee may be charged as a condition of attendance at any ADVISORY GROUP meeting. All contributions must be voluntarily made, and no official ADVISORY GROUP correspondence may be

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withheld based on any individual's desire to not make a voluntary contribution.

**ARTICLE IX  
RECREATION ADVISORY GROUP OPERATIONS**

- Section 1. Public Outreach. It shall be the duty of the ADVISORY GROUP to assist DEPARTMENT staff with outreach to its community through such methods as local newspapers, social media, flyers or community events to further community-wide understanding of and participation in ADVISORY GROUP duties, activities, and decisions. The ADVISORY GROUP shall give due consideration to all responsible community input in order to identify what is in the best long-term interest of the community at large.
- Section 2. Funds for Park-Related Purposes within an Boundary. Unless otherwise recommended by an ADVISORY GROUP, any funds collected into a City Recreation Center Fund (RCF) associated with the BOUNDARY/ADVISORY GROUP shall be used only for park-related purposes within the BOUNDARY, including promoting and conducting community recreation programs and events, purchasing equipment, supplies, and furnishings; performing maintenance projects; for and related activities.
- Section 3. Input and Review of Annual Budget. DEPARTMENT staff shall prepare a preliminary budget for the ADVISORY GROUPS review and input by September 1 of each year. ADVISORY GROUP shall have a period of review and input before adopting an annual budget for each fiscal year to guide the DEPARTMENT'S expenditure of funds in any City revenue account for the BOUNDARY. An ADVISORY GROUP'S annual budget for the expenditure of funds shall be in compliance with all applicable laws, regulations, policies, and applicable DEPARTMENT Instructions ("DEPARTMENT Instructions" to mean those certain policies and procedure directives promulgated by the DIRECTOR and subject to periodic amendment). The designation or earmarking of any funds by the ADVISORY GROUP for multi-year projects must be approved by the DIRECTOR in each instance. ADVISORY GROUP'S budget shall be adopted no later than December prior to each fiscal year. ADVISORY GROUP shall submit a copy of the adopted budget to the DIRECTOR within ten (10) days of its approval by the ADVISORY GROUP. Annual budget will be reviewed, and upon approval, appropriated by City Council.

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- Section 4. Review of Financial Records. DEPARTMENT staff shall prepare financial reports on a monthly basis summarizing revenue and expenses of the corresponding RCF. DEPARTMENT staff shall present reports at each meeting of the ADVISORY GROUP. Transaction details may be provided upon request from an ADVISORY GROUP.
- Section 5. Partnering with Companion 501(c)3 and Friends of Parks and Recreation Groups. ADVISORY GROUPS may partner with companion non-profit organizations such as Recreation Councils, Friends of Parks and Recreation, and Parks and Recreation Foundations to promote recreation activities and special events in their designated BOUNDARY with DIRECTOR approval. Administrative Guidelines outline the process further.
- Section 6. Social Equity. ADVISORY GROUPS shall support the DEPARTMENT'S commitment to providing all people access to programs, facilities, places and spaces to enhance their lives and communities. ADVISORY GROUP may elect to budget funds to another ADVISORY GROUP for recreation programs.
- Section 7. Co-sponsorship of Special Events. Co-sponsorship of Events. It is a practice of the Parks and Recreation Department to co-sponsor certain events with community non-profit organizations that have a broad public benefit. Examples of events may include but are not limited to seasonal community gatherings, cultural programs, and related community-building activities.
- (a) Unless otherwise provided in the Department Fee Schedule, the DEPARTMENT will not charge any fee under the authority of the DIRECTOR for co-sponsored events. Nothing in this POLICY eliminates requirements to pay fees charged by other City Departments for the event.
  - (b) ADVISORY GROUPS may recommend that the Department co-sponsor an event that has broad public benefit.
  - (c) The DIRECTOR has the authority to determine the appropriate number of co-sponsored events for each fiscal year.
- Section 8. Role of Recreation Advisory Groups on Facility Use. ADVISORY GROUPS shall assist the DEPARTMENT in coordinating the use of parks and recreation facilities by user groups within their designated BOUNDARY, and act as a central point of communication between the City and the user groups. ADVISORY GROUPS shall assist



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DEPARTMENT staff in evaluating the needs of each represented user group, provide recommendations to DEPARTMENT staff on the allocation of facility use. ADVISORY GROUPS are responsible for compliance with Department Instructions and the Fee Schedule in all activities, including those involving the maintenance, use, and reservation of facilities.

- Section 9. Role of Recreation Advisory Groups on Recreation Programs. ADVISORY GROUPS shall assist the DEPARTMENT in coordinating and prioritizing recreation programs and events at City parks and recreation facilities within their designated BOUNDARY. ADVISORY GROUPS shall collaborate with DEPARTMENT staff on identifying program needs and selecting programs service providers to meet the needs of the community.
- Section 10. Role of Department Staff. DEPARTMENT staff shall support the efforts of the ADVISORY GROUP by actively engaging community members to participate on the ADVISORY GROUP, assist with ADVISORY GROUP meetings, including sub-committee meetings, disseminate information and updates on behalf of the DEPARTMENT, provide guidance on City and DEPARTMENT policies and procedures, deliver RCF financial reports, prepare annual budgets, and make and carry out recommendations on programs, events and facility use.
- Section 11. Dispute Resolution. When a disagreement or conflict occurs between an ADVISORY GROUP and DEPARTMENT staff, the ADVISORY GROUP may request an administrative appeal as outlined in the Administrative Guidelines. The appeal to a decision made by staff shall first be made to the Area Manager. If the appeal is not resolved by the Area Manager, it shall be referred to the District Manager. If unresolved by the District Manager the appeal shall be referred to the Deputy Director, and lastly the Assistant Parks and Recreation Director. If the appeal is still not resolved by the Assistant Parks and Recreation Director, the ADVISORY GROUP shall have the opportunity to appeal directly to the Office of the Mayor.

### **ARTICLE X DEFENSE AND INDEMNIFICATION**

- Section 1. In Conformance with Authorized Duties. As established by this POLICY, the City of San Diego (CITY) hereby agrees to defend and indemnify current and past ADVISORY GROUP members, directors and officers ("MEMBER" or "MEMBERS") from liability for acts of the

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MEMBER performed while engaged in ADVISORY GROUP duties authorized by this POLICY, provided that such acts were performed under the direction, control or supervision of the DEPARTMENT. CITY shall further defend and indemnify the MEMBERS from liability for acts performed in connection with the ADVISORY GROUP acting as a body in conformance with this POLICY and the policy guidelines of CITY.

Section 2. Non-Conformance of Authorized Duties. CITY shall not, however, defend or indemnify any MEMBER or MEMBERS for any acts allegedly occurring: (1) as the result of a criminal act; or (2) in violation of ADVISORY GROUP'S BYLAWS or corporate governance documents, or any CITY policy or procedure. Further, the CITY may refuse to defend and indemnify any MEMBER if the MEMBER acted or failed to act because of fraud, corruption, actual malice, or bad faith, or if the MEMBER does not reasonably cooperate with CITY in the defense of any claim or action. Nothing in this POLICY shall require CITY to indemnify or defend any MEMBER against a claim for punitive damages, except as and when authorized by City Council pursuant to state law.

Section 3. Written Requests for Representation. In order to be eligible for defense and indemnification, the ADVISORY GROUP and/or the MEMBER must make a written request for representation to the DIRECTOR within five (5) working days of having been served with the first complaint in any legal action.

### **ARTICLE XI GENERAL PROVISIONS**

Section 1. No Charge. As long as an ADVISORY GROUP serves as the DEPARTMENT'S officially recognized ADVISORY GROUP for the BOUNDARY in compliance with this POLICY, ADVISORY GROUP shall have the ability to conduct official activities within the BOUNDARY without charge. ADVISORY GROUP shall use the BOUNDARY for the purposes of conducting ADVISORY GROUP meetings, special events, fundraising activities, and for assisting with coordination of BOUNDARY field and facility usage. All such ADVISORY GROUP use of the BOUNDARY shall be subject to the prior written approval of the DEPARTMENT in each instance. The rights and responsibilities granted herein are separate and independent from any other use permit or organizational rights and responsibilities of separate park users.

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- Section 2. No Nuisance. ADVISORY GROUPS shall not use the BOUNDARY, in any manner which creates a nuisance or unreasonably disturbs the quiet enjoyment of persons in and to the surrounding area.
- Section 3. Signs. ADVISORY GROUPS shall not erect or display any banners, pennants, flags, posters, signs, decorations, marquees, awnings or similar devices or advertising without DEPARTMENT'S prior written consent. If any such unauthorized item is found in the BOUNDARY, ADVISORY GROUPS shall remove the item within twenty-four (24) hours after notice by DEPARTMENT.
- Section 4. Drug-Free Environment. It is the policy of City that all facilities shall be utilized and operated in an environment free of illegal drugs. ADVISORY GROUPS shall initially and periodically make this fact known.
- Section 5. No Discrimination. ADVISORY GROUPS shall not discriminate or permit discrimination in any manner against any person or class of persons on account of race, color, religion, gender, gender expression, gender identity, sexual orientation, medical status, national origin, ethnicity, age, marital status or disability, including without limitation the provision of goods, services facilities, privileges, advantages and accommodations, and the hiring and retention of employees and contractors.
- Section 6. Compliance with Law. ADVISORY GROUPS shall at all times in conducting obligations and duties under this POLICY comply with all applicable laws, rules, regulations, and directives of competent governmental authorities.
- Section 7. California Public Records Act. ADVISORY GROUPS shall comply, and shall assist City in compliance, with the provisions of the California Public Records Act, codified in California Government Code sections 6250-6270, for all documents and records created by or distributed to a majority of the ADVISORY GROUP in connection with a matter subject to consideration by the ADVISORY GROUP at an open meeting.
- Section 8. Political Activity. All ADVISORY GROUP activities shall be non-partisan and non-sectarian. The ADVISORY GROUPS shall not officially or unofficially participate in, or lend its influence to, the adoption or defeat of any public ballot measure, or the election of

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any candidate for public office, regardless of whether the nomination or election is partisan or non-partisan. Notwithstanding the forgoing, ADVISORY GROUPS may provide a neutral forum for public debate such as at a "candidate forum" and similar events, and the ADVISORY GROUPS may endorse non-partisan ballot measures that directly benefit park and recreation facilities and services and which have been official supported by a vote of City Council.

Section 9. Improvements/Alterations. ADVISORY GROUPS shall not make or cause any improvements, changes, or alterations to be made to the BOUNDARY, or any portion thereof, without prior written approval of the CITY. Any and all improvements, fixtures, structures and installations or additions to the BOUNDARY constructed or installed by ADVISORY GROUP shall be the property of City. Except as required by law, City shall not be obligated to make any repair or assume any expense for any improvements or alterations to the BOUNDARY.