

## **Uptown Community Planning**

### **Group Operating Procedures**

***Adopted [Month Day, 2024]***

#### **Introduction and Background**

The Uptown Community Planning Group (the “UCPG”) hereby adopts these Operating Procedures. Pursuant to these Operating Procedures, the UCPG hereby establishes minimum standards the UCPG will adhere to and the designated services the UCPG will provide in order to obtain and maintain official recognition by the City pursuant to Council Policy 600-24 (“Policy 600-24”). The UCPG acknowledges that (i) the UCPG is an independent organization voluntarily created and operated by community members who are not City employees, City agents, or City representatives, (ii) the UCPG is not a City controlled or managed organization, and (iii) the City does not direct or recommend the election, appointment, or removal of UCPG voting members, or delegate authority to the UCPG to act on its behalf.

The UCPG, in adopting these Operating Procedures, commits to meeting the minimum standards established in the “Terms and Conditions” document included in Policy 600-24 (the “Terms & Conditions”) and to operating in a manner that abides by and conforms with the Brown Act, is transparent to the public, is accessible to and inclusive of all community members, and reflects the diversity of the communities where they operate. The UCPG acknowledges that meeting the standards of the Terms and Conditions is necessary to be formally recognized, and continue to be recognized, by the City Council (Council) as a CPG in the City of San Diego. The UCPG acknowledges that the City can revoke recognition of any CPG if the City, in its sole discretion, determines these standards are not being met.

The UCPG will separately and independently maintain any legally required corporate documents, including articles of incorporation and corporate bylaws, or any other legally required documents related to the UCPG’s founding, operation, or organization.

The UCPG has submitted the documents listed in Exhibit A of the Terms & Conditions with its application for Council recognition and will maintain such documents in accordance with Sections 2.5 and 8.2 herein.

In consideration of Policy 600-24 and the Terms and Conditions, the UCPG hereby agrees to abide by the following:

## **ARTICLE I   Name and Geographic Boundaries**

Section 1.1   The official name of this City recognized CPG shall be the Uptown Community Planning Group.

Section 1.2   All activities of this organization shall be conducted in its official name.

Section 1.3   The community planning area boundary for the UCPG are the boundaries of the Bankers Hill Park West, Hillcrest, Mission Hills communities and the portion of the University Heights community west of Park Boulevard, as shown on Exhibit A hereto, and are referred to in these Operating Procedures as the "Uptown Boundaries".

## **ARTICLE II   Responsibilities**

Section 2.1   Collaborations with City Staff. As a recognized independent body, the UCPG may work with City staff throughout the City's planning process when requested by the City, including during the formation of long-range community goals, objectives, and proposals or revisions for inclusion in a General or Community Plan.

Section 2.2   Advisory CPG Review. The UCPG has been formed to make advisory recommendations to the City and other governmental agencies on land use matters within the Uptown Boundaries or related matters associated with implementation of its community plan, including the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to its boundaries.

The UCPG may, upon City request, make recommendations, or participate in, additional efforts such as identifying CIP infrastructure needs or additional City matters.

The UCPG may also advise on other land use matters as described in Policy 600-24, including Article IV (Scope of Advisory Recommendations) thereof, and on other land use matters as requested by the City or other governmental agencies.

The UCPG recognizes that City staff and development project applicants are not required by the City to present their project or application before the UCPG although the City encourages applicants to conduct robust engagement with all CPGs, the community, and project neighbors.

When reviewing individual development projects, the UCPG should focus such review on conformance with the adopted Uptown Community Plan.

Section 2.3 Timely Submittal of UCPG Recommendations to the City. In order to be considered as part of the City's development review process, UCPG project review recommendations, if any, must be submitted to the City within seven calendar days of the UCPG taking action.

In addition, the UCPG shall submit its recommendation and any conditions to the project proposed by the UCPG, using Bulletin 620 Distribution Form, (or such successor form as may be prescribed by the City) or reasonable facsimile.

The UCPG will follow a uniform mandatory process for recording UCPG project review recommendations through the use of an annual report that includes all project recommendations which shall be part of the UCPG's official records.

Section 2.4 Adherence to Ralph M. Brown Act. The UCPG must comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (the "Brown Act"), by conducting meetings that are open to the public, properly noticed, and in compliance with each of the Brown Act provisions. Failure of the UCPG to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the UCPG to lose its Council recognition and may subject the UCPG and UCPG voting members to a loss of indemnification by the City.

Section 2.5 Maintenance of Open Records. The UCPG shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, evidence of completion of annual training and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.

Written applications submitted to the UCPG by individuals wishing to serve as voting members, and records of election results, are considered official records and will be maintained by the UCPG in accordance with Policy 600-24. The UCPG will submit to the City the rosters of UCPG voting members by May 1st of each year and will also submit to the City any changes to rosters as a result of UCPG elections or appointments within 30 days of the completion such elections (other than the results of an annual March election, which submission shall be made by such May 1st date).

Section 2.6 Independent Entity. The UCPG is an independent entity from the City and must be able to operate as such. The City may provide assistance to the UCPG at the discretion of the City and subject to the availability of City resources. In addition, the UCPG may be allocated funds by the City when such funding is approved by the Council. The UCPG may accept financial contributions from the public in order to fund its operations. All financial contributions to the UCPG must be voluntary, with no mandatory membership dues or meeting attendance fees. Who does and does not contribute to the UCPG shall not influence any decision or action of the UCPG.

### **ARTICLE III Community Participation and Representation**

Section 3.1 Membership. The UCPG will ensure that voting members of the UCPG, to the greatest extent possible, represent the entire community and community interests, including homeowners, renters, individuals with and without school age children, diverse age groups, businesses, non-profit organizations and other community groups and organizations.

The UCPG and its voting members should routinely seek robust community participation in the UPG planning and implementation process to serve the best long-term interest of the community at large. The UCPG has submitted a detailed written Community Participation and Representation Plan to the City Council along with its application for recognition, a copy of which is attached as Exhibit B hereto.

The Elections Committee shall be charged with the maintenance and implementation of the Community Participation and Representation Plan, provided that the UCPG board shall ultimately have the responsibility to ensure the implementation of the Community Participation and Representation Plan.

Section 3.2 Community Outreach. The UCPG and its voting members shall routinely seek community participation in the UCPG planning and implementation process to serve the best long-term interest of the community at large. The Community Engagement Committee shall help facilitate such community participation.

Section 3.3 Collection of Membership Data. To measure community representation, the UCPG shall gather demographic data of existing and new UCPG voting members at the time of elections and at other regular periods to measure inclusion and diversity on the UCPG. This data should be submitted to the City along with the annual rosters required by Section 2.5. Participation in this type of survey will be voluntary and will be conducted in a manner to ensure the privacy of responses and respondents.

## **Article IV**    **CPG Composition**

Section 4.1 Number of Voting Members. The UCPG board shall consist of 18 voting members to represent the Uptown community as set forth in these Operating Procedures.

Section 4.2 Voting Member Eligibility. Voting members of the UCPG shall meeting the following minimum qualifications throughout their entire term of service:

Section 4.2.1 Minimum Age. Voting members will be a minimum of 18 years of age.

Section 4.2.2 Minimum Attendance Requirements. The UCPG shall take voting member attendance at each meeting to ensure that each voting member attends at least two-thirds of the UCPG's regularly scheduled meetings in any 12-month period throughout their term as a voting member. Board members shall be recorded as attending a meeting if they are present and available to vote for at least one-half of the meeting time stated on the agenda. Failure to meet these minimum attendance requirements shall be grounds for removal of a voting member in accordance with Section 9.3 No attendance requirements for voting member attendance prior to their election or appointment as a voting member are allowed.

Section 4.3 Community Representation.

Section 4.3.1 Voting Members. To be an eligible as a voting member of the UCPG, an individual must be affiliated with the community as either a: (1) property owner, who is an individual identified as the sole or partial owner of record, or their employee, of a real property (either developed or undeveloped), within the Uptown Boundaries (a "Property Owner"); (2) resident, who is an individual whose primary address of residence is an address within the Uptown Boundaries (a "Resident"); or (3) local business person, who is a local business or non-profit owner, operator, or designee at a non-residential real property address within the Uptown Boundaries as evidenced by a business tax certificate or other official document. A voting member of the UCPG must retain eligibility during their entire term of service as a voting member.

Section 4.3.2 Definitions.

"Business Entity" means a local business at a non-residential real property address within the Uptown Boundaries as evidenced by a business tax certificate or other official document.

"Communities" shall mean each of the six geographically distinct "Uptown Neighborhoods" within the Uptown Boundaries as shown in Exhibit A

attached hereto, which are the following: (1) Bankers Hill/Park West; (2) Hillcrest; (3) Medical Complex; (4) Middletown; (5) Missions Hills; and (6) University Heights.

“Large Employer” means a Business Entity that employs a significant number of persons, being one of the top 5 business entities based on the number of employees whose employment duties are conducted within the Uptown Boundaries.

“Non-Profit Entity” means a local non-profit associated with a real property address within the Uptown Boundaries as evidenced by a business tax certificate or other official document or a copy of its non-profit founding documents or a related document.

“Renter” means any person who (1) is a Resident and (2) leases or rents a residential dwelling unit within the Uptown Boundaries and occupies the same as such person’s primary residence.

Section 4.3.3 Allocation of Voting Member Seats. Subject to Section 4.3.4, the 18 voting member seats of the UCPG are allocated as follows:

(1) Property Owner Seats. Six voting member seats are reserved for Property Owners (for the avoidance of doubt, including Residents who are Property Owners). Each Community shall be represented by one such voting member seat reserved for Property Owners (each, a “Property Owner Seat”). The eligible voters in a Community shall elect the Property Owner voting member representing such Community, as set forth in Section 6.2.7, and such Property Owner voting member shall be, and shall remain throughout their entire term of service as such Property Owner voting member, an individual identified as a person who owns real property within such Community;

(2) Renter Seats. Six voting member seats are reserved for Renters. Each Community shall be represented by one such voting member seat reserved for Renters (each, a “Renter Seat”). The eligible voters in a Community shall elect the Renter voting member representing such Community, as set forth in Section 6.2.7, and such Renter voting member shall be, and shall remain throughout their entire term of service as such Renter voting member, an individual identified as a person who leases or rents a residential dwelling unit within such Community and occupies the same as such person’s primary residence;

(3) Business Seats. Five voting member seats are reserved for representatives of Business Entities (each, a “Business Seat”). Each voting member holding a Business Seat shall represent the Uptown community at large, and all eligible voters shall elect such members collectively, as set forth in Section 6.2.7; provided that no more than two

Business Seats shall be held by representatives of Business Entities within the same Community. A voting member holding a Business Seat shall be, and shall remain throughout their entire term of service, an individual identified as a representative of a Business Entity;

(4) Non-Profit Seat. One voting member seat is reserved for representatives of Non-Profit Entities (the “Non-Profit Seat”). The voting member holding the Non-Profit Seat shall represent the Uptown community at large, and all eligible voters shall elect such voting member collectively, as set forth in Section 6.2.7. The voting member holding the Non-Profit Seat shall be, and shall remain throughout their entire term of service, an individual identified as a representative of a Non-Profit Entity; and

Proof of eligibility requirements for voting members shall be the same as for eligible voters, as set forth in Section 6.1.

Eligibility to qualify for two or more designated voting member seats during an election shall not disqualify any person from holding any one designated voting member seat; provided that, notwithstanding anything to the contrary herein, no person may hold more than one voting member seat at any time.

Notwithstanding anything to the contrary herein, there may be (i) only one voting member per business tax certificate and (ii) only one voting member per property tax billing for a Property Owner Seat and (iii) only one member per residential dwelling unit for a Renter Seat.

Notwithstanding anything to the contrary in this Section 4.3, a member of the UCPG elected or appointed to hold a Property Owner Seat or Renter Seat who moves between Communities within Uptown may continue to serve on the board in the designated voting member seat to which they were elected or appointed until the next general election, regardless of the remaining term, upon which election such designated voting member seat shall be deemed to be vacant and shall be filled at such election, with such elected voting member serving the balance of remaining term.

Section 4.3.4 Initial Board. Notwithstanding the other provisions of this Section 4.3, the voting members of the UCPG as of the date the UCPG is formally recognized by the Council as the CPG within the Uptown Boundaries and until the seating of new voting members of the UCPG at the first regular meeting following the March 2025 general election in accordance with Section 6.2.10 shall be (unless at an earlier date such persons resign or are removed) (i) the 12 persons listed as the voting members or non-voting members of the UCPG on the submission materials presented to the City as part of the UCPG application for such formal recognition (the “Initial Board”) and (ii) any other person(s)

appointed to be voting members or non-voting members by the UCPG from time to time by majority vote; provided that there shall never be more than 18 voting members and 2 non-voting members of the UCPG. The provisions of Section 5.3.1 (other than the first sentence thereof) and Section 5.3.2 shall apply to all voting member appointments pursuant to the foregoing clause (ii) and the provisions of Section 4.5 shall apply to all non-voting member appointments pursuant to the foregoing clause (ii). For the avoidance of doubt, the composition of the voting members and non-voting members of the UCPG shall not be required to conform to the allocation of voting member seats and non-voting member seats as set forth in the other provisions of this Section 4.3 until the seating of new voting members of the UCPG at the first regular meeting following the March 2025 general election in accordance with Section 6.2.10.

Section 4.4 Voting Member Term Limits. Except as set forth in Section 6.2.1, voting members of the UCPG shall be elected to serve for fixed terms of three years.

Section 4.4.1 Maximum Time of Service. No person may serve as a voting member of the UCPG for more than six consecutive years. For the avoidance of doubt, such term limit is measured based on a person's total consecutive years of service time as a voting member of the UCPG in any capacity (i.e., such term limit is not measured based on total consecutive years of serving time holding any particular designated voting seat). Any person who accumulates this maximum service time as a UCPG voting member shall again be eligible for election to the UCPG after a one-year break in service as a UCPG voting member.

Section 4.4.2 Waivers of Maximum Time of Service. The UCPG may waive the limitations described in Section 4.4.1 with approval of a majority of the voting members of the UCPG (for the avoidance of doubt, excluding the person subject to such waiver vote from such calculation) if the UCPG cannot find sufficient new eligible voting members to fill vacant open seats after a good faith effort to do so, subject to satisfaction of each of the following:

- (1) such waiver shall not be granted unless necessary to ensure there are at least 10 voting members of the UCPG;
- (2) such waiver shall be ratified by at least a two-thirds majority of the votes cast by eligible community members participating in the first general election immediately following such waiver;
- (3) the term of a voting member subject to such waiver should count as time served beyond the required break in service as required by this Section 4.4; and



(iv) the board can waive term limits only, the member must meet all other eligibility criteria of a voting member of the UCPG.

Section 4.5 Large Employer Non-Voting Seats. To ensure representation of significant employers within the Uptown Boundaries, there shall be two non-voting member seats reserved for representatives of Large Employers (each, a “Large Employer Non-Voting Seat”). Each member holding a Large Employer Non-Voting Seat shall represent the Uptown community at large, and the UCPG board shall appoint members to hold such Large Employer Non-Voting Seats, as set forth in Section 6.2.11. Each Member holding a Large Employer Non-Voting Seat shall be, and shall remain throughout their entire term of service, an individual identified as a representative of a Large Employer.

## **ARTICLE V Vacancies & Removal**

Section 5.1 Vacancy Determination. The UCPG shall find that a vacancy exists upon any of the following:

- (1) receipt of a resignation in writing from a voting member;
- (2) receipt of a written report from the Secretary or other UCPG officer reporting failure of a voting member to meet minimum attendance requirements set forth Section 4.2.2;
- (3) a determination by the UCPG in accordance with Section 5.4 that a voting member is no longer eligible as a voting member of the UCPG as set forth in Section 4.3.1 or is otherwise no longer eligible to hold the designated voting member seat to which they were elected or appointed as set forth in Section 4.3.3;
- (4) a determination by the UCPG in accordance with Section 9.3 to remove a voting member; or
- (5) following any general election, no person was elected to fill a particular designated voting member seat.

Upon any such vacancy determination, the UCPG shall provide the City with an updated member roster in accordance with Section 2.5.

Section 5.2 Filling Vacancies. Subject to the UCPG’s right to fill vacancies in accordance with Section 5.3, all vacancies shall be filled at the next general election. The term of office of any person elected to fill a vacancy shall be for the balance of the vacated term.

### Section 5.3 Appointments.

Section 5.3.1 Appointments Generally. Subject to Section 5.3.3, the UCPG board may fill a vacancy by appointment in accordance with Section 5.3.2 if such vacancy arises at any time other than during the period beginning December 1 and ending on the date of the regular March election held in the calendar year immediately following such December 1 date. All vacancy appointments will expire concurrently with the next regular election. All persons appointed to hold a voting member seat must be eligible as a voting member of the UCPG as set forth in Section 4.3.1 and must be eligible to hold the designated voting member seat to which they were appointed as set forth in Section 4.3.3. An aggressive outreach program to recruit additional candidates for appointment will be run to retain at least the minimum required ten (10) members of the UCPG.

For the avoidance of doubt, appointments to fill Large Employer Non-Voting Seats shall be subject to the provisions of Sections 4.5 and 6.2.11.

Section 5.3.2 Process. Candidates interested in being nominated for appointment must send a written expression of interest to the Chair of the UCPG, who will forward such information to the Election Committee. The Election Committee will verify the candidate's eligibility and, if eligible, place the nomination and seating of such nominee on the agenda for the next scheduled regular meeting of the UCPG. The candidate(s) will present their nomination to the UCPG and community at such regular meeting, following which the UCPG will vote to accept or decline the nomination to fill the vacancy, which acceptance shall require the approval of a majority of the voting members of the UCPG. Upon such approval, the nominated person shall be seated as a voting member of the UCPG and the UCPG shall provide the City with an updated member roster in accordance with Section 2.5.

Section 5.3.3 Limitations. Subject to Section 4.3.4, if any appointment to fill a vacancy would result in either (i) appointed voting members of the UCPG holding (without having subsequently elected been as voting members of the UCPG) both the Property Owner Seat and the Renter Seat in any particular Community or (ii) more than two appointed voting members of the UCPG holding (without having subsequently elected been as voting members of the UCPG) Business Seats, such person so appointed shall be a non-voting member of the UCPG and shall not be permitted to vote on any matter before the UCPG, and their presence shall not be counted towards quorum or in any vote threshold calculation. Notwithstanding the other provisions of this Section 5.3.3, at any time there are twelve (12) or fewer voting members of the UCPG (without taking into account the effect of this sentence), upon the vote of a majority of the voting members of the UCPG, all (but not less than all) appointed

non-voting members shall be granted full voting privileges and be eligible to count for quorum.

## **ARTICLE VI Open and Public Elections**

Section 6.1 Equal Participation; Voter Eligibility. UCPG election procedures are, and shall be, intended to encourage equal participation by all members of the public of the Uptown community, including term limits which ensure turnover of voting members of the UCPG, as set forth in Section 4.4.

All members of the public affiliated with the community within the Uptown Boundaries will be allowed to vote in UCPG elections, so long as they meet minimum conditions for eligibility in accordance with Section 4.2 (other than Section 4.2.2) in the same manner as voting members of the UCPG. No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code or Section 6.1.1, Section 6.1.2, Section 6.1.3 or Section 6.1.4, as applicable.

Section 6.1.1 Voter Identification for Resident Community Members. Consistent with state and federal law, proof of residency or identity, should consist of presenting an original or copy of any of the documents described below in either paragraph (1) or (2). These requirements should be construed liberally by the UCPG and any doubt resolved in favor of allowing a community member to vote in the election.

(1) Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents:

- (A) driver's license or identification card of any state;
- (B) passport;
- (C) employee identification card;
- (D) identification card provided by a commercial establishment;
- (E) credit or debit card;
- (F) military identification card;
- (G) student identification card;
- (H) health club identification card;
- (I) insurance plan identification card; or
- (J) public housing identification card.

(2) Any of the following documents, provided that the document includes the name and address of the individual presenting it, and

is dated since the date of the last election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including:

- (A) utility bill;
- (B) bank statement;
- (C) government check;
- (D) government paycheck;
- (E) document issued by a governmental agency;
- (F) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity;
- (G) voter notification card issued by a governmental agency;
- (H) public housing identification card issued by a governmental agency;
- (I) lease or rental statement or agreement issued by a governmental agency;
- (J) student identification card issued by a governmental agency;
- (K) tuition statement or bill issued by a governmental agency;
- (L) insurance plan card or drug discount card issued by a governmental agency;
- (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter;
- (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency;
- (O) identification documents issued by governmental disability agencies;
- (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities;
- (Q) drug prescription issued by a government doctor or other governmental health care provider;
- (R) property tax statement issued by a governmental agency;
- (S) vehicle registration issued by a governmental agency; or
- (T) vehicle certificate of ownership issued by a governmental agency.

Section 6.1.2 Business, Non-profit and Non-Resident Voters. A single person may be appointed by a business, non-profit or non-resident property owner to cast the vote or run for a board seat representing that entity. If that person is not named on the identification outlined below, they

must also have a signed letter from that organization or owner of record appointing them as the sole representative.

Section 6.1.3 Voter Identification for Community Business Owners. Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business address within the Uptown Boundaries. These requirements should be construed liberally by the UCPG and any doubt resolved in favor of allowing a community business owner to vote in the election.

Section 6.1.4 Voter Identification for Community Non-Profits. Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated address within the Uptown Boundaries. These requirements should be construed liberally by the UCPG and any doubt resolved in favor of allowing a community member to vote in the election.

Section 6.1.5 Voter Identification for Community Non-Resident Property Owners. Non-residents who own property within the community should present documents similar to those described for in Section 6.1.1, however at least one of these documents should show the address of the property in the community owned by the non-resident and be sufficient to prove ownership. These requirements should be construed liberally by the UCPG and any doubt resolved in favor of allowing a community member to vote in the election.

Section 6.2 Transparency and Inclusions in Operations. The provisions of these Operating Procedures governing the election or appointment of voting members of the UCPG, their removal, and the process to fill vacancies, among other provision, provide for a fair and transparent process, intended to ensure broad outreach to the community, sufficient time for community members to participate in elections, and the principles of inclusion and diversity in UCPG operations.

Section 6.2.1 First Full Year Election: Election Cycles.

The first full year seats election shall be held in March 2025, and voting member seats with a 1<sup>st</sup> year cycle (as shown on Table 1), shall be up for election at such first general election; provided that, as soon as practicable following the conclusion of such March 2025 general election the UpCPG shall, by majority vote, endeavor to appoint a representative of the Large Employer Non-Voting Seat in accordance with the appointment procedures in Section 5.3.2 to serve a term ending upon the conclusion of the next successive Cycle 3 general election. For this first full year seat election (i.e., from 2025 and on), general elections of UpCPG voting members shall be held in three-year cycles. For this purpose, each designated voting member seat is assigned a "Seat No." and an "Election Cycle". In addition, each Large Employer Non-Voting Seat is assigned a "Seat No." and an "Election Cycle" as shown in Table 1 below.

**Table 1 (Election Cycles Starting in 2025)**

Seat No.	1	2	3	4	5	6	7	8	9	10
Designated Voting Member Seat	Property Owner	Property Owner	Property Owner	Property Owner	Property Owner	Property Owner	Renter	Renter	Renter	Renter
Community (if applicable)	Bankers Hill / Park West	Hillcrest	Medical Center	Middle-town	Mission Hills	University Heights	Bankers Hill / Park West	Hillcrest	Medical Center	Middle-town
Election Cycle	3	2	1	1	3	2	2	1	3	2

Seat No.	11	12	13	14	15	16	17	18	19	20
Designated Voting Member Seat	Renter	Renter	Business Seat	Business Seat	Business Seat	Business Seat	Business Seat	Non-Profit Seat	Large Employer Non-Voting Seat	Large Employer Non-Voting Seat
Community (if applicable)	Mission Hills	University Heights	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Election Cycle	1	3	1	1	2	3	3	2	3	3

Election Cycle 1 will occur in calendar years 2025, 2028 and so on.

Election Cycle 2 will occur in calendar years 2026, 2029 and so on.

Election Cycle 3 will occur in calendar years 2027, 2030 and so on.

The following six designated voting member seats (by Seat No.) will be up for election in Election Cycle 1 as set forth in the table above: 3, 4, 8, 11, 13, 14 (the “Cycle 1 Seats”). As a result, the voting members elected in March 2025 to Cycle 1 Seats shall be elected to serve for fixed terms of three years.

The following six designated voting member seats (by Seat No.) will be up for election in Election Cycle 2 as set forth in the table above: 2, 6, 7, 10, 15, 18 (the “Cycle 2 Seats”). As a result, the voting members elected in March 2026 to Cycle 2 Seats shall be elected to serve for fixed terms of three years.

The following six designated voting member seats (by Seat No.) will be up for election (or appointment in the case of the Large Employer Non-Voting Seat (Seat No. 19, & Seat No. 20) in Election Cycle 3 as set forth in the table above: 1, 5, 9, 12, 16, 17, 19, 20 (the “Cycle 3 Seats”). As a result, the voting members elected in March 2027 to Cycle 3 Seats shall be elected to serve for fixed terms of three years and the non-voting members appointed to the Large Employer Non-Voting Seats following the March 2025 election will serve for fixed terms of three years.

Section 6.2.2 Election Committee. The Election Committee will facilitate all facets of each election process in accordance with the provisions of this Article 6. The Election Committee will also be responsible for implementation and maintenance of the Community Participation and Representation Plan, as set forth in Section 3.1. The Elections Committee will be formed of voting members of the UCPG and other persons, in each case, not running for election in the relevant general election; provided that voting members of the UCPG running for election in the relevant general election may serve on the Elections Committee with the approval of a majority of the voting members of the UCPG if there are fewer than 5 members of the Elections Committee after reasonable efforts have undertaken to find additional members willing to serve on the Elections Committee. All decisions of the Elections Committee will be approved by a majority vote of the UCPG.

Section 6.2.3 Candidate Recruitment.

The Election Committee shall make a good faith effort to utilize means appropriate to publicize at least 60 days prior to the deadline for candidate applications (1) the designated voting member seats up for election, (2) the UCPG eligibility requirements for candidacy (including eligibility requirements for such designated voting member seats) and (3) and the upcoming elections. The UCPG shall seek to recruit sufficient candidates who are not already voting members of the UCPG to fill all voting member seats up for election in order to allow those who have completed their terms to leave the UCPG.

The Election Committee will be responsible for organizing the efforts of board members and community volunteers to recruit a diverse group of candidates all year long.

Methods will include postings on the UCPG website, its email distribution lists, and its social media platforms; attempts to obtain coverage in local news media that serve the Uptown community; attending local community

group meetings, and posting of notices in Uptown neighborhoods. The Elections Committee also may advertise in local media and distribute notices to residential and business addresses in the Uptown community.

#### Section 6.2.4 Candidate Application Procedures.

No later than the December regular meeting in the year preceding each general election, the Election Committee will create and make available through the UCPG website (and at each regular meeting from and after such December regular meeting until the application deadline) an application form that prospective candidates must complete, sign and return to the Election Committee. This application will require candidates to (1) document eligibility to serve on the board (as detailed in Article 4, including maximum time of service requirements), (2) state which designated voting member seat the candidate is running for (e.g., Seat No. 1, the Property Owner Seat representing Bankers Hill) and document their eligibility to serve on the board in such designated voting member seat and (3) provide a candidate statement (requirements for which will be determined by the Election Committee). This application shall also offer candidates the opportunity to provide a headshot photo for use in informing the community about the election; however, providing such headshot shall be optional (and not required) for all candidates.

The deadline to submit a candidate application to qualify for candidacy in the March general election shall be up to and including the February regular meeting immediately preceding the March general election.

At such February regular meeting, the Election Committee shall present to the UCPG a complete list of interested candidates collected up to that point in time. Qualifying candidates may be added to such list at the February meeting. A candidate forum may be advertised and held at the February meeting to allow candidates to present to those community members present at such meeting.

Within seven days of such February regular meeting, the Chair of the Election Committee shall verify eligibility of applicants; contact any applicants whose applications are deemed incomplete or ineligible (including any ineligibility to run for a particular designated voting member seat), explaining why; and if there are candidate denials, allow at least two business days for appeals of eligibility (to be decided by the Chair of the UCPG, who may consult with City officials); provided that all candidates subject to denial shall be provided the same period of time to appeal. Then, within 14 days of such February regular meeting, the Chair of the Election Committee will confirm the names to the UCPG that will appear on the election ballot.



Section 6.2.5 Promotion of the Election. As soon as practical after confirming the names that will appear on the general election ballot and not less than 14 days before the general election, the UCPG will post the confirmed list of candidates (including the respective designated voting seats each candidate is running for), along with their statements and photos, on the UCPG website. The posting also will announce the option of challenging election results by referencing Section 5.2.7. The Election Committee will use the methods used for recruiting candidates detailed in Section 6.2.3 to publicize the election and encourage voting by eligible Uptown community members. The Election Committee may also contact other Uptown community organizations to encourage such organizations to invite candidates to present at meetings of such organizations.

Section 6.2.6 Election Procedures. The detailed procedures for the election including date, time and location of polls, use of mail or virtual/online voting options (including the proposed vendor for mail or virtual/online voting), voter registration procedures and other election procedures shall be proposed by the Election Committee to the UCPG, and subsequently approved by the UCPG (with such modification as approved by the UCPG) no later than the February regular meeting of the UCPG and a copy of such approved detailed procedures shall be posted on the UCPG website and provided to the City of San Diego for public dissemination as well as any other available media channels deemed appropriate by the Election Committee within 72 hours of such UCPG approval, including the methods used for recruiting candidates detailed in Section 6.2.3 to publicize the election and voter registration process. Election procedures shall be reasonably designed to protect the confidentiality of all secret ballots, whether written or digital, and voter registration information.

The Election Committee shall also provide the following information to the UCPG at the February regular meeting:

- (a) List of designated voting member seats open for election;
- (b) List of voting members eligible for addition time of service (see Section 4.4.1); and
- (c) List of all persons subject to ratification pursuant to Section 4.4.2(2) by at least a two-thirds majority of the votes cast by eligible community members participating in such general election, as a result of a waiver of maximum time of service in accordance with Section 4.4.2.

Elections will be held at such dates, times and locations designed to provide the community the maximum flexibility and opportunity for

participation in the election by the diverse Uptown community, including evenings, weekends, physical, in person, mail-in and virtual/online voting mechanisms deemed practical and affordable by the UCPG based upon recommendations from the Election Committee. All physical voting locations shall be located within the Uptown Boundaries, and the UCPG shall use reasonable efforts to ensure that if there are multiple physical voting locations, such physical voting locations are geographically dispersed through the various Communities.

The Election Committee shall endeavor to register eligible voters as soon as practicable following the UCPG's approval of voting procedures at the February regular meeting of the UCPG.

The Election Committee shall create a ballot to used in the election (which may be reasonably modified as advisable for use in virtual/online voting, in consultation with the applicable vendor), which shall include at least the following:

1. List of all six Communities, with a single box or space beside each Community name and instructions that the voter (or registrar) check the box beside the Community from which their eligibility as a voter arises;
2. List of all candidates running for Property Owner Seats and Renter Seats, separated by Community and listed in alphabetical order (by last name) within each Community, with a single box or space beside each candidate name for votes and instructions that the voter vote (i) for up to one candidate running for an open Property Owner Seat in their Community by checking the box beside such candidate's name and (ii) for up to one candidate running for an open Renter Seat in their Community by checking the box beside such candidates name.
3. List of all candidates running for Business Seats, each candidate name together the name of the Community in which the relevant Business Business Entity sits, with a single box or space beside each candidate name for votes and instructions that the voter vote for up to such number of candidates running for Business Seats as there are open Business Seats in such election by checking the box beside such candidate(s) name(s), with a notice that no more than two Business Seats can be filled from any one community.
4. Identification of any vacant seat(s) with a remaining term to be filled and the balance of such remaining term. In the case that one or more Business Seats are vacant with remaining terms, the ballot shall include instructions describing that the winners of the election for Business Seats shall be placed into such vacant Business Seats in order based on the number of votes received by such winners (e.g., the winner with the lowest votes will be placed into the vacant Business Seat with the shortest remaining term).

5. List all of persons subject to ratification pursuant to Section 4.4.2(2) by at least a two-thirds majority of the votes cast by eligible community members participating in such general election, as a result of a waiver of maximum time of service in accordance with Section 4.4.2, with a single box or space beside each candidate name for votes and instructions describing the details of such waiver and ratification requirement.

The ballot will not include candidate statements or photos, although those may be posted or otherwise made available at the polling place. The ballot will not allow for write-in votes, and write-in votes shall not be permitted.

Section 6.2.7 Polling. Voting for a March general election may begin as early as the day after the February regular meeting, and shall continue until two hours after the start time of the March regular meeting; provided that the UCPG may vote to extend such time as is necessary to accommodate voters already in line to vote as of such deadline.

Voting shall be by secret ballot, using the ballots described in Section 6.2.6. Proxy voting for elections is not allowed under any circumstances.

During the conduct of voting, members of the Election Committee, with the assistance of other voting members of the UCPG, shall staff and monitor the pools and shall be in charge of validating the qualifications of potential voters. Additionally, the Election Committee will be charged with the safekeeping of ballots and ballot box(es), as well as management of any mail-in and virtual/online voting processes and discouragement of electioneering.

The California Elections Code definition of electioneering prohibits the visible display or audible dissemination of information that advocates for or against any candidate within 100 feet of either the entrance of a building that contains a polling place or any outside site at which a voter may cast or drop off a ballot. Prohibited electioneering information or activity includes, but is not limited to, any of the following: a display of a candidate's name, likeness, or logo; a display of a ballot measure's number, title, subject, or logo; buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information; dissemination of audible electioneering information; and obstructing access to, loitering near, or disseminating visible or audible electioneering information at ballot drop boxes.

The Election Committee shall require proof of voter eligibility of persons who are seeking to vote in the election in accordance with Section 6.1 to ensure that only eligible members of the Uptown community are permitted to vote and to ensure that eligible members of Uptown community only

vote for candidates for which they are eligible to vote in accordance with this Section 6.2.7.

Each eligible voter is permitted to vote for one candidate for the Property Owner Seat that is open for election (if any) in the Community in which they qualify as an eligible voter in accordance with Section 6.1.

Each eligible voter is permitted to vote for one candidate for the Renter Seat that is open for election (if any) in the Community in which they qualify as an eligible voter in accordance with Section 6.1.

For the avoidance of doubt, no eligible voter may vote for candidates for Property Owner Seats or Renter Seats in more than one Community.

Each eligible voter is permitted to vote for as many candidates for Business Seats as there are open Business Seats in such election.

Each eligible voter is permitted to vote for one candidate for the Non-Profit Seat if the Non-Profit Seat is open for election.

#### Section 6.2.8 Verification of Election Results.

The Election Committee with the assistance of other voting members of the UCPG, will conduct the counting of ballots and validation of the results of the election at the time of the March regular meeting of the UCPG. Interested members of the public shall be permitted to observe such counting and validation.

Result shall be determined as follows:

- (1) For each Property Owner Seat of a Community up for election, the candidate for such Property Owner garnering a plurality of the votes for the Property Owner Seat of such Community from eligible votes of such Community shall be elected to such Property Owner Seat;
- (2) For each Renter Seat of a Community up for election, the candidate for such Renter Seat garnering a plurality of the votes for the Renter Seat of such Community from eligible voters of such Community shall be elected to such Renter Seat;
- (3) The number of candidates for open Business Seats up to the number of Business Seats up for election receiving the most votes from eligible votes shall be elected to such Business Seats; provided that, in the event that this would result in more than two Business Seats being held by representatives of Business Entities within the same Community, the winning candidate with the lowest number of votes shall be deemed ineligible and the candidate with

the next lowest number of votes shall be deemed the winner (unless doing so would violate this same restriction, in which case the process of elimination continues); provided, however, in the event that the proviso in clause (3) above would result in no person being elected to one or more open Business Seats, such proviso shall not apply and the candidate with the most votes that was initially deemed ineligible pursuant to such proviso shall be deemed the winner; and

(4) The candidate for the open Non-Profit Seat (if any) receiving the most votes from eligible votes shall be elected to the Non-Profit Seat;

In case of an equal number of valid votes received for a particular designated voting member seat, the winner will be decided by a flip of a coin.

The March regular meeting of the UCPG may recess as is necessary to have a quorum to conduct business, until election results have been finalized. When the vote count is completed, the Chair of the Election Committee will announce the results at the concurrent UCPG meeting, specifying the number of votes cast and counted for each candidate, at which point the UCPG election becomes final. After announcing the results, the Chair of the Election Committee will securely preserve ballots cast for a minimum of one week, to allow time for the Chair of the UCPG to investigate any challenges in accordance with Section 6.2.9.

Section 6.2.9 Election Challenges. Any challenge to the election results must be filed with the Chair of the UCPG in writing within 24 hours of the announcement of the results at the March regular meeting of the UCPG. The Chair, who may consult with City officials in making a determination, will recommend a response to the UCPG at the April regular meeting of the UCPG and preserve any relevant evidence until that time.

Section 6.2.10 Seating of New Voting Members. At the April regular meeting of the UCPG, the first item of business after adopting the agenda will be to seat newly elected voting members in order to allow their full participation as elected members at such April meeting, unless there has been an election challenge. In the case of an election challenge, a preceding item of business will be the Chair's recommended response, which the UCPG will decide based upon a majority vote of continuing board members present. Any open voting member seat that remains unfilled following an election (whether due to an election challenge, failure to meet the waiver requirements in Section 4.2.2(2), an insufficient number of candidates or for any other reason), the UCPG may appoint additional voting members in accordance with Article V. Following the seating of

new voting members, the UCPG shall provide the City with an updated member roster in accordance with Section 2.5.

Section 6.2.11 Appointment of Large Employer Non-Voting Seats. As soon as practicable following the conclusion of each Cycle 3 general election, the the UCPG shall, by majority vote, appoint a representative of a Large Employer to each of the two Large Employer Non-Voting Seats in accordance with the appointment procedures in Section 5.3.2, each to serve a term ending upon the conclusion of the next successive Cycle 3 general election. For the avoidance of doubt, the non-voting members appointed to the Large Employer Non-Voting Seats pursuant to the first paragraph of Section 6.2.1 shall serve a term ending upon the conclusion of the first Cycle 3 general election (in 2028).

Section 6.3 General Election Timing. The UCPG will endeavor to hold general elections during the month of March each year, in accordance with the adopted elections procedures found in this Article VI. If unavoidable external circumstances out of the control of the UCPG (such as a health or weather emergency) prevent an annual election being held in March, it will be held as soon as practical after that date. All election-related deadlines specified elsewhere in these Operating Procedures (such as for candidate applications and seating of newly elected members) will adjust accordingly and term lengths will adjust so that the end-date of continuing terms will continue to be March.

## **ARTICLE VII Conduct of Meetings**

Section 7.1 Professional Conduct. The UCPG, its voting members and its non-voting members (if any) will conduct themselves reasonably and professionally and refrain from disrupting the public process as set forth on any UCPG agenda. UCPG members shall treat each other, applicants, City staff and the public with courtesy and respect at all times. Any violations of courtesy and decorum by voting members will be addressed per the adopted rules of procedure specified in Section 7.2. The Chair will rule upon any disruptions by members of the public, identified either by the Chair or in response either to a member's point of order or an objection from a member of the public. The Chair's ruling would be subject to appeal and overrule. Except in the case of extreme circumstances, such as imminent danger or damage, no one should be required to leave a meeting without first receiving a warning that identifies the conduct of concern and the possible consequence of removal. If necessary to effect a removal, to restore order, or to avoid potential danger or damage, a Chair may recess a meeting until order is restored or may adjourn the meeting early.

Section 7.2 Rules of Procedure. The UCPG shall adopt the most current revision of Robert's Rules of Order as rules of procedure, which provides a uniform means for the UCPG to facilitate its public meetings, conduct public business, and resolve disputes. As a standing rule of the body required to apply its adopted rules of procedure, the UCPG will count the votes on any motion or appeal based upon the votes of voting members who are present and voting. The Chair of the UCPG participates in UCPG discussions but shall not vote on action items unless either (i) necessary to break a tie or (ii) the Chair's vote may cause a tie. The adopted rules of procedure will not be followed if they conflict with the requirements of these Operating Procedures, the Terms & Conditions, Policy 600-24, the Brown Act or any other superseding governmental regulation. When procedural issues arise during meetings that are not clearly and completely covered by the adopted rules of procedure or any other regulation, the chair of the board or committee meeting will rule, subject to overrule based upon a motion to appeal such chair's ruling.

Section 7.3 Transparency in Operations. The UCPG will maintain transparency in its operating procedures as outlined in these Operating Procedure, the Terms & Conditions, Policy 600-24 and the Brown Act to ensure open meetings with appropriate public notice to invite community participation in UCPG meetings. This will ensure open meetings with appropriate public notice that invite community participation in the UCPG meetings. Meeting locations should provide for disability accommodations, and agendas should provide information about accommodation services such as language interpretation or signage. No member of the public will be required to identify themselves in order to participate in meetings, and anyone attending a UCPG meeting, including members of the news media, may record it. UCPG voting members will vote aloud on motions, with no secret ballots.

Section 7.4 Officers. The UCPG will elect four officers from among its board members annually at its April meeting, after new members are seated in accordance with Section 6.2.10: Chair, Vice-Chair, Secretary and Treasurer.

Section 7.4.1 Responsibilities of Officers. Elected officers will be responsible for the duties of their offices, including those listed below, obtaining voluntary assistance of other board members if and as required.

(1) Chair: As the principal officer of the UCPG, lead board meetings and maintain order per adopted rule of procedure; oversee communications (including inquiries and information sharing); establish agendas; sign official forms and correspondence authorized by the board; appoint committee Chairs, members, and community representatives, subject to approval by the board; and be the central contact for board business. Serve as the UCPG's representative at meetings of the Community

Planners Committee, unless the Chair requests that the board elect a different representative from among members of the board.

(2) Vice-Chair: Assist the Chair upon request and, when the Chair is unavailable or unable, temporarily perform the duties of the Chair. Serve as the UCPG's alternate at meetings of the Community Planners Committee, unless the Vice-Chair requests that the board elect a different alternate from among members of the board.

(3) Secretary: Develop board meeting minutes, assist the Chair in developing correspondence and operational records (such as rosters and reports), and distribute and maintain records as required, including as in accordance with Sections 2.5 and 8.2.

(4) Treasurer: Manage required banking and related financial accounts, handle receipts and disbursements, maintain an inventory of physical assets, regularly report to the board, and prepare an annual summary of transactions, assets, and liabilities in accordance with Section 7.2.

UCPG officers and representatives to the Community Planners Committee shall promptly disseminate to all UCPG members pertinent information that is received by the UCPG regarding its official business.

Section 7.5 Committees. Standing committees will consist of the Project Collaboration Committee, the Election Committee and the Community Engagement Committee. Ad hoc committees shall include any other temporary committees created by the UCPG to serve a special purpose. While committees cannot take independent actions absent approval of the UCPG board, they may vote to recommend actions for approval of the board on its consent agenda in accordance with Section 7.8.

Section 7.5.1 Project Collaboration Committee. The Project Collaboration shall be charged with collaborating with project developers and community organizations (including the City, business organizations and other community groups) to build community consensus around development and other matters relevant to the adopted Uptown Community Plan. When reviewing individual development projects, the UCPG should focus such review on conformance with the adopted Uptown Community Plan.

Section 7.5.2 Election Committee. The Election Committee shall have the duties and obligations as set forth in the other provisions of these Operating Procedures. The Election Committee shall use reasonable efforts to coordinate its efforts with the efforts of the Community Engagement Community to ensure that Uptown community members engaged by the Community Engagement Community are aware of the opportunity to become a candidate for the UCPG board.



Section 7.5.3 Community Engagement Committee. The Community Engagement Committee: shall be charged with publicizing the work of the UCPG to the Uptown community and involving the Uptown community in its work, including proposed changes to the adopted Uptown Community Plan, the discussion and implementation of the adopted Uptown Community Plan, engaging with members of the Uptown community (including individuals and community groups) about matters relevant to the adopted Uptown Community Plan, including matters related to any LGBTQ+ cultural and entertainment district and historic district(s) that may be incorporated into the adopted Uptown Community Plan, mobility within and around the Uptown Boundaries, and the City's Climate Action Plan as it relates to the Uptown Community Plan. The Community Engagement Committee shall also have the responsibilities set forth in Section 3.2.

It is the intent of the UCPG to cultivate interest in UCPG meetings and to encourage diversity by reaching out through various community or neighborhood groups or events. UCPG members are encouraged to invite Uptown community members to attend. An outreach plan is to be developed and maintained by the Community Engagement Committee who will collect statistics on outreach efforts and alignment to demographics of the Uptown neighborhoods

Section 6.5.1 Committee Procedures. The Chair of the UCPG nominates Chairs of all committees annually, subject to approval of the UCPG. With regard to proceedings of their committees, Chairs will have responsibilities and follow rules of procedure that apply to the Chair of the board of UCPG pursuant to Sections 7.2 and 7.4.1 and follow requirements for public noticing in accordance with Section 7.7. Committee Chairs will schedule meetings at their own discretion or whenever the UCPG board votes that the committee should address an agenda item or matter of community concern in order to make a recommendation to the board. Every voting member of the UCPG is encouraged to volunteer to serve as a voting member on at least two committees, and all committees must have at least two voting members. In the absence of sufficient volunteers, the Chair of the UCPG will appoint board members to serve as voting members on committees. Committee Chairs will accept all volunteer board members as voting members of their committees, unless doing so would result in the membership of the committee exceeding the quorum of the full board, in which case the Committee Chair would limit membership.

Chairs of standing committees may appoint individuals who are not voting members of the board to serve as non-voting members of their committees, subject to approval of the UCPG board and completion of training required by the City in accordance with Section 8.4. Committees may meet in joint session if the number of voting members in attendance

does not meet a quorum of the full board and if voting on recommendations to the board is done separately by each committee.

## Section 7.6 Types of Board Meetings.

Section 7.6.1 Regular Meetings. The UCPG will hold regular public meetings of its board monthly. Meetings will be on the first Tuesday of each month or as soon as practicable thereafter, based upon availability of appropriate meetings location throughout the Community Boundaries. UCPG meetings will be held in-person within the Uptown Boundaries or they may be held in hybrid or other formats, in accordance with Council Policy 600-24 and the Brown Act.

Section 7.6.2 Special Meetings. The UCPG will hold special meetings of its board when either the Chair or a vote of the UCPG identifies a special purpose or topic of community concern that requires quick action or may require more time than would reasonably be expected to allow a regular meeting and its business to be conducted within a reasonable period of time. The UCPG may not schedule emergency meetings.

Section 7.7 Public Notice of Meetings. The UCPG will provide a minimum of 72-hour notice of agendas for all regular board meetings and standing committee meetings. The UCPG will provide minimum 24-hour notice for agendas of all special board meetings and ad hoc committee meetings. In compliance with the Brown Act, agendas will be posted both on the UCPG website and in written form visible 24/7 at the physical location of the meeting, except in the case of ad hoc meetings. If a meeting is canceled in advance or is adjourned or ended before completing the agenda in accordance with Section 7.8, public notice of adjournment will be posted as soon as possible and no more than 24 hours after the meeting date. The notice will identify the next meeting date.

## Section 7.8 Meeting Agendas.

Section 7.8.1 Regular Meeting Agendas. Agendas for regular UCPG board meetings will include, at minimum the following elements:

- (1) Meeting date, start and adjournment time, location, and contact information for questions about the meeting.;
- (2) Parliamentary items, including procedural announcements; roll call and confirmation of quorum; agenda approval or modifications; approval or modification of previous meeting minutes; treasurer's report; reports from related advisory committees; Community Planners Committee report; and chair's report;
- (3) Non-agenda public comment on issues within the scope of the UCPG but not on the agenda. Both members of the public and board members

may speak. Board members may ask speakers brief factual or clarifying questions but should not engage in dialog;

(4) Representative comments, by or on behalf of elected officials, agencies, and institutions;

(5) Information items: announcements, reports, or brief presentations on topics of interest to the community. The board may not take action on items categorized as information items, except after request for and board approval of that change;

(6) Consent items: Projects or other approvals assumed to be non-controversial and also any recommendations of committees, which will automatically be identified as consent items. Consent items may be voted upon immediately, though a brief summary presentation of each item and limited discussion may be allowed;

(7) Action items: Documents, reports, or presentations for discussion and possible action.

(8) Administrative items, including reports from committee chairs and announcing or setting committee meeting dates and agenda items, but not including substantive actions.

(9) Request for future agenda items, which will automatically include any items continued from the current agenda;

(10) Confirmation of date of next regular board meeting; and

(11) Adjournment.

Section 7.8.2 Special Meeting Agendas. Special board meeting agendas will address only a single topic, which may be a recommendation of a committee. The agenda should not include any parliamentary or administrative items and need not include either non-agenda public comment or representative comments.

Section 7.8.3 Committee Meeting Agendas. Committee meeting agendas will include all agenda items required for board meetings that are relevant to the work of the committee, including time for non-agenda public comment on issues within the scope of the committee.

Section 7.8.4 Agenda Modifications. At any time during both board and committee meetings, modifications may be requested to the order or categorization of agenda items. Modification requests, including continuing an item to a future meeting, must be made by voting members and are subject to a vote of approval, except in the case of re-categorizing a consent item to an action item, which will be automatic upon request by either a member of the public or a member of the board. Additions only should be made in limited circumstances when there is not an ability to properly notice an item that requires attention before the next regular board meeting. Such additions require approval of two thirds majority of all voting members; if fewer than two-thirds of voting members are present, then the agreement of all voting members present is required for approval.

Section 7.8.4 Agendas Generally. Written descriptions of agenda items, though typically 20 words or less, should summarize a specific topic, proposal, project, and/or potential outcome clearly and provide essential identifying details. While supporting materials may be included with the agenda on the UCPG website, those also may be made available only at the meeting, either as digital files available on the UCPG website, physical copies of documents, slide shows, or other forms of presentation.

Agendas may include estimated approximate times for addressing items on the agenda but not times certain. Agendas also may indicate anticipated procedural requirements, such as time limits per speaker or orderly division of discussion among presenters, members of the public, and members of the board. However, the Chair, subject to override by the board or committee, may modify procedural requirements during the meeting as appropriate and in an equitable manner, based upon the time available, the number of items on the agenda, and the number of potential speakers.

## Section 7.9 Quorum; Meeting Deliberations and Decision-Making.

Section 7.9.1 Quorum. At both board and committee meetings of the UCPG, a quorum will consist of more than half of voting members. Absent a quorum, no business can be conducted. If a quorum is not present after 15 minutes of the stated meeting start time or later, the Chair may adjourn the meeting.

Section 7.9.1 Meeting Deliberations and Decision-Making. At both board and committee meetings of the UCPG, all voting members in attendance at the UCPG board and committee meetings are required to vote to approve or disapprove all motions, unless they either recuse or abstain. A majority of votes will consist of more than half of all voting members present and voting. All motions will pass by majority vote unless a larger proportion either of voting members in attendance or of all voting members is stipulated in these Operating Procedures or in the adopted rules of procedure.

In the case of committee meetings, voting members will be only those members approved as appointed to the committee. Although other board members may not vote on committee motions, they may participate, unless the number of voting board members attending a committee meeting meets or exceeds a quorum of the entire board.

Votes to approve a community plan update or a community plan amendment require a majority vote of the voting members of the UCPG.

Section 7.10 Minutes and Approved Actions. Minutes for UCPG board meetings (both regular and special board meetings) will include, at minimum the following elements:

- (1) Times of start and adjournment.;
- (2) Attendance of members, indicating time of absences from any part of the meeting;
- (3) Substantive rulings by the Chair;
- (4) Names of speakers, including during non-agenda public comment (unless a speaker declines to give their name), and a brief summary of topics and opinions expressed;
- (5) Brief summaries of any new information reported;
- (6) Decisions, including regarding agenda changes or requests; procedural;
- (6) Stated reasons for recusals and abstentions; and
- (6) Attachments or links for all materials or presentations shared at the meeting and not already included with the agenda as supporting materials, except those provided at times of non agenda public comment or representative comments.

Draft minutes of regular and special board meetings will be posted on the UCPG website no later than 24 hours before the following regular board meeting, unless special circumstances warrant delay. If the board withholds approval of minutes because it decides that they request extensive revision, approval of final minutes may be delayed until the next regular board meeting. After draft minutes are revised as requested by the board, they will be marked final with the approval date shown. Final minutes will be posted on the UCPG website within two weeks of approval.

Minutes of committee meetings are not required. Actions of committees will be documented by means of oral or written reports provided by the Chairs of committees at regular board meetings of the UCPG and documented in board meeting minutes.

## **ARTICLE VIII AdditionalUCPG Responsibilities**

Section 8.1 Commitment to Non-Discriminatory Practices. The UCPG, in conducting its responsibilities, will not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, gender expression, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability.

Section 8.2 Records Retention. The UCPG will maintain its official records, including its rosters, annual reports, meeting agendas, and meeting minutes, for a

minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request within 10 days of written request therefor.

Section 8.3 Ethical Standards. Each voting member of the UCPG shall act at all times in a manner consistent with the provisions of this Section 8.3 during the entirety of their service as a voting member.

Section 8.3.1 Conflicts of Interest. UCPG voting members with a potential conflict of interest should recuse themselves from participation (including discussion) in, and voting on, a recommendation if they have a direct economic interest. A direct economic interest includes, but is not limited to, investments in or positions with a business entity, interest in real property, source of income, source of gifts, and personal finances. The presence of any voting member that recuses themselves from a vote shall not be counted towards quorum for that item or in the vote threshold calculation for that item.

If a conflict of interest that would be grounds for recusal of a voting member with respect to a particular item under the terms of this Section 8.3 is suspected by another voting member of the UCPG, but it is not recognized or acknowledged by the member and the member does not recuse themselves with respect to such item, the UCPG may call for a vote about whether to determine whether the member should recuse and whether the UCPG should discount the members participation and vote on such item. Any such vote should be taken prior to the discussion of the applicable item and approved by a two-thirds majority of the voting members of the UCPG; provided that if fewer than two-thirds of voting members are present, then all voting members present must approve any forced recusal. If the member still refuses to recuse, the UCPG should make it part of the public record that a vote of the UCPG considered the member ineligible to participate. The participation of the member shall be deemed void and the vote of the member shall not be counted towards the UCPG's recommendation on that item. The refusal by a member to recuse from the UCPG discussion and vote may result in discipline of the member under Policy 600-24.

Section 8.3.2 Exceptions to Conflicts of Interest. Exceptions to conflicts of interest may be granted by the UCPG board to a UCPG voting member who can show that the decision will not have an effect (whether positive or negative) on their economic interest.

Section 8.3.3 Abstentions for Potential Conflicts of Interest. A UCPG voting member should voluntarily choose to abstain from voting when that voting member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, cast

doubt on that voting member's ability to make a fair decision, or a where that voting member lacks sufficient information upon which to cast a vote. As soon as a voting member decides to abstain, that member should stop participating in discussion of the item. The UCPG's record of the vote on the item with respect to which such voting member abstained pursuant to this Section 8.3.3 will reflect an abstaining voting member in the vote and they are still counted in a community planning group quorum for that item, regardless of the point in time they declare their abstention. Discomfort in publicly disclosing their position on a matter is not sufficient reason to abstain for the purposes of this Section 8.3.3. At the time of the vote, a member shall disclose their reason for abstaining pursuant to this Section 8.3.3.

Section 8.3.4 Political Actions. Neither the UCPG nor voting members in their capacity as such may use their title from or position on the UCPG for political endorsements of individuals. The UCPG may, however, upon majority vote, take a position on pending legislation that is within the UCPG's purview.

Section 8.3.5 Donations. Neither the UCPG nor its voting members should accept donations on behalf of any individual running for public office. All financial contributions to the UCPG must be voluntary, with no mandatory membership dues or meeting attendance fees. Who does and does not contribute to the UCPG shall not influence any decision or action of the UCPG.

Section 8.3.6 Equal Time for Candidates or Ballot Measures. The UCPG will endeavor to grant equal time for candidates or ballot measures if docketed on the UCPG agenda. Equal time does not apply to individuals speaking during non-agenda public comment.

Section 8.4 Voting Member Training. The UCPG will require all UCPG voting members to complete the formal education program in- person or on-line offered by the City.

The UCPG will require voting members to complete the training each year within 60 days of being initially elected or appointed to the UCPG, and by no later than June 1st of each succeeding year for as long as the voting member is serving or re-elected.

Evidence of completion of annual training shall be part of the UCPG's official records. Failure of voting members to complete the specified training each year within the applicable period of time set forth above in this Section 8.4 shall make the member ineligible to serve immediately upon the expiration of such period of time.

In addition, each voting member shall be responsible for familiarizing themselves with, abiding by, the provisions of these Operating Procedures and of the rules of procedure adopted pursuant to Section 7.2.

Section 8.5 Collaboration with City Staff. UCPG voting members will collaborate with the City on an ongoing basis and as requested by the City to increase the UCPG voting members' understanding of the role and responsibilities of the UCPG.

## **ARTICLE IX UCPG Rights and Liabilities**

Section 9.1 Indemnification. Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the UCPG or its individual voting members, acting in their capacity to the City, under the specified terms set forth in San Diego Ordinance No. O-19883 NS, adopted July 28, 2009, titled "An Ordinance Providing for Defense and Indemnification of Community Planning Groups," (Ordinance), which may be amended from time to time. Defense and indemnification cover any claim or action of civil wrongdoing against the UCPG or its duly elected or appointed voting members resulting from their obligations to advise and assist the City and its agencies with land use matters as specified herein, so long as their conduct was in conformance with Policy 600-24 and these Operating Procedures, all of the findings specified in the Ordinance can be made, and the rights to defense and indemnification are consistent with state law. The right to defense and indemnification do not apply to allegations of criminal wrongdoing, including alleged criminal violation of the Brown Act.

When the UCPG or one of its individual voting members is found to be out of compliance with the provisions of Policy 600-24, or with these Operating Procedures, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.

Section 9.2 Violations and Remedies Related to Provisions Citing the Brown Act. Pursuant to provisions required by the Brown Act, including civil remedies (California Government Code sections 54960 through 54960.5) and criminal penalties (Government Code section 54959) for violation of the provisions, the UCPG will ensure good faith, voluntary compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void UCPG actions. Individual voting members of the UCPG, as well as the group as a whole, could be subject to civil remedies. Civil remedies may include relief to prevent or stop future or ongoing violations of the Brown Act, or to void past actions of the UCPG, and may in some cases include payment of court costs and attorney's fees.

Individual voting members of the UCPG may also potentially face criminal misdemeanor charges for attending a meeting where action is taken in



violation of the Brown Act, if the voting member intended to deprive the public of information to which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions. The UCPG, or any of its individual voting members, may seek assistance, as well as training, from the City to better understand, implement, and comply with the Brown Act.

Any member of the public may refer alleged violations of the Brown Act by the UCPG to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney's Criminal Division. The UCPG, or any of its individual voting members, accused of criminal violations of the Brown Act does not have the right to legal protection or representation under the Terms and Conditions or San Diego Ordinance O-19883.

Section 9.3 Violations of Membership Eligibility. Any UCPG voting member who violates membership eligibility as defined in Section 4.2, may be removed by the remaining UCPG voting members as outlined in Section 5.2

Section 9.3.1 Removal of Ineligible Voting Members. Voting members of the UCPG may be removed from their position as voting members of the UCPG on any of the following bases: (1) ineligibility as detailed in Section 4.2, (2) death, (3) incarceration causing such person to be unable to attend meetings, (4) certified mental incompetence, (5) breach of ethical standards applicable to voting members as set forth in Section 8.3, (6) conflicts of interest in accordance with Section 9.6, (7) repeated and extreme violations of professional conduct standards as set forth in as identified in Section 7.1, or (8) other grave, repeated and documented violation by such voting member of provisions of these Operating Procedures applicable to voting members. Claims of grounds for removal from any source should be addressed to the Chair, who will assemble supporting documentation and then include possible removal as an action item on the publicly noticed agenda for the next regular board meeting of the UCPG, which shall be the means of providing notice to the member whose removal will be considered.

The final decision regarding removal will be by majority vote of voting board members present at the board meeting, including the member being considered for removal, if present. The decision must be based on and supported factual findings of the UCPG addressing the specific grounds for removal, which shall be reflected in reasonable detail in the minutes for such meeting.

Section 9.4 Violations and Remedies.

If the UCPG violates these Operating Procedures , it may forfeit its status as a recognized CPG and lose its right to indemnification and defense by

the City. A UCPG voting member and the UCPG itself risks loss of defense and indemnification pursuant to current San Diego ordinances and any future amendments.

In the case of an alleged violation of these Operating Procedures by a UCPG voting member, the UCPG will conduct an investigation consistent with Policy 600-24.

In the case of an alleged violation of Policy 600-24, the violation will be forwarded in writing to the City for review by the Mayor or their Designee. The UCPG will respond to the City in a dialogue to determine the validity of the complaint and to seek resolution of the issue or dispute.

The UCPG acknowledges that if the Mayor or their Designee is unable to resolve a dispute or determines that there has been a violation, the Mayor or their Designee may seek to resolve the dispute or violation informally, with the cooperation of the UCPG, or may recommend to the City Council that the UCPG's recognition be revoked.

The UCPG acknowledges that if the City Council determines through a recommendation from the Mayor or their Designee that the UCPG has violated these Operating Procedures or Policy 600-24 and the UCPG has failed to take corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke the UCPG's recognition under this Policy. The City Council may also prescribe conditions under which official recognition of the UCPG may be reinstated.

Section 9.5 Disciplinary Actions of Individual Voting Members in Violation of these Operating Procedures. The UCPG acknowledges that any of its voting members found to be in violation of these Operating Procedures shall only be disciplined or removed by the UCPG at a scheduled UCPG meeting. This discipline or removal will be advertised on the agenda as an action item and the investigation or complaint will be reported to the City within 60 days of the allegation so as to ensure a fair and public process.

Section 9.6 Potential Conflicts of Interest. UCPG voting members found to have a conflict of interest who did not recuse from a vote may be subject to disciplinary action by the officers of the UCPG, which may include expulsion from the UCPG. The UCPG will report in writing instances of disciplinary action to the City within 60 days of any allegation.

Section 9.7 Violations and Remedies for Quorum and Attendance Requirements. If the UCPG is unable to meet quorum and attendance requirements for three consecutive months, then City may place the UCPG in a temporary inactive status, to allow the UCPG to work through its membership issues to return to active status. If the UCPG remains unable to meet quorum and attendance requirements for six consecutive months, then the Mayor or

their Designee may recommend to the City Council that the UCPG's recognition be revoked.

Section 9.8 Violations of City Requests for Input. The UCPG acknowledges that a consistent failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to the General Plan or a community, precise, or specific plans may result in revocation of recognition as referenced in Policy 600-24. Consistent failure to provide input on private development applications or public infrastructure projects may result in revocation of recognition. Further, that such a determination resulting in the forfeiture of rights to represent its community for these purposes will be made by the Council upon the recommendation of the Mayor or his/her Designee.

#### **ARTICLE X Collective Action of the UCPG.**

The official positions and opinions of the UCPG will not be established or determined by any organization other than the recognized UCPG, nor by any individual voting member or subcommittee of the UCPG.

#### **ARTICLE XI Term of Operating Procedures; Amendments**

Section 11.1 Term. These Operating Procedures will be effective in perpetuity of the life of the UCPG unless recognition of the UCPG is revoked by the City as described in Section 8.4 or these Operating Procedures are updated to be consistent with Policy 600-24 as it may be amended.

Section 11.2 Amendments. These Operating Procedures shall be amended only by a two-thirds vote of the voting members of the UCPG and with prior approval of the City.

#### **Attachments:**

Exhibit A: Uptown Community Planning Group Boundary & Communities Map

Exhibit B: Community Participation and Representation Plan

## EXHIBIT A

### UPTOWN COMMUNITY PLANNING GROUP BOUNDARY & COMMUNITIES MAP



## **EXHIBIT B**

### **COMMUNITY PARTICIPATION AND REPRESENTATION PLAN**

See attached.<sup>1</sup>

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<sup>1</sup> Note: The UCPG Community Participation and Representation Plan that is submitted with these Operating Procedures will be attached here once approved.