CITY OF SAN DIEGO

ADMINISTRATIVE GUIDELINES

FOR IMPLEMENTATION OF COUNCIL POLICY 600-24:

Standard Operating Procedures and

Responsibilities of Recognized Community Planning Groups

Approved July 1991
Amended May 2001
Amended April 2006
Amended April 2010
Amended September 2015

The Administrative Guidelines are a companion document to Council Policy 600-24. They expand upon and explain provisions in Council Policy 600-24. They do not replace a community planning group's reliance upon Council Policy 600-24 and their adopted bylaws as their primary source documents.

The Administrative Guidelines were first prepared in July 1991 to address several topics contained within Council Policy 600-24. Since then, they were revised in 2001, 2006 and 2010 following major amendments to Council Policy 600-24. In 2006, the Administrative Guidelines were revised to address each Article and Section of Council Policy 600-24.

Notes about document formatting:

- Article titles used in this document are consistent with those in Council Policy 600-24.
- Except in Article IX, Sections in Council Policy 600-24 do not have titles; Section titles are inserted throughout this document to assist in finding topics.
- Where there is a difference in Section numbering between Council Policy 600-24 and the Bylaws Shell, it is so noted in brackets following the Section number.
- Council Policy 600-24 will be abbreviated throughout this document to CP 600-24.

Reviewed and Approved by the Planning Department, City Attorney's Office and CPC Chair on September 10, 2015

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ATTACHMENTS

BACKGROUND

The BACKGROUND Section of Council Policy 600-24 (abbreviated to CP 600-24 throughout this document) describes the scope of authority of planning groups as primarily making recommendations to the City on land use matters within the recognized area of jurisdiction for each community planning group. This includes advising on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community plan. The 2008 General Plan covers more subject matter of interest to communities and has therefore expanded into some topics for community planning groups' consideration that were not formerly within the identified scope.

In 2006, the City Attorney determined that even though they are self-electing, self-managed organizations, because community planning groups are established by and for the purpose of advising the City Council – a legislative body - they are subject to the California Open Meeting (Brown Act) State Law and as a result, to certain public records availability as discussed in the Brown Act. To identify which provisions in community planning groups' bylaws are not only CP 600-24 provisions but must be carried out in accordance with the Brown Act, these sections or sentences start with, "In accordance with the Brown Act Section... ". Those identified CP 600-24 sections not only require Brown Act compliance, but some violations of them may carry civil or criminal penalties per the Act.

This section emphasizes that in order to retain the City Council's recognition of a community planning group as the official voice of the community, the group must adhere to its bylaws and CP 600-24.

This section indicates that deviations from standardized language in community planning groups' bylaws are allowed if those deviations are approved by the City Council. See the POLICY discussion below.

PURPOSE

The PURPOSE section states why CP 600-24 policy exists: to identify responsibilities of, and establish minimum operating procedures governing, community planning groups. It also clarifies that CP 600-24 provisions apply to the members of the community planning group who are the "12 – 20 members" identified in Article III and not to the community-at-large or a "general membership" that may be established to pre-screen 'eligible members of the community' for voting purposes or for identifying individuals who may want to become candidates for community planning group seats. In 2007, CP 600-24 references to general memberships were removed because there was confusion about whether those general memberships were subject to the Council Policy. CP 600-24 was revised to clarify that it only applied to those community planning group members who were elected [or appointed per CP 600-24 and community planning group bylaws] to the 12-20 membership seats referred to in CP 600-24.

POLICY

This section of CP 600-24 discusses the requirement for community planning groups to create and operate within bylaws that are consistent with CP 600-24. The section explains that the Bylaws

Shell appended to CP 600-24 has some provisions that have been standardized for all community planning groups. In addition, the Bylaws Shell is set up to allow selection of certain options within specific topic areas, e.g., establishment of representative membership categories or the number of planning seats between 12 and 20 members. Community planning group bylaws must remain in conformance with CP 600-24 in order for groups to maintain their official recognition by the City.

CP 600-24 requires that any community planning group that is a corporation must maintain its corporate bylaws separate from its group bylaws. There are a number of provisions typically included in corporate bylaws that may be contrary to CP 600-24. Examples include: proxy voting, holding meetings outside the jurisdictional boundary, financial policies, voting by a membership beyond the elected board, and the use of secret ballots. Any community planning group that intends to become a corporation should discuss its intent with the City Attorney's office and Planning staff before starting the legal process of establishing a corporation. Corporate status is not encouraged for any community planning group.

Proposed amendments to adopted community planning group bylaws may be submitted to the City for review after a successful 2/3 vote of the elected members of the community planning group. Bylaws amendments do not go into effect and may not be used by a community planning group until the City has approved the revised bylaws and notified the group of the effective date of the amendment. For a description of the bylaws approval process, refer to Article II, Section 7 of these Administrative Guidelines. Community planning groups must operate within their adopted bylaws in order to maintain official recognition from the City Council.

The CP 600-24 Guidelines are intended to explain and elaborate upon CP 600-24 and give community planning groups additional guidance on how to operate in conformance with this Policy and the Brown Act. City staff is assigned to prepare and maintain the Administrative Guidelines working in consultation with the City Attorney's Office and the Community Planners Committee (CPC). Where CP 600-24, adopted bylaws, and Administrative Guidelines do not address a procedural area of concern, this Policy refers community planning groups to the latest version of Robert's Rules of Order (Robert's Rules). Assigned community planners should also be consulted. When community planning groups seek guidance outside CP 600-24 and adopted bylaws on the same issue, Planning staff will consider an amendment to the Policy to better address the needs of all groups.

This section of CP 600-24 clarifies that in addition to community planning groups having options within certain sections of their bylaws to address their community needs, the City Council may allow a 'deviation' from the standard language if it can be demonstrated that a variation better suits a community's operations. A community planning group may request a bylaws amendment to meet this need.

Newly-stated in CP 600-24 is an obligation for the City to affirmatively state when amending CP 600-24 whether bylaw amendments are required of the community planning groups or not. This is because some CP 600-24 amendments may not cause any operational issue for a community planning group because it is general guidance or statement of intent. If no bylaws amendments are required, the community planning groups may continue to use their adopted bylaws even if the City Council adopts a generally applicable amendment to CP 600-24.

However, some generally-applicable amendments translate into specific provisions that add value when incorporated into community planning group bylaws. Potential conflicts were not comprehensively addressed in the past, especially prior to the development of the Bylaws Shell in 2007. It may be that the amendment is significant enough that City staff will work with all community planning groups to amend their bylaws to incorporate the provision. Alternatively, it may be that the amendments will be left for the individual groups to amend into their bylaws with the next community planning group-initiated amendment. Appendix A will provide, starting with the 2014 amendments to CP 600-24, a list of amendments to CP 600-24 and the Bylaws Shell identifying which changes must be made to community planning groups' adopted bylaws.

Additionally, an amendment to CP 600-24 that causes a conflict with a City Council-approved deviation for an individual group will be discussed between staff and the group during the processing of the proposed CP 600-24 amendment. Any group's conflicts should be identified and evaluated on a case-by-case basis to determine whether the generally-applicable amendment should override the group's previous Council-approved deviation. If so, the group's bylaws should be amended to remove this conflict. In order to give early direction to staff and community planning groups on which new provisions may or may not be deviated from, the City Council will be made aware of all substantive provisions and which of those provisions groups currently have deviations from so the City Council can direct where deviations may remain and where they must be reconciled with the newly-added or revised CP 600-24 provisions.

CP 600-24 states that the City shall indemnify, and the City Attorney shall defend, community planning groups and group members, subcommittee members, or former members thereof who operate in conformance with City Council Ordinance No. O-19883 NS, "An Ordinance Providing for Defense and Indemnification of Community Planning Groups". Community planning group indemnification is further addressed in Article IX, Section 1 of CP 600-24 and these Administrative Guidelines.

As stated above, community planning groups must operate in conformance with California's Open Meeting Law, the Ralph M. Brown Act, which is part of the California Government Code. Community planning groups must ensure that all group meetings are open to the public and adhere to the procedural requirements of the Brown Act.

ARTICLE I Name

Article I of CP 600-24 addresses the official name of, the activities of, the boundaries of, and the official positions that may be taken by, a planning group.

Section 1. Official Name

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

The descriptor in the official name of a community planning group varies from group to group. For example, using the community "planning group", "planning committee", "community council", "advisory committee", or "planning board" is acceptable. The official name is the one approved by the City Council.

A community planning group name change will require a bylaws amendment, while a community plan name change will require a Community/General Plan amendment. A community planning group may seek to change its official name when it believes a different name better represents the character of a community. The best time for a name change is during a community plan update, when there is focus on significant changes being made to community identifiers.

Note that a community planning group name change, if approved, may be inconsistent in printed documents with the revised community name until the next Community/General Plan amendment, even though the new community planning group name may be used after being amended into adopted bylaws.

Section 2. Activities

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

When expressing opinions on matters outside the community planning group's responsibilities, individual group members should not identify themselves as members of the group, unless it is to qualify that they do not represent the group. Misrepresenting the community planning group in any way can jeopardize an individual's eligibility for legal defense and indemnification pursuant to the "Ordinance Providing for Defense and Indemnification of Community Planning Groups" (O-19883 NS).

Some community planning groups have also established themselves as corporations. This is not encouraged since there are conflicts between laws governing corporations and CP 600-24 and the Brown Act. Community planning groups that are also corporations should not convene as both organizations concurrently in the same meeting. Separate meetings are encouraged. At minimum, utilize the City Council Members' model of convening as the City Council or the Housing Authority; conduct business; then adjourn as the Council and reconvene as the Housing Authority. A community planning group could mimic this procedure and adjourn the group meeting and subsequently convene as the corporation, observing the separate business meeting requirements. Activities conducted during a community planning group portion of the meeting should only be those activities authorized by adopted bylaws and CP 600-24.

Section 3. Boundaries

Section 3 states that the boundary for a recognized community planning group is based on the boundary of the applicable adopted community plan. Community planning group meetings must meet within the boundaries of the community plan area. When there is no meeting facility within the community plan boundary, the group should attempt to find a facility as close as possible to the central population or business center of the plan area. Planning staff or a City Council office may be able to provide assistance.

CP 600-24 does not advise as to when, or if, a community plan boundary should or could be changed. Because community boundaries are usually long-established and based on geographic or historical factors, community planning group boundary changes generally occur with a community plan update or amendment.

However, there are several reasons why a community planning group's area of authority may be changed without a plan boundary change: if an adjacent planning area does not have a recognized community planning group but has development activity for which the City would like citizen review or if an adjacent community planning group cannot retain minimum membership to operate in compliance with CP 600-24 but that community's members still wish to be active in matters within the responsibility of community planning groups. These types of changes may cause a change to a community planning group's "Attachment A" map showing the area of authority as well as member categories on a permanent or temporary basis. These situations do not cause a change in the boundary of an adopted land use plan.

Section 4. Official Positions

Section 4 protects a community planning group's duty to represent a community but also preserves the rights of members to express their personal views on issues of interest to them. Some community planning groups designate one member, such as the group chair or other officer to officially represent the group on all matters. Other community planning groups designate various members, such as subcommittee chairs or others with particular subject matter expertise, to represent the group on specific issues. Community planning groups may want to adopt bylaws provisions to outline who and how a member may represent the group.

In some cases a community planning group may want to take advantage of the expertise of an individual associated with the group but not a member at that time. For example, the individual was on the group as a representative to an external task force for a year and gained expertise; then the member left the group but the task force continues or was reconstituted. The community planning group may want to take advantage of the accumulated knowledge of the past member and have the individual continue as the group's representative. For this situation, the community planning group should take a specific action to authorize that former member to represent it, and to direct the individual about the breadth of authority the individual has to represent the group's positions, or how the individual is to report back to the group on the task force's work or actions. There should be consideration of whether the desired individual has been a prior member: a prior member would have gone through training for indemnification and understand the importance of operating within the community planning group's bylaws and CP 600-24. For example, a former member would understand that expressing political positions on candidates, or being discriminatory while representing the group would be problematic for the community planning

group they are representing.

When expressing opinions on matters within the assigned responsibilities of the community planning group, individual group members expressing personal positions on these same matters must explicitly differentiate their opinion from the position of the group and state for the record that they are not speaking for the entire group. Failure to express this qualification can jeopardize eligibility for legal defense and indemnification under the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19883 NS).

When a community planning group chair, or other authorized representative, is expressing a group's voted-upon position for an item that came before the group, the chair or representative must be able to explain the reason for the vote and why any dissenting votes were recorded. Decision-makers may want to understand the group's position beyond just the numbers of that particular vote. It is logical for a chair or representative to be able to convey the discussion that occurred at the group meeting, and may even include a history of positions on similar issues. Since it is presumed that a chair or representative has permission to represent the group's perspective to decision-makers, if the individual is limited in what they can present, the group vote on the item should include any specific instruction about representing the position in front of a decision-maker.

See also Article VII, Section 2 regarding an appeal of a discretionary decision by someone other than the community planning group chair.

See Article II, Section 5 regarding community planning group positions on ballot measures or political candidates.

ARTICLE II Purpose of Community Planning Groups and General Provisions

Article II details how community planning groups make recommendations on land use matters, review proposed development projects, solicit review assistance from the City, amend their bylaws, and it addresses the limits on groups' political activity.

Section 1. Recommendations on Land Use Matters

Section 1 affirms that the role of community planning groups is to advise the City on land use matters and policies, as requested by the City. It indicates that there are a variety of areas in which the City Council or other governmental agency may elicit input from the community planning groups and specifically calls out all elements of the General Plan and the adopted community plans as advisory areas. It also recognizes that there are other Council Policies, e.g., CP 000-32 or CP 600-33, that may identify a role for community planning groups beyond those originally established in CP 600-24.

Section 2. Review of Individual Development Projects

Section 2 discusses the role of community planning groups in the review of proposed development projects, and recommends timing for input on discretionary projects and environmental documents.

The roles of the Development Services Department, individual development project applicants, and community planning groups are set forth in Information Bulletin 620 at: http://www.sandiego.gov/development-services/industry/infobulletinsnumb.shtml, entitled "Coordination of Project Management with Community Planning Committees".

See discussion in this document, Article VI. 2(a)7, for a full description of the various stages of a community planning group's review of a development project.

Section 3. City Assistance to Community Planning Groups

Section 3 states that community planning groups who operate in compliance with CP 600-24 may be provided with assistance through the Mayor's Office. Staff assigned to work with community planning groups are part of Mayor's staff and are the primary points of contact at the City regarding community planning group operations. Staff advises community planning groups on policy matters, amendments to bylaws, CP 600-24 and Brown Act interpretations, and general operating issues, requesting City Attorney assistance as necessary. In addition, Planning staff attend community planning group meetings periodically. Community planning groups should contact their assigned community planner with any inquiries or questions related to the above. Specific questions regarding development projects should be directed to the Development Services Department. City contact information is given for each City project distributed to a community planning group.

Section 4. Non-Discrimination

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

orientation, or physical or mental disability. Community planning group meeting facilities must be accessible to persons with disabilities.

Section 5. Elections and Ballot Measure Positions

Section 5 addresses how community planning groups maintain independence as elected, non-partisan, advisors to the City on local land use matters. Community planning groups should not endorse activities unrelated to land use policy or implementation, or not within other areas of responsibility identified for groups.

CP 600-24 does not prohibit a community planning group member from running for elective office or from participating in political activities of their choosing. Community planning group members running for elective office are prohibited from portraying what could be interpreted as a group endorsement on any election materials. However, candidates have often expressed belief that service on a community planning group contributes towards their qualifications for public elective office and such service, past or present, may be portrayed on any election materials. If a community planning group member is serving on a group and running for elective office, election materials portraying such service should clearly state that the group has not endorsed the member.

If community planning group members individually endorse candidates for elective public office they may not identify their affiliation with the group when making the endorsement. "Candidate" means any candidate for public office on the election ballot within the City of San Diego.

A community planning group as a whole may not endorse candidates for elective public office. The City Clerk regularly informs all candidates for public office within the City of San Diego about the responsibilities of community planning groups to refrain from endorsing them. A candidate may nevertheless ask to make an election speech to a community planning group. Community planning groups may accept invitations, but should not actively seek out, presentations by candidates for any elective public office. If candidates for any public office seek to address a community planning group, the group should invite all candidates for that position to address the group at the same meeting.

It is acknowledged that a candidate appearing at a community planning group meeting to address the group under public comment for 3 minutes would not be prohibited from doing so. Other candidates for the same office should be allowed to appear as well.

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

Section 6. Forfeiture of Rights

While community planning groups are included as an integral part of the development project review process, there are established time frames within which any reviewer, including the group, must respond with their comments. Community planning groups should endeavor to work within established timeframes. Development Services has indicated a willingness to work

cooperatively with community planning groups and may grant extensions of review periods, on a limited basis, to groups who are working diligently to complete their review but are dealing with a need for critical information or group meetings that do not coincide with the project schedule. However, if a community planning group consistently fails to respond to the City's request for group input on land use plan processes or fails to review and reply to the City regarding development projects, they may forfeit their rights to represent the community. This determination would be processed under Article IX of CP 600-24 and the decision would be made only by the City Council based on recommendations by the Mayor's Office.

Section 7. Amendments to Bylaws

Section 7 states that any amendments proposed to adopted bylaws do not go into effect until they are reviewed and approved by the City. Proposed amendments to adopted community planning group bylaws may be submitted to the City for review after a 2/3 vote of the voting members of the planning group. Following receipt of a bylaws amendment request, Planning staff will review the amendment language for content and conformance with CP 600-24, the bylaws shell and the Brown Act, and will submit the bylaws to the City Attorney's Office for review. Following City review, staff will work with the community planning group on any needed changes. Bylaws amendments that conform to CP 600-24, the Bylaws Shell and the Brown Act shall be approved administratively by signature of the Planning Director or designee and the City Attorney or designee. Bylaws that deviate from CP 600-24, the Bylaws Shell or the Brown Act will be scheduled for consideration by the City Council and groups should be aware that the proposed deviation may or may not be supported by staff. Approval of bylaws with deviations will be by City Council. Following City Council action, Planning staff will work with the community planning group on any needed changes resulting from Council action.

ARTICLE III Community Planning Group Organizations

Article III addresses the structure and representation requirements of community planning groups.

Section 1. Community Planning Group Size and Composition

Section 1 clarifies the number of elected or appointed members a community planning group may elect to meet the needs of the community. A community planning group must consist of a fixed number of members that is no less than 12 and no more than 20 and the number must be included in the group's adopted bylaws. This number varies by community and should be chosen to balance continuity of membership with incorporation of new members. City Council approval is needed to exceed the maximum number of 20 members. In order to maintain a broad range of community interests CP 600-24 identifies 12 members as the minimum number needed for the group to carry out the responsibilities that are within the scope of responsibility of a community planning group and to be representative of the community.

When a community planning group needs to adjust the number of member seats, the bylaws must be amended. A change in the allocation of seats or representation may also need to occur. Changing to a number within the 12-20 range can be approved by staff and the City Attorney.

Appointed seats are newly-addressed in this Section. Council Policy 600-24 now acknowledges the existing practice of creating appointed seats, and clarifies that appointed seats are created in a community planning group's bylaws for the purpose of "assuring better representation of unique or diverse community interests"; they are not intended to replace or substitute for seats that are established pursuant to CP 600-24-identified eligibility categories. Because voting situations are described in more detail later in CP 600-24, this Section goes on to indicate that when creating appointed seats a community planning group must clearly state whether they are voting seats or advisory only, and address whether they do or do not count in a group's quorum. This is important because voting situations in Article VI and IX require either a majority or 2/3 vote of the "voting members of the community planning group" and it must be clear whether appointed seats do or do not vote so they can either be counted in, or excluded from, determining the votes.

Section 2. [Original Community Planning Group Membership - there is no corresponding Bylaws Shell section]

Section 2 has been revised to clarify that the original members of a community planning group are those members who have been appointed by the City Council when the group is originally constituted, in accordance with Council Policy 600-24.

Section 3. [Representation of Community Interests – Bylaws Shell Section 2]

Section 3 states the goal of electing community planning group members is to create a group representative of the various geographic sections of the community and of the diversified community interests. Some community planning groups utilize a geographic distribution of their seats, or a combination of geographic or open seats. Other methods of insuring diversified community interests include reserving specified numbers of seats for specific organizations (homeowners, renters, businesses) or specific local interests (various districts, institutions, business associations). Adjusted or new categories must be proposed through a bylaws amendment, subject

to approval by the Mayor's Office and the City Attorney for consistency with the intent of CP 600-24's diverse representation provisions.

CP 600-24 states that to be an eligible community planning group member an individual must be at least 18 years of age; it also requires affiliation with the community, as outlined below, but does not require US Citizenship.

CP 600-24 has long stated that to be an eligible member of the community an individual must be affiliated with that community as a property owner, a resident or local business person. Over time, categories identified in individual community planning groups' bylaws have become modified and clarified as discussed below.

An eligible member of the community may vote in community planning group elections and may run for a seat to become a member of the community planning group. Bylaws often require demonstration of eligibility and meeting attendance to qualify to vote or to run.

A **property owner** must be a sole or partial owner of record of real property (or designee) within the community plan area. A property owner need not reside in the community to be an eligible member. Community planning groups may list further qualifications for the eligible members of this category.

Community planning groups may want to outline, in Article VIII of their bylaws, how designation of property owner rights will be conveyed to a designee. Community planning groups may want to request written documentation from any individual who becomes a 'designee' representing an owner. Examples could include a letter from the property owner with an original signature, an e-mail to the Secretary or Chair or a form created by the community planning group signed by the property owner.

A **resident** is an individual who lives within the community but who does not necessarily own the property in which they live.

A local business person includes: an owner, operator, or designee of a non-residential real property address in the community. This may include no more than one owner, staff or other designee per business establishment. Community planning groups may want to outline, in Article VIII of their bylaws, how any designation is made and may want to request written documentation of any individual who is a designee as with the property owner category above.

An individual may qualify to run for an available community planning group seat in any category they are eligible for. For example, there is no prohibition on a community resident employed within the community from running for a residential seat, when another local business person already represents their business establishment on the community planning group

For community planning groups that identify specific business seats, those seats must be reserved for the businesses found in non-residential real property of the community. The growing number of individuals working from their homes has raised the level of interest in planning activities and has encouraged more business people working from home to run for seats on community planning groups. Individuals working from home without a non-residential business address within the community should not be determined to be eligible for a business person seat. However, a

community planning group may designate a seat as a "home occupation" seat while retaining the representative number of non-residential business seats.

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

- The reason for the appointed seat.
- Any special responsibilities of that seat.
- The level of participation of that seat in voting, meetings, and subcommittees.
- The length of the terms of service if different than an elected seat.
- Whether and how that seat may be converted to another category.
- Whether the planning group or the represented entity appoints the seat and the process used.
- That the removal of the appointed seat must comply with the 2/3 vote requirement in Article IX, unless there is a different procedure put into place for removal of an individual from that appointed seat.

Section 4. [Limitation on Consecutive Terms of Service – Bylaws Shell Section 3]

The basic term limitation requirements in CP 600-24 allow elected members to serve for up to eight or nine years, depending on the length of the fixed terms identified in the community planning group bylaws. Members' terms may be two, three, or four years in length. Members serving for two or four years are limited to a total of eight consecutive years on a community planning group, while members serving three year terms are limited to nine consecutive years. The term limitation refers to an individual's time of service, regardless of the number of different elected seats a member holds during those years. For example, a resident cannot serve eight consecutive years then, without a break in service, run for a business or property owner seat. A one year break in service is still required.

If a member has not reached their eight or nine years of service, perhaps because of a midterm appointment or election following a declared vacancy, and is elected to a term that would carry their service beyond eight or nine years, they may fill the seat only for the balance of their eight- or nine-year service period. For example where a community planning group utilizes 3-year terms, a member serves seven years (1 year of a partial term, then two full terms) before standing for election to a new three-year term. The member may serve only one year of the term but would then need a one year break in service when they reach the nine years of service limitation.

Members who have reached the end of their allowed number of terms and years may, after a one year break in service, again serve on a community planning group. Breaks in service of less than one year cause subsequent time to count as continuous time against the total number of years of service limits, although the time not in service may be subtracted. For example, a member of a planning group that utilizes 2- or 4-year terms could serve seven years and six months, have a

break in service for six months and return to serve for six more months for a total of eight years of service. Upon reaching eight years of service, the member would need to take the required one-year break in service.

Members who have served eight or nine years may express a desire to continue as a member of the community planning group. They may appear on a ballot for the March election with new candidates and may serve in excess of that limit without a break in service if the good faith effort made by the community planning group to develop a list of potential new candidates does not result in a number of candidates that exceeds the number of seats that are open for election, and subject to the following:

1. If a candidate with service beyond eight or nine years is to appear on the ballot with new candidates, the ballot should note that the candidate exceeds the community planning group's allowable term limits and will be eligible to be seated only if vacancies remain after the election of eligible new candidates - even if the new candidates have fewer votes; and

2. After open seats are filled with new members who meet any seat category requirements, candidates with service beyond eight or nine years who received a 2/3 vote may be considered for remaining open seats in the category in which they competed, with the highest vote recipient exceeding the eight or nine year limitation taking the first open seat that they qualify for, etc.; and

3. No more than 25 percent of the total planning group membership can consist of members serving in excess of the specified terms of service. At the time of the election, if 25 percent of the planning group is made up of members serving in excess of the specified terms of service, a candidate with service beyond eight or nine years may not even be considered.

Community planning groups should have a standard procedure, perhaps embodied in a bylaws provision, to address the situation where a vacancy remains after an election. For example:

- If a community planning group has specific categories of elected seats, and a seat within a particular category remains open after an election, the group may consider a bylaws provision which prescribes how any remaining seat may be filled; e.g., with a new eligible candidate from another category. If no new eligible candidate is available, an option could be to select/appoint an over-term candidate who was not seated during the election if they had received 2/3 of the votes cast within that category and if that over-term candidate does not cause the community planning group to exceed the 25 percent limitation of members beyond their term of service.

- If a vacancy remains after the March election for a seat that is available to any eligible member of the community, and the community planning group seeks to fill it quickly, an over-term candidate may be considered for appointment only if there is no new eligible candidate available who was not seated through the election, and only if appointing an over-term candidate would not cause the group to exceed the 25 percent limitation of members beyond their term of service.

Election by a 2/3 vote to a term beyond eight or nine years should be considered "time on" for the purposes of counting continuous service. If an additional term is subsequently sought without a break in service, a 2/3 majority vote is again required.

Section 5. [Losing Eligibility to Serve – Bylaws Shell Section 4]

Section 5 states that a community planning group member must retain eligibility during their entire term of service. A community planning group member becomes ineligible when he or she no longer meets the eligibility requirements found in Article III, Section 3 (i.e. property owner, resident, business person) or exceeds the number of allowable absences found in Article IV, Section 1 of CP 600-24 and the Administrative Guidelines. When this occurs, a community planning group member should be encouraged to resign prior to a planning group's action to ratify the Secretary's findings.

Alternatively, if the secretary becomes aware, or is made aware, that a member is no longer eligible to serve, they must notify the member and ask the chair to schedule a vote of the community planning group to ratify the findings and remove the member. Prior to the meeting the secretary must present documentation to the community planning group and to the member who is no longer eligible. The ratification vote of the findings should be taken and the community planning group should vote to declare a vacancy exists. CP 600-24 previously stated that a majority vote by a community planning group was required to remove the member who had not maintained eligibility. This was changed in 2014 to a ratification vote because ineligibility due to Article III, Section 3 or due to exceeding allowable absences is to be factually determined by the secretary. A member may not argue and dissuade a community planning group from removing the individual when there is a factually-correct situation: doing so would put the group in jeopardy of violating its bylaws and CP 600-24. Therefore, the vote for removal was changed to a vote ratifying the factual findings of the secretary and was followed by a separate vote to declare a vacancy.

If another community planning group member becomes aware that a member is no longer eligible they should notify the secretary, or other group officer of this situation. Also, if either the chair or secretary is the member who becomes no longer eligible to serve, another officer (probably the Vice Chair) should step into the chair or secretary role.

There is no provision in CP 600-24 that prevents that member who became ineligible, and was removed, to run for a seat again if that individual is able to re-establish and demonstrate eligibility.

Section 6. [Risk of Loss of Indemnification – Bylaws Shell Section 5]

Section 6 introduces the potential loss to community planning groups and group members of legal defense and indemnification under the Ordinance O-19883 NS "Providing for Defense and Indemnification of Community Planning Groups" for violating CP 600-24, their adopted bylaws, or the requirements of the Brown Act. This section identifies that the Brown Act carries civil or criminal consequences which are more fully addressed in Article IX, Section 2. By implementing bylaws and operating within CP 600-24, community planning groups are considered to be in substantial conformance with the Brown Act.

ARTICLE IV Vacancies

Section 1. Finding a Vacancy Exists

Section 1 recaps the situations in which a community planning group may find that a vacancy exists: when a member resigns or has three consecutive absences or a fourth absence in the 12-month period of April through March of each year; after a ratification vote of a majority of the elected members of the group that an individual member is no longer "an eligible member of the community"; or, if a member has been removed in accordance with Article IX of the Policy and a group's adopted bylaws.

A community planning group chair should contact an affected member in advance of any scheduled group vote to declare the member ineligible and find a vacancy exists and ask whether the member wishes to resign. A determination that a vacancy exists should be placed on the community planning group's agenda.

While that former member could potentially be selected for, or re-elected to, the remainder of their own term if they reestablish eligibility prior to an election, the community planning group should consider the implications of allowing an appointment of an individual who could not retain eligibility. If the former member intends to run again for their seat, the community planning group – perhaps via an election committee - would likely want to make an effort to find at least one additional candidate.

Section 2. Filling Mid-term Vacancies

Section 2 directs community planning groups to fill a mid-term vacancy in accordance with their bylaws. Vacancies should be filled no later than 120 days following the determination of the vacancy. However, when the end of the 120 day period occurs within 90 days of the annual March election, the vacancy should be included in the March election. A vacancy determined at the time of the election should only be added to the election if there is an adequate amount of time to declare the vacancy at a community planning group meeting prior to the election; otherwise, the filling of the vacancy should be deferred to a later meeting or election within 120 days of the determination of the vacancy.

As discussed in Section 1, both the actions to remove a member and find a vacancy and the filling of a seat by election or appointment are matters that should be noticed on an agenda in accordance with the Brown Act. Because these are acts by the community planning group members, as opposed to a community wide election, these items may not be voted upon by secret ballot. A paper ballot may be used as long as planning group members identify themselves on the marked ballots and votes for and against are announced and included in the minutes. As with regular elections, guidelines must be set for declaring the vacancy filled, and some period of time must be allowed for a challenge. Ballots must be retained as part of the meeting record. An objection to filling a vacancy is a challenge to the community planning group's action on an agenda item and should be treated as an item for reconsideration.

CP 600-24 requires that two or more concurrent vacancies be filled through a special election by eligible members of the community utilizing a secret written ballot. In the case of two vacancies but only one candidate to fill a seat, a community planning group may proceed to fill one vacancy

by appointment (or whatever process is included in adopted bylaws) and keep looking for a candidate to fill the second vacancy.

Section 3. Inability to Fill a Vacancy

CP 600-24 requires that vacancies shall be filled no later than 120 days following the date of determination of the vacancy. If the vacancy is not filled by this deadline it can affect the membership or the continued operation of a community planning group. If there are no qualified or available candidates to fill a vacancy, a community planning group should consider amending their bylaws to reduce the number of members, but not to less than 12. If a community planning group has made efforts to fill one or more vacancies and is unable to do so and if the timing is such that the annual March election will be held within 90 days, filling the vacancy/vacancies may be deferred and efforts to fill may be combined with the upcoming election, even if filling the seat would only be for the remainder of the term. However, at any point if a qualified candidate emerges who can fill a vacancy, the community planning group may appoint that individual for the remainder of the term and the candidate may run for the seat in the next election.

If a community planning group has difficulty filling a vacant residential seat by the deadline, the group should first try to fill the seat with an individual who qualifies for another residential category or district. If a community planning group has difficulty filling a vacant non-residential seat by the deadline, the group should first try to fill the seat with an individual who qualifies for another non-residential category or district. Filling a vacancy in one category with a candidate from a different category is considered temporary and that seat should only be filled until the expiration of the term, and then the seat reverts to the category identified in the bylaws.

If a community planning group's membership is on the verge of dropping below 12 due to one or more vacancies, the group should increase its efforts to recruit candidates and follow the procedures in this paragraph. After a vacancy exists for 60 days, a community planning group should report in writing to City staff and the City Council why the vacancy exists and what efforts have been made to fill it. If the vacancy exists after another 60 days (120 days from the date the vacancy was declared), the City will notify the community planning group in writing that they may be placed on inactive status by an action of the City Council. While a community planning group is on inactive status, the City suspends the group's formal advisory role. While the inactive community planning group can continue to meet, it will not be in the capacity of a recognized community planning group, the City will not send development projects for their review, and any action taken will not be considered a vote from a recognized community planning group. While on inactive status, a community planning group should solicit new members and potential candidates for the next general election. The inactive community planning group should follow the election procedures in the bylaws and conduct the next general election in order to gain at least 12 members and become active again. The time on inactive status counts toward the term limits of the elected members.

ARTICLE V Elections

Section 1. Election Timing and Procedures

Article V addresses planning group election procedures. The planning group must make the election process fair, open, objective, and accessible, to the entire community of eligible voters. Council Policy 600-24 establishes a few mandatory election requirements but charges each planning group with the responsibility of adopting specific election procedures. Community planning groups may find the most recent edition of Roberts Rules of Order useful to develop election procedures that will give the entire community confidence in planning group elections. Such confidence is more likely to result in trust, acceptance and in fewer election challenges. General elections for all community planning groups are held during the month of March every year or every other year. Community planning groups should seek enough new candidates to exceed the number of seats open for election. Community planning group bylaws shall establish a minimum number of meetings required to have attended in order to be a candidate for election as outlined in the Bylaws Shell. However, candidates must have attended a minimum of one of the group's last 12 meetings prior to the February noticed regular or special meeting of the full planning group. Each community planning group's bylaws must specify the number of meetings a potential candidate is required to attend: the number is an OPTION presented in the Bylaws Shell. Some groups have indicated issues with an individual signing into the meeting for purposes of establishing attendance and then leaving without staying for the business of the meeting. It is up to individual groups to determine if their bylaws/election procedures identify the length of time someone must remain at the meeting in order to have it qualify toward the required number of meetings, e.g.: for the voting items of the meeting; or for the length of the meeting as identified on the agenda. Identifying the requirement proactively removes potential disagreements later about whether an individual was at the meeting 'long enough'.

The number of required meetings is presumed to refer to regular monthly meetings of a community planning group. If a group is in the process of a community plan update and wants to allow a candidate to attend those meetings – or other community forum - to qualify as an eligible candidate, then that can be stated and used. Conversely, if only regular monthly meetings of the group with attendance at the full meeting count, that should be made clear to a potential candidate as well.

Community planning groups are encouraged to adopt specific election procedures and place them in their bylaws: groups should review and address as needed the following election procedures in writing prior to the election in a format available to all group members, potential candidates, and the public.

- Verification of candidate eligibility prior to printing a ballot
- Creating a ballot with all candidates appropriately represented
- Handling of write-in candidates, if applicable, including how to verify eligibility for a write-in candidate's name on a submitted ballot
- Handling of a candidate's absence from a scheduled candidates' forum
- Location(s) of polls, including managing multiple concurrent polling locations, if allowed
- Management of the polls
- Verification of voter eligibility (i.e. driver's license, utility bill)

- Ballot construction & content
- Setting election date(s)
- Setting voting time(s)
- Mail-in ballot procedures, if applicable
- Closing the polls
- Counting the ballots, including when, by whom, and how to account for a candidate continuing beyond eight or nine consecutive years of service
- Clarifying whether a plurality voting system is being used, or if a majority is required for a seat to have a declared winner
- Ballot record keeping
- Tie-breaking procedures
- Election challenge procedures
- Timing of installation of newly elected members
- Maintaining confidentiality of secret written ballots
- Discouragement of electioneering (individuals actively trying to convince voters to vote for a specific candidate at the time and place of the election)
- Next steps if a seat remains unfilled due to lack of, or ineligibility of, a candidate, or as a result of a successful election challenge

When a community planning group plans to provide the opportunity to vote on more than one date in March, these procedures must be outlined in their adopted bylaws. If the community planning group wants to use this option and it is not in the adopted bylaws then the voting procedures for such an election must be submitted to the offices of the Mayor and City Attorney, respectively, for review and approval at least 45 days in advance of the first day of voting.

Section 2. Publicizing Elections

CP 600-24 Article V, Section 2 limits its content to the promotion of elections as discussed in the last two paragraphs of this Section below. However, community planning groups' bylaws, as directed by the Bylaws Shell, include two additional paragraphs.

The first paragraph acknowledges that community planning groups should assure that only eligible members of the community are voting in an election. Many groups' bylaws have procedures to assure this, and some have forms that they ask eligible members to fill out prior to the election so that voters are cleared prior to checking in at the polls.

A second paragraph in the community planning groups' bylaws identifies the required content of a ballot in an election, such as what seats are up for election, how many candidates can be seated, and the limitations on individuals wishing to serve more than 8 or 9 years. What is not directly addressed is how a voter should fill out their ballot. Questions have arisen, for example, regarding interpretation and counting of unusually-marked ballots. Election ballots should present voters with a list of names and a box within, or a line on, which to make a mark indicating support of that candidate. The general rule in Roberts Rules of Order is that 'for' and 'against' ballots should not be used in an election. Roberts Rules of Order also advises that the only ballots that are to be counted as votes cast are those on which a voter has voted <u>for</u> someone: blank ballots, ballots where every name is crossed out, and ballots where it is noted 'none of the above', are not counted in the total number of votes cast.

Community planning groups must demonstrate a good faith effort to publicize planning group elections and candidate eligibility requirements. They may use their own websites, posting notices at libraries, grocery stores, and other community meeting places as well as sending emails and placing a notice in the community newspaper. In addition, the City uses TV24 and the City's website to publicize the planning group election season.

A chairperson can raise the visibility of being a planning group member by indicating the role of the group and its members at the start of each meeting. The chair can provide a brief statement about the duties of the group and what kinds of actions the group may be taking. The chair can mention the group operates under its own bylaws which are consistent with the overarching Council Policy 600-24. Some chairs do this regularly, but it can be done particularly in the months leading up to the election to add to the group's advertising efforts.

Section 3. Voting by Secret Ballot

CP 600-24 states that a community planning group election (either the regular March election or a special election) will be open to eligible members of the community to vote by secret written ballot. In contrast, Brown Act Section 54953(c)(2) states that votes taken on agenda items by a legislative body must be publicly reported by count (for-against-abstention) and identify who is casting each vote. This conflict precludes community planning group elections from being held during, and as part of, a noticed group meeting of the community planning group. While these provisions are clear in CP 600-24, the Bylaws Shell was not changed to reflect the situation. Community planning groups are advised that their election does not have to be held on a separate date, but instead can be concurrent with, but separate from, the group meeting, or prior to it. Either of these arrangements still allow reporting out of the election at the March meeting to allow a challenge period to be initiated and to allow new members to be seated at the start of the April regular meeting.

A community planning group vote at a meeting of the group, including but not limited to electing officers or filling a vacancy, if done by written ballot, must be publicly reported according to the Brown Act Section 54953(c)(2) , including who voted for, against, or abstained. If a vote is conducted verbally, it must be similarly recorded in the minutes.

CP 600-24 states that if voting follows or precedes a regular meeting of the planning group, ballots must be available for a specified period at the election. Ballot availability must be clearly and publicly announced.

A proxy is the authority given by one person to another to vote in his/her stead. Per Roberts Rules of Orders, proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and non-transferable. In this section, CP 600-24 states that proxy voting in elections is not allowed under any circumstances. (Note that the restriction on proxy voting is a deviation from rules of a corporation. If a community planning group is also a corporation, and the group members are members of the corporation board, then voting for the community planning group members must follow CP 600-24 and not the corporation's criteria for selecting new board members.)

Section 4. Finalizing Election Results

An election becomes final after announcing the election results at a noticed community planning group meeting unless explicitly stated otherwise in the group's bylaws. Time must be allowed for voting to be concluded, votes counted, results announced, and for a challenge to be submitted to the Election Subcommittee. The ability and criteria to challenge the election must be stated as part of the publicity for the election. This allows for the seating of new community planning group members in April as required by CP 600-24. The most straightforward way to display your challenge process is to write the process clearly in your bylaws and reference that section in your election publicity.

A recommended Election Procedures sequence for community planning groups' bylaws is:

- Conduct the voting and convene (or reconvene) the group meeting
- Election Subcommittee members, or other identified group members, count the ballots; confirm the eligibility of any write-in candidates who attract enough votes to put them into a position to potentially win the seat
- The Election Subcommittee (or group) chair announces the results of the election. Also announced is the 24-hour period allocated for the Elections Subcommittee to receive a challenge to the election
- If no challenge is received then the results become final and will be certified by the community planning group chair and forwarded to the City. New members are seated for the group's April regular meeting
- If a challenge is received, the Elections Committee shall promptly discuss the challenge to determine if any facts to support the challenge were provided by the individual filing the challenge. Facts should be related to actions taken during the election process that are not in accordance with CP 600-24 or a community planning group's adopted bylaws, or with announced or published election procedures or lack thereof. If there is no substance to the challenge and the election results can be certified, newly elected community planning group members shall be seated at the beginning of the April regular meeting. A ratification vote of the Elections Subcommittee's findings should be placed on the April agenda for a majority vote of the voting members of the planning group. If there is substance to the challenge, the Elections Subcommittee should identify, with input from the planning group's officers, the appropriate resolution. The resolution should be placed on the April agenda for a majority vote of the voting members of the planning group. City staff may be consulted if there is any question or assistance needed.

ARTICLE VI Community Planning Group and Planning Group Member Duties

This Article contains most of the required operational criteria for meeting conduct, subcommittees, abstentions and recusals, and meeting records along with other specified duties. CP 600-24 contains many specific recitals of Brown Act sections in this Article. While the Bylaws Shell does not cite the Brown Act in each subsection, Article III, Section 6 indicates that CP 600-24 sections corresponding to bylaws sections contain the Brown Act citation that must be adhered to.

Section 1. Duty to Work Cooperatively and in a Public Setting

Section 1 indicates that it is the duty of community planning groups to work cooperatively with the Mayor's staff. This section further describes that all meetings, in accordance with the Brown Act, must be open to any member of the public that wishes to attend. This includes any meeting of the community planning group, including regular meetings, special meetings and subcommittee meetings. Furthermore, if a community planning group desires to hold a retreat outside a regularly scheduled meeting, it must be noticed as a meeting of the group and be open to the public.

CP 600-24 acknowledges that some administrative functions of the community planning group, such as assembling of the draft agenda, may be overseen by the officers of the group. However, all substantive discussions about agenda items must occur at the noticed meeting.

Finally, the last paragraph advises community planning groups and individual members to refrain from conduct that is detrimental to group operations. Engaging in such conduct may constitute a violation of CP 600-24 that could be pursued under the provisions of Article IX.

Section 2. Compliant Meetings, Actions, and Records

Section 2 of CP 600-24 provides extensive guidance on general meeting procedures, subcommittee operations, abstentions and recusals, as well as the duty to maintain meeting documents and records.

(a) Meeting Procedures

1. Regular Meeting Agenda Posting

Meeting agendas should be posted at least 72 hours before the meeting in accordance with the Brown Act. The agenda should be posted at the meeting facility or at another public place freely accessible to the general public. The agenda may additionally be posted at other locations, such as grocery stores and/or a community website. Whatever locations are used, consistently-used posting locations assist those looking for the agenda if they are unable to access it on the community planning group's or City's website.

The City posts agendas it receives on the City website. It should be noted that CP 600-24states that if a community planning group maintains a website, the upcoming agenda should be posted on it, and the group must offer the agenda to the City for posting. If offered to the City, it will be posted as soon as possible after receipt. The growth in individual community planning groups'

websites helps get the word out about the groups' upcoming discussions as does posting on the City website.

The agenda should be posted in a location that is freely accessible to the public 24 hours per day. For instance, if a community planning group meets at a public facility such as a library, the agenda should be posted in a window that is visible 24 hours per day. If posting at the meeting location in a visible location is not possible, the agenda may be posted at another nearby location that is freely accessible to the public and visible 24 hours per day. A community planning group should be consistent in where its agenda is posted so anyone searching for it knows of a specific, regular location. If 24-hour-a-day visible posting is not possible, i.e. if the agenda can only be posted indoors in a facility that is only accessible during specified hours, the agenda should be posted further in advance so that it is available for public inspection for no less than a cumulative total of 72 hours.

Planning group agendas should include the date, time and location of the meeting, a brief description of each agenda item, and whether the item is an information or action item. The brief description need not include more than 20 words. For development projects, the description should include, at a minimum, the name of the project, location, proposed discretionary actions and a summary of what is proposed.

Agendas distributed and posted in advance are considered proposed or draft agendas. Some community planning groups include an item to approve the agenda as the first order of business at a meeting. This is not a requirement of the Brown Act, however, if it is a community planning group's practice to do so, there is no restriction against it. A motion can be made to adopt the agenda, delete items from the agenda, or rearrange or modify items on the agenda. As outlined in Article VI, Section 2(a)viii, items may be added to the agenda that came to the City and community planning group's attention subsequent to posting of the agenda if there is a need to take immediate action and may be added by 2/3 vote of the of the voting members of the planning group. If less than 2/3 are present and there is a need to take immediate action, then every member present must vote to add the item. This provision should only be used in limited circumstances when there was not an ability to properly notice the item. The same voting procedure is required to change the proposed action on an agenda item, i.e., change it from an information item to an action item. See also paragraphs VI.2(a)8 below.

2. Public Comment

This section states that members of the public must be afforded the opportunity to comment on agenda and non-agenda items during regular and special meetings. Public comment on items that are not on the agenda, but are within the scope of the community planning group, must be accommodated at the beginning of the meeting, pursuant to the Brown Act. Where there is confusion about whether an item is within the purview of the planning group, the group should allow the comment. Members may respond to the comment to seek clarification or ask factual questions but should not engage in dialogue on any item not on the agenda. In order to efficiently manage their meetings, community planning groups may establish reasonable time limits for public comment.

3. Adjournments

A meeting of a community planning group or of a standing subcommittee may be adjourned to a future date in advance of a meeting (e.g., the group is in recess in August) or on the day of the meeting because less than a quorum was present. If a community planning group knows in advance that a regular meeting will not be held, they should post a "Notice of Adjournment," to a future date at the regular meeting location 72 hours in advance of when the meeting would have been held.

If a community planning group or standing subcommittee meeting is adjourned because a quorum is not present, or is lost during the meeting, a notice of adjournment should be posted at the meeting location within 24 hours of the meeting. The notice should state the date and time of the next regular or special meeting. This section further states that if the next meeting is held within 5 days or less from the meeting, the original agenda may be used, if more than 5 days, a new regular or special meeting agenda should be prepared.

4. Continued Items

If a community planning group takes action to continue an agenda item to a future meeting, and if that meeting is less than 5 days in the future, no new agenda needs to be prepared. To continue an agenda item more than 5 days, i.e. to the next regular community planning group meeting, that future agenda must contain an entry for the item. A community planning group may use its discretion to trail an item until a later time during a meeting or continue items to a future date.

5. Consent Agenda

Consent agendas group items and subject them to a single vote. Consent agendas allow for more efficient use of meeting time and enable community planning groups to focus on the more substantive topics. Consent agenda items usually appear near the beginning of the regular meeting agenda. This allows items to be easily moved to the regular agenda, if necessary. Many community planning groups place non-controversial development proposals on a consent agenda with the condition that if there is any public or member comment about the item it is automatically moved to the regular agenda for full discussion.

Note that CP 600-24 allows comments on any consent agenda item, and allows it to be removed from the consent agenda upon request. The CP 600-24 provisions that allow a subcommittee's recommendation to a community planning group be placed on the consent agenda for a vote, but removed upon request.

6. Quorum and Public Attendance

Before calling a meeting to order, a chair must check that a quorum is present to conduct business. A quorum is a majority of the non-vacant seats of a community planning group.

The only actions that can be taken in the absence of a quorum are to: 1) fix the time to adjourn or recess, or 2) take measures to obtain a quorum, e.g., contacting members during a recess and asking them to attend. The chair should immediately call the meeting to order, announce the absence of a quorum, and entertain a motion to adjourn to either the next regular meeting, to

which the agenda items would trail, or to a special meeting, if any item is time sensitive, or both as each item warrants.

Without a quorum, business cannot be transacted, however, by entertaining a motion to adjourn; the community planning group has met its obligation to hold its regular meeting. The prohibition against transacting business in the absence of a quorum cannot be waived, even by unanimous consent. During a meeting that begins with a quorum, if the chair or any member notices the apparent absence of a quorum, a point of order should be raised to that effect. At that time, the meeting should be stopped in order for the chair to assess whether a quorum is expected to return. All discussion on agenda items must cease and the only business that may occur is to determine the feasibility of carrying on with the meeting.

A chair may want to reconfirm the presence of a quorum prior to calling for a vote on any action. This can be done by silently counting, or asking the secretary or parliamentarian to announce any time a meeting drops below the required quorum. A meeting that begins with a quorum is presumed to continue with a quorum unless someone questions the quorum. Because it is difficult to go back later in time and demonstrate that a quorum was either maintained or lost at some past point, any challenge to the validity of an action based on a quorum being present should be done at the time of the vote, not after it.

This section prohibits mandatory attendance rosters as a condition of attending the meeting; however a planning group may provide voluntary sign-in sheets - clearly identified as such - to allow potential community planning group candidates to meet the minimum attendance requirements of CP 600-24 Article V, Section 1, or to create mailing lists to increase community participation. No admittance fee may be charged to enter a community planning group meeting. This is true no matter who is charging the fee, whether it is a community planning group, a building owner or operator, or any other entity.

7. Development Project Review

Community planning groups are sent project packages for review from the Development Services Department in accordance with Information Bulletin 620. Project packages include a comprehensive set of information such as a cover letter, cycle issues report, a site plan, and other plans and background information needed for project review. As outlined in the CP 600-24, community planning groups cannot require applicants to submit additional information and materials as a condition of placing an item on their agenda. However, if during project review the group identifies additional materials that would aid in their review they may make a request of the project applicant to provide them, if available. A community planning group should not base its vote, or hold up the item at the group, because additional information is not provided.

The community planning group must notify the project applicant or representative each time their project is reviewed or placed on the agenda by the group or a subcommittee. Notification to the applicant should be made well in advance of the meeting and deference to move the item to another meeting should be given if requested by the applicant. Attendance by the applicant is at their discretion.

It is community planning groups' duty to allow participation of affected property owners, residents, businesses and not-for-profit establishments in proximity to, or with interest in, the

proposed development.

A community planning group may be presented with, and may discuss, a discretionary development project multiple times at various stages, which may include but are not limited to: Conceptual Presentation; Community Plan Amendment Initiation; Project Vote; Project Reconsideration; Project Re-vote.

Conceptual Presentation: A project applicant may want to get the 'sense' of a community's view about their future or not-yet-submitted development project. A community planning group may be asked to schedule an item for a 'big picture' discussion of a proposed project, perhaps with an accompanying community plan amendment. This early discussion benefits both the applicant and the community planning group, but a group is strongly advised not to take any position on any aspect of a future project before it has undergone some level of staff analysis.

Community Plan Amendment Initiation: A project that would adversely affect the adopted land use plan for a community must either revise their project or propose an amendment to the plan. If a plan amendment must be part of the project, a discretionary project is not 'deemed complete' until the plan amendment is initiated by the Planning Commission. Planning staff and the Development Project Manager will look to the recognized community planning group for a recommendation about whether the group supports or opposes an amendment being initiated for purposes of analysis and future recommendation. Planning staff, perhaps in conjunction with the project applicant, will come to the community planning group with the single question about whether a plan amendment should be initiated and, if so, what issues should be addressed in the analysis. This recommendation from the group is NOT the project recommendation and will occur prior to any vote by the group on the project itself. Only after the group takes a position on the initiation and the Planning Commission or the City Council makes a recommendation will the project application be deemed complete and the project review process will begin with a Notice of Application.

Project Vote: A community planning group generally should act only one time to provide a formal recommendation on a proposed development project. At the time of a group's formal recommendation, a project should be designed to a "point of reasonable certainty" where a group vote can comfortably recommend approval, denial, or additional conditions about a project that is essentially the same one that will be considered by the decision maker such as the Hearing Officer, the Planning Commission, or the City Council.

Some community planning groups identify this "point of reasonable certainty" as the start of the public review period of the environmental document. Others identify this point as early as when Development Services Department issues its first or second Project Assessment Letter to the project applicant.

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

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

Project Re-vote: Community planning groups may vote on projects more than once in circumstances where a project has been substantially revised as a result of applicant desire or City staff direction, when incorrect or significant new information was received, or when an environmental document has been reissued or re-circulated. Another reason for a re-vote is when the project applicant had not been notified of the original agenda item or was denied the opportunity to speak to it.

Occasionally, community members will address a community planning group about not being notified about a project. This does not cause a community planning group to need to re-vote or re-hear a project if the group follows its normal community notification procedures. The individual can be advised about getting on the Notification list [see below] or the community planning group's email list or checking the group's website.

When a community planning group wants to revote on a matter originally voted upon at a prior meeting due to project revisions or new information, a motion to reverse or modify a previous position at a subsequent meeting can be made by any member. The decision to re-vote on a development project precedes the actual vote on the matter. If approved, the project would be placed on the next community planning group agenda and any interested individual who had appeared for the prior project vote should be made aware by the group about the new agenda date. The project applicant should be made aware and invited to the meeting, and the Development Project Manager [who likely had received the group's first project vote] should be notified of the pending action.

A change in the community planning group composition due to the seating of newly-elected members seeking to reverse a previously-completed review process is not a valid reason to take a re-vote on a development project or policy matter.

Projects in Adjacent Communities: A community planning group or an individual can request to be placed on an email notification list for any community in the City for all discretionary projects by sending an email to DSD-Noticing@sandiego.gov and making the request. Some community planning groups use this method to keep up on discretionary development in adjacent communities: all Process 2, 3, 4, and 5 notices at all stages of all projects will be sent. If a community planning group finds that there is a project in an adjacent community it would like to send a comment or recommendation about to the City, this would be the avenue to enable it to do so.

8. Action on Agenda Items

There are Brown Act restrictions on adding an agenda item to a published (72 hours prior to the meeting) agenda. An agenda item may be added only if it is an issue that came to the attention of the community planning group after the agenda was posted. In addition, the item may be added only by a 2/3 vote of the voting members (filled seats) of the planning group because there is a need to take an immediate action. If less than 2/3 are present, every voting member in attendance must vote to place the item on the agenda. In advance of the meeting, the community planning group may want to consult City staff to determine if there is a need for an "immediate action"; it may be that the reason for the sense of urgency is that there is a scheduled hearing date or the project review cycle is closing. If time permits, check with City staff or the Development Project Manager to determine if there is flexibility in the deadline given.

As a general rule, a community planning group should not take an action on an information item on an agenda that was not noticed as an action item at least 72 hours before the regular meeting. While the Brown Act does include a narrow exemption for an item with a need for urgent action to be added to the agenda within 72 hours (by a 2/3 vote of voting members present or every voting member if less than 2/3 are present), it is likely that an item anticipated and noticed as an information item cannot meet the urgency criteria. Some members 'feeling' like the item is urgent and should be voted upon does not meet the urgency criteria which requires that the matter did not come to the attention of the agency until after the posting of the agenda.

To change an item from an information item to an action item is a significant change: individuals who planned to attend may not, figuring they would have a chance to speak to the community planning group's action at a future noticed meeting; an applicant may not bring a full team to address issues at the information-only presentation; staff may not attend for an informational discussion. Changing an item from information to action is not recommended. If it is done, the minutes must include the vote to convert the item along with the action taken on the item subsequently.

A key Brown Act provision of this subsection is the prohibition of proxy voting and secret ballots on actions taken by the planning group. These methods of determining support or opposition to an agenda item are prohibited. There must be open discussions and voting. Email polling or other means of absentee voting are also prohibited by the Brown Act, with a very narrow exemption provided for heavily-conditioned remote participation in the meeting.

Actions on agenda items by the community planning group establish the official positions of the group. Planning groups may include rules of standing order or operating procedures to guide the roles and responsibilities of group members when representing a group's position to the City and/or to the public. Members are advised to refrain from identifying themselves as members of a community planning group when expressing positions on matters either not voted upon, or outside the scope of duties of planning groups. Note: this requirement is addressed differently for community planning groups' representatives voting at CPC meetings in CP 600-24.

An action of a community planning group shall be approved by a vote of the full group, not by a subcommittee vote alone. In cases where a community planning group has authorized a subcommittee or representative to represent the group, or vote on its behalf, on or to a task force

or outside committee, the position taken by the group's representative should be ratified at a subsequent regular community planning group meeting. CP 600-24 has been amended to identify voting situations where a majority of a present quorum of voting members vs. a majority or 2/3 of the voting member of a community planning group is required:

- A vote on a development project may occur at a meeting, provided that a quorum of the community planning group is present at the meeting and those present are eligible to vote and are not recusing. A motion will pass with just a majority of those eligible to vote supporting the motion. Even though this vote may not result in the majority of the members of the community planning group who are eligible to vote being in support or opposition to a motion, CP 600-24 allows this vote to be forwarded to the City. When a position is not supported by a majority of the voting members of a community planning group, it is helpful if there is detail provided about the number of members present to vote and the reason for a split vote.

- A vote on a community plan amendment, either a freestanding amendment or as part of a development project, or on a community plan update must be by a majority of the voting members of a community planning group.

- A vote to amend adopted bylaws or to remove an elected or appointed member of the community planning group must pass by a 2/3 vote of the voting members of the group.

Votes requiring a majority or 2/3 of the voting members of the community planning group are ones that affect the very operation, guidance, and credibility of the group and deserve to be decided by the greatest number of voting members of the group as possible.

In the case where a community planning group chair files a timely appeal on a project that the group has voted against during a regular meeting following proper procedures, the chair should report on the action at the next meeting of the group. In some cases a confirmation vote may be appropriate as a follow-up action. Community planning groups should consider adding a provision in their bylaws addressing procedures and authority for appeal. It should be based on the presumption that a chair has the authority to file an appeal on behalf of the planning group unless the chair was absent for the appeal vote, has a direct economic interest resulting in a recusal, or abstains for cause. A chair who abstains, except in the case of tie vote in accordance with adopted bylaws, may file an appeal.

If a project has been substantially revised since a prior vote by a planning group, or a planning group received incorrect or additional information, the revised project may be placed on the agenda for a re-vote. Due to changed information, the item should be placed on the agenda as a new item, referring back to the former project if appropriate. This subsequent docketing does not need to meet the Robert's Rules of Order requirements of a reconsideration.

Occasionally some members may want to docket an item on the community planning group agenda and the group chair is opposed to the item being heard. This situation is not addressed in the Brown Act. If this is a more-than-one-time situation, a group should develop a procedure and the approach of the City Council can be used: a number of group members (less than a quorum to avoid a collective concurrence situation) may together sign and forward a letter to the chair

requesting docketing. If there is a procedure in place, the chair would be obliged to comply.

9. Collective Concurrence

The attempt to develop a collective concurrence among a majority of the members, also known as conducting a serial meeting, outside of a meeting held in accordance with the Brown Act requirements, is a prohibited meeting. A serial meeting is best described as a series of discussions or deliberations held between one member and any other member(s)that does not comply with the Brown Act's public noticing and comment requirements, for the purpose of, or with the result of, developing a concurrence among the members regarding an action to be taken.

This type of serial discussion does not allow for public notice and participation in the decision-making process, and therefore violates the purpose of the Brown Act. The use of intermediaries or technological devices for this purpose is also prohibited. Although contact between one member and one other would not be a majority of the membership, the communication could continue in a chain fashion, and result in a collective concurrence. Alternatively, one member could contact several others individually, and develop a collective concurrence in that fashion. Because one party to the communication may unknowingly participate in what becomes a collective concurrence, the better practice is to engage in all discussions about matters within the board's jurisdiction at a noticed public meeting.

Distribution or availability of electronic documents should be considered as well. Individual members of a community planning group should not share their thoughts or opinions, or any documents, with any member outside a noticed public meeting. Documents intended for discussion at a meeting may be provided to the chair, if he/she permits, for distribution with the agenda or to members in advance of the meeting. Any electronic memos or documents that relate to community planning group business should either be shared AT a noticed meeting or, if shared electronically, posted to the group's website so that all group members and members of the public have equal access.

Note that collective concurrence does not apply to the development of positions by a community planning group AT a noticed meeting. Also, members of a community planning group may receive staff briefings as long as the comments or positions of the members are not purposefully communicated to other group members by the staff providing the briefings. Be aware that the possibility of serial communication could also occur as a result of communications with other individuals, such as members of the public or an applicant.

Ex parte is another type of non-public discussion that community planning group members may encounter. Bodies such as planning commissions and city councils are subject to ex parte communication requirements because they have a quasi-judicial role in decision-making. Those bodies often establish rules about avoidance and disclosure of ex parte contact in order to maintain the integrity of the public hearing process. Ex parte avoidance and disclosure does not apply to community planning group members because they do not have a 'quasi-judicial' role (i.e., hearing role requiring 'due process') even though groups are 'legislative bodies' for purposes of the Brown Act. However, it is advisable to avoid those situations outside of public meetings that lead to collective concurrence (per the Brown Act) or the appearance of decisions on items not yet heard by the community planning group.

10. Special Meetings

Special meetings are those meetings that are scheduled at times or dates other than at regularly held meetings. A special meeting can be called by a community planning group Chair or a majority of group members, and must have a specified purpose. An example could be hosting a long-planned broad community meeting on an issue of wide interest, or to consider a project or policy that requires quick action or does not fit time-wise onto a regular meeting agenda. It should be limited to only the item that required the meeting to be set and public testimony on that item must be allowed.

The non-agenda public comment that is required on a regular meeting's agenda may be waived at a special meeting. Written notice is required to all community planning group members, local newspapers and radio and television stations that have requested notice at least 24 hours prior to the meeting, and email is considered an acceptable form of written notice. A 24 hour agenda posting, similar to the requirement for a regular meeting, is still required.

11. Emergency Meetings

The purpose of emergency meetings is for matters related to public health and safety. Since these issues are outside the purview of planning groups, emergency meetings of community planning groups are prohibited.

12. Right to Record

The Brown Act requires that anyone in attendance at a community planning group meeting be allowed to record the meeting if it can be done without disruption to the meeting. The recording can either be videotape or audiotape. This recording does not have to be shared with the community planning group; however if a group records its meeting for future reference or to develop minutes, the recording must be made available to the public upon request.

The City Attorney has determined, however, that if a community planning group member records the group meeting for that member's own personal use, the recording is not a public record and is not required to be shared or disclosed.

13. Disorderly Conduct

The Brown Act states that in extreme circumstances, a community planning group may cause an individual to be removed from a meeting if the Chair cannot maintain orderly conduct of the meeting. The meeting room may be cleared if necessary. The meeting may continue (with any members of the press remaining or being readmitted) without an audience or with non-disruptive individuals readmitted. It's recommended that a community planning group chair anticipating a hostile situation at a meeting contact staff or council member to seek their advice, assistance, or attendance prior to the meeting and avoid this measure which the Brown Act allows in "extreme circumstances".

(b) Subcommittees

1. Standing Subcommittees

Standing subcommittees are generally those in place for an extended period of time that meet regularly on a particular topic. Examples of common community planning group standing subcommittees include project review subcommittees and transportation subcommittees. Standing subcommittees must be noticed and held in a publicly accessible location in accordance with Brown Act provisions for regular meetings.

2. Ad Hoc Subcommittees

Ad Hoc subcommittees are those established for a finite period of time to deal with a special issue or topic such as elections. While not subject to the Brown Act if made up entirely of members of a community planning group and constituting less than a quorum, CP 600-24 requires that all ad hoc subcommittee meetings be open to the public in an accessible location and, at a minimum, be noticed on a website, listed on the regular group agenda, or announced at a regular planning group meeting.

3. Subcommittee Composition

This section states that all subcommittees must be comprised of a majority of community planning group members. Non-group members on the subcommittee should demonstrate an understanding of their role on the subcommittee, the limitations on their role, and the ability to be defended and indemnified in their community planning group role. In order to be indemnified by the City under O-19883 NS, "An Ordinance Providing for Defense and Indemnification of Community Planning Groups", non-planning group subcommittee members must be identified in the group minutes as appointed or elected subcommittee members and must attend the first COW available to them either electronically or in person within sixty (60) days of their appointment.

4. Recommendations

Community planning group subcommittees should schedule consideration of items far enough in advance for the group to have time to review subcommittee recommendations and consider the matter. Subcommittee recommendations may not be forwarded directly to the City without a vote of the community planning group at a regular meeting. However, many community planning groups find it useful to place subcommittee recommendations on the group's consent agenda which then can be acted upon or removed for discussion depending on the amount of additional deliberation required.

(c) Recusals and Abstentions

It is the duty of community planning group members to participate in discussions and vote on agenda items. However, there are two legitimate situations that may cause a member to not vote: one is a mandatory prohibition and the other is an optional situation. They are recusals and abstentions.

1. Recusals

Recusal is required when a member of a planning group has a readily identifiable, distinguishable, direct economic interest in any project or matter being considered by the planning group. Note that direct economic interest as it is used in CP 600-24 is NOT the "Conflict of Interest" standard as discussed in California's Fair Political Practices Act (FPPA). The FPPA does not apply to community planning groups, however, the requirements in CP 600-24 and the guidance in these Administrative Regulations are patterned after state conflict of interest law.

The requirement to recuse applies to all community planning group member seats including categorized and non-voting seats. If a member has a direct economic conflict, the member must:

- Disclose the economic interest, and
- Recuse before the item is discussed, and
- Physically leave the community planning group seating area

A recusing member, who is also a member of the applicant team, may assist in the presentation of the project to the community planning group.

The community planning group chair should ask for recusals before starting any substantive discussion on an action item. The presence of the recusing member in the room in which the meeting occurs does not count toward a quorum for the item that the member recuses on. The vote on the item will not reflect the recusing member at all.

The duty to recuse due to a direct economic interest must be determined on a case-by- case basis. However, there are some common examples that have arisen in community planning groups:

- An owner, or part owner, of all or part of the subject property, business or development.
- The project architect, engineer, sales agent, or other team member.
- An employee, in any capacity, of a company, or subcontractor, or representative which is part of the project team.
- A former member of the project team that has received significant compensation for project team work within the past twelve months.

When determining whether to recuse from an item, members should err on the side of caution, but situations may arise where a member wishes to contact their community planner for advice.

It is expected that community planning group members will act in good faith to fulfill their authorized duties. If a conflict is suspected, but it is not recognized or acknowledged by a member, the group may call for a vote about whether to determine whether a member should recuse and whether the group should discount that member's participation and vote on the item. The vote should be 2/3 of the voting members of the planning group, or by a unanimous vote if less than 2/3 of the voting members of the group are present. The vote should be taken before the item is discussed. If the member still refuses to recuse, the community planning group should make it a part of the public record that a vote of the group considered the member ineligible to participate.

The participation of the member will be deemed void and the vote of the member not counted toward the planning group recommendation. The refusal by a member to recuse from the community planning group discussion and vote may result in discipline of the member under CP 600-24, Article IX, Section 3.

In general, members will not have to recuse themselves from large scale planning policy issues, matters related to land use plans such as community plans, specific plans, and precise plans. Even though actions of community planning group members are governed by CP 600-24, state law has been drawn upon to provide a framework to assist the member in determining whether they have a direct economic interest. State regulations find no disqualifying conflict of interest if the decision affects a member's economic interest in a manner which is indistinguishable from the manner in which the decision will affect the public generally. Relevant factors to determine ground for recusal include:

- Whether the decision affects a significant segment of the public (the "public generally"). As a general rule, a significant segment of the public is at least 25 percent of:
  All businesses or nonprofit entities in the City;
  All real property, commercial or residential, within the City; or
  All individuals in the City.

- Whether the decision will affect the same type of economic interest as the public generally.

- Whether, despite affecting the public in general, the decision "uniquely affects" the member, in which case there could be ground for recusal. A member is uniquely affected if the proposed action includes a disproportionate effect on the member's financial interests, as compared to the public generally.

2. Abstentions

Abstention is voluntary but available where a member has legitimate, non- economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, or cast doubt on their ability to make a fair decision, or a member lacks sufficient information upon which to cast a vote. The three-part vote on the item (for-against-abstain) will reflect an abstaining 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.

However, an abstention should normally be declared prior to the start of the item. A member should declare the abstention and the reason for the abstention. If a community planning group member realizes they need to abstain in the middle of a discussion item, they should immediately announce that fact and not participate in the item any further. It is inappropriate for a member to participate in a community planning group debate, ask questions, express opinions or guide the discussion, perhaps even make the motion or the second, and then abstain from voting. Community planning group members should not use an abstention as an option because they are uncomfortable with potential criticism of their views on the item.

If there are multiple abstentions due to a lack of information, a community planning group

should consider a continuance in order to receive additional information. There should be agreement among the members that more information is necessary to allow the community planning group to make an informed decision, and the group should be as specific as possible about what information would assist it in formulating its recommendation.

The desire to abstain is determined on a case-by-case basis. However, there are several common examples of abstention:

- A member lives adjacent to a proposed project, does not have an economic interest in the project, but wishes to participate as a concerned neighbor rather than as a member of the community planning group.

- A member has a personal relationship, which may be either positive or adverse, with the project team which may be perceived as a bias for or against the project.

3. Situational Voting Examples

Development Project: a development project is presented to a community planning group. There are 20 seats on the group, however one is vacant. Eighteen members are present at the meeting. A development project is a type of action that requires a majority of the present quorum to be approved. How many votes are required to approve the project?

- If two members present have reason to recuse and one member has chosen to abstain?
  - The 2 members who need to recuse must remove themselves from all discussion immediately. Recusals are not counted in the quorum, reducing the quorum to 16.
  - The 1 member abstaining does count in the present quorum. Therefore, the quorum is 16 for the purposes of voting.
  - A majority of 16 is 9 votes needed to approve the motion.

- If only one member present chooses to abstain (and no recusals)?
  - The abstaining member counts in the quorum therefore a majority of 18 is 10 votes needed to approve the motion.

Action of All Voting Members: an action that requires a majority of the voting members of the group (not just of the quorum present) is before the group. There are the same 19 filled seats and 16 members are present. How many votes are required to pass the motion?

- If two members have reason to recuse and one member has chosen to abstain?
  - The 2 members who need to recuse must remove themselves from all discussion immediately and do not count in the quorum.
  - The 1 abstaining member does count in the present quorum.
  - A majority of the voting members of the planning group is a majority of the filled seats, so a majority of 19 is 10 votes in favor needed of the 14 who are present at the meeting and eligible to vote.

- If only one member present has chosen to abstain?
    - The abstaining member counts in the quorum. A majority of the voting members of the planning group is a majority of the filled seats, so a majority of 19 is 10 votes in favor of the 16 who are present at the meeting and eligible to vote.

"Other" Action of Quorum Present: an action that requires a majority of the quorum present is before a group. The group has 12 members but only 11 filled seats. There are 8 members present at the meeting – so there is a quorum to do business. An item is before the group. There are no recusals, but 1 abstention. How many votes to pass the item?

- The 1 abstaining member counts in the quorum for voting purposes. The abstention does not reduce the quorum which remains at 8. As such, a majority of 8 is 5 votes needed to pass the item. The vote would need to be at least 5-2-1 for the item to pass.

(d) Meeting Documents and Records

1. Agenda by Mail

As previously discussed, the official Brown Act notice of a meeting is the physical posting of the agenda in a place accessible to the public at least 72 hours in advance of the meeting. In addition, community planning groups generally mail and/or email the agenda to group members and other interested parties in advance of the meeting. The Brown Act states that requests for mailed copies of the regular agenda and any accompanying material must be granted although a cost-recovery fee may be charge for providing this service. A request to receive agendas and materials may be made once for each calendar year but must be renewed by January 1st of the following year. Mailed agendas/materials must be distributed when the agenda is posted, or upon distribution to the planning group, whichever occurs first.

2. Agenda at Meeting

Any written documents, including agendas, project plans, project assessment letters, and environmental documents must be made available to the public at the time they are made available to the community planning group. Community planning groups may establish a procedure for ensuring the availability of documents such as by making project materials available for review at the nearest library branch and/or by referring individuals to the Development Services Department; however, all project review documents should be accessible for public review at group meetings. A cost-recovery fee may be charged for the cost of reproduction of any materials that the community planning group possesses that is requested by the public.

3. Minutes

Approved, final minutes of a meeting must be provided to the City within 14 days of approval. Community planning groups typically schedule draft minutes for approval at the next regular group meeting. Draft minutes that will be considered should be published as soon as possible after a meeting to allow for thorough review. When approved minutes are

provided to the City, they become a record of the City and thus the City's responsibility to make them available to the public. When the city does not receive approved minutes, anyone inquiring will be directed to the community planning group to produce them upon public request. Not providing approved minutes to the City within 14 days of approval is a violation of CP 600-24. Approved final minutes can be emailed to the City at: sdplanninggroups@sandiego.gov.

Minutes should include attendance of community planning group members, a recordation of the votes, and may include a listing of individuals who voluntarily sign into the meeting. The portion of the minutes related to Public Comment may note who spoke and the topic addressed. Also noted should be whether the planning group indicated a desire to schedule the matter at a future meeting.

Each agenda item voted upon must be recorded in the minutes and should include, at minimum, the exact motion being voted upon, the names and number of members who voted for, against, and abstained on the motion. CP 600-24 also requires the names of speakers on agenda items and the nature of their testimony. The requirement for the names of all members for all segments of the vote is a 2014 Brown Act requirement. While it always has been a good idea to include names, including votes on the motion is now a requirement of the Brown Act. While not part of the '3 part vote' on a motion, any group member who recused on the action should also be named in the minutes.

Any materials distributed to the community planning group at the meeting should be noted in the minutes. Also any materials the community planning group considered while taking a vote on an action item should be identified. See paragraph 4 below: these materials may not constitute records of the community planning group that must be retained and made available to the public upon request.

Approved minutes are one of the documents that the community planning group is required to provide to the City. Well-written complete minutes can provide all the information that is needed for the body of the required Annual Report (See Section 4 below).

4. Records Retention

Community planning groups are not required to retain records according to a 'schedule' as the City is required to do. (The City must comply with the Government Code provision requiring identification of records to retain and must adopt specific schedules for length of retention.) Community planning groups have a narrower requirement to observe: the Brown Act requires legislative bodies to make available for public review, upon request, agendas and other writings that were distributed to at least a majority of the body members in connection with a matter subject to consideration at an open meeting. The Brown Act does not identify a length of time agendas and other writings must remain available. Because it does not, Attachment B has been developed to advise community planning groups about which writings should be submitted to the City to become City records to be maintained, how long different types of writings should be retained by groups to be able to fulfill a timely request for public review, and which writings the group may generate or receive that do not need to be retained or made available.

Note that for those documents identified in Attachment B as becoming City records, if they are not submitted to the City, they remain the responsibility of a community planning group to produce.

Section 3. Duty to Represent Community Interests

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

Planning groups should consider a variety of outreach efforts such as creating a community planning group website, networking with other active local organizations, placing articles in local newspapers, etc., and sending planning group agendas and announcements about planning group activities to the City for broad distribution.

Keeping an up-to-date community-interest mailing list that may be shared with the City can help reach many community members or organizations that have an interest in your community activities.

When a community is engaged in a land use plan update, the City often creates a website for posting of documents, notices, and items of interest that may be shared with the community-at-large and any pre-established mailing list.

Section 4. Planning Group Roster and Annual Report

Two important documents that community planning groups create and turn over to the City are rosters and annual reports. Both are important public documents that demonstrate the operation of a community planning group and its compliance with CP 600-24. This section addresses the duty of community planning groups to maintain current rosters and prepare annual reports for the City.

Rosters: The City respects the desire of community planning group members to keep certain information about themselves private. Therefore, community planning groups may keep two sets of elected membership rosters:

A roster for City use-only, and a roster that is a public record of the community planning group that the City will make available for public review upon request. See Attachments C and D for samples of roster formats. The basic information required for each are:

> **Public Roster:** Member Name, Start Date of Service, Term Expiration Date, Eligibility Category or Seat Category
>
> **City Use-Only Roster**: the same information as above plus home address, telephone number, and email address.

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

A public-use roster discloses information about community planning group members that demonstrates their legitimate eligibility to occupy a group seat. Private information does not have to be disclosed on this roster as noted above.

If the City only receives the City-use roster and NOT the public-use roster, the roster with private information must be made available for review upon request.

Annual Reports: Annual reports are a way to highlight to the City and anyone interested in your community what your accomplishments for the past year have been. Reports should be five pages or less, and suggested topics include, but are not limited to, the following:

- Introduction
- Community Planning Group Objectives
- Administrative Matters: number of meetings of the planning group and subcommittees
- Members Summary: number of members, turnover, elections
- Community Plan Preparation, Amendments, or Implementation
- Special Projects
- Overall Summary of Project Review & Community Development
- Activities of Associated Community Organizations such as BIDs or CDCs that the planning group participates in

A sample annual report format is provided at Attachment E. At minimum, the annual report should include a summary list of accomplishments, and major actions on large projects and policy matters. Some community planning groups assemble a year's worth of approved final minutes and attach a cover page and this results in an acceptable, and often very informative, document. While the annual report may be prepared by a single member or a subcommittee of a community planning group, it should be placed on the group's agenda for a vote to forward it to the City within 60 days of the end of the 12-month period as one of the group's required records.

While the Annual Report was originally intended to reflect a calendar year of meetings for a community planning group, it is logical to reflect the work of a group's members who have worked together for a year – meaning from April through the following March. The annual report should be submitted to the City within 14 days of the approval of the March minutes since that is the final meeting of some of the members.

Section 5. Financial Contributions

This section prohibits community planning groups from requiring the payment of any dues or fees to attend meetings or participate in any group activity; however, groups may accept voluntary financial contributions. Some community planning groups have community fundraisers to defray administrative costs. The City recommends against collecting voluntary financial contributions at regular intervals because it creates a perception that contributions are required to participate in the community planning group. Contributions should not be accepted if any implied conditions are indicated.

Community planning groups and group members should not request or accept in-kind gifts, or contributions from individuals presenting projects to the group. It may be acceptable, for a

business in the community to provide meeting space for the community planning group, as long as the location is open and accessible to the public. To avoid potential conflicts of interest, the community planning group must also determine if the business donating the space makes the space available to the public generally. If not, the community planning group should not meet at that location. If so, then the community planning group should meet elsewhere whenever an agenda item arises that would impact the business donating the space.

Section 6. Community Orientation Workshop

Section 6 requires planning group members to be "COW-certified" by attending an annual Community Orientation Workshop (commonly referred to as "the COW") within 60 days of being elected or appointed to the planning group. The purpose of the training is to ensure compliance with CP 600-24 and the Brown Act, and to strengthen legal defense and indemnification of members under the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19833 NS). In addition to the annual COW meeting, community planning group members may now meet this requirement by taking the on-line Electronic COW, or E-COW, but only if attending the in-person workshop is not possible within 60 days.

Topics covered at the COW and in the E-COW start and focus on the rules governing the City's planning group process, as embodied in CP 600-24 and the Brown Act. Also, 'breakout' sessions at the COW vary year-to-year but cover the basics of planning practice, an overview of the City's governmental structure, the role of the General Plan and Community Plans, the discretionary and ministerial permit process, the California Environmental Quality Act, and the regulatory and enforcement functions of the City.

It is the duty of each community planning group to notify staff of the election or appointment of new group members, and it is the duty of the new member to attend the COW session. Non-planning group members on subcommittees must attend a COW or take the E-COW to be indemnified by the City.

ARTICLE VII Planning Group Officers

Section 1. Officers

Section 1 contains basic information about selecting the officers and establishing their terms and duties.

This section indicates that other officers may be established as needed. Many times completion and production of required community planning group records require a collective effort of the chairperson, secretary, and others. Serious consideration should be given to appointment of a parliamentarian, or assistant to the secretary, since the requirements for running a meeting and recording actions includes: adhering to parliamentary procedure; monitoring meeting procedures compliance related to motions, voting, and public speakers; and, collecting and assembling meeting materials for public review or records retention. Consider assigning the vice chairperson some of these responsibilities since their normal duties are limited.

Section 2. Chairperson

Section 2 discusses the basic responsibilities of the chairperson. Duties include filing an appeal of a City discretionary decision unless absent or having a conflict.

Section 3. Vice Chairperson

Sections 3 discusses the basic responsibilities of the vice chair which are primarily to fill in for the chair when the chair is absent or must recuse or abstain from a particular situation.

Section 4. Secretary

Section 4 discusses the responsibilities of the secretary. Secretaries may seek assistance from others.

Anyone providing administrative or procedural assistance to community planning group officers should be a group member, or COW-certified, to ensure the officers and group will be eligible for legal defense and indemnification under the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19883 NS).

Section 5. Community Planners Committee

Section 5 discusses how community planning groups send a representative to the Community Planners Committee (CPC). Attachment E is the form used to convey CPC representative information to the staff at the email: CPCommittee@sandiego.gov. If neither the representative, nor the designated alternate, can attend a CPC meeting the community planning group may send a substitute, who may speak but not vote on behalf of the group.

Section 6. Dissemination of Information

Section 6 stresses that CPC representatives have a duty to report CPC actions back to their community planning groups. The CPC representative should forward copies of a CPC meeting

agenda and minutes to the secretary for circulation to all the community planning group members. Community planning group members may also review CPC agendas, minutes, and back up materials for the CPC meetings on the Planning Department website at www.sandiego.gov/planning/community/cpc.

ARTICLE VIII Planning Group Policies and Procedures

Article VIII provides a framework for community planning groups to develop a series of procedures and policies tailored to the particular needs of their community planning areas. These policies and procedures are identified in the Bylaws Shell in Article VIII; all aspects of a community planning group's governance should be included within the group's bylaws (which may include attachments). Note that many community planning groups find that Election procedures are better located in Article V with other Election matters, and CP 600-24 has been amended to reflect this improved location.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Article IX addresses enforcement of CP 600-24 and the Brown Act, emphasizing that community planning groups govern themselves and their members to encourage compliance.

Section 1. Indemnification and Representation

Section 1 requires community planning group members to comply with CP 600-24, and their own adopted bylaws to qualify for representation and legal defense pursuant to the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19883).

Section 2. Violations and Remedies Related to Provisions Citing the Brown Act

Section 2 addresses Brown Act remedies and violations. As with other CP 600-24 provisions, the preferred remedy following a valid complaint is self-correction. If a community planning group receives a written complaint alleging a Brown Act violation, it should be forwarded to staff within 5 business days, for review and referral to the City Attorney, to ensure the correct procedures are followed, all issues are addressed, and remedies are enacted in a timely manner. Self-correction will allow a community planning group to remedy a situation with minimal effort and maximum public participation and statutory compliance. When a community planning group forwards a complaint to staff it should state whether the group has already decided to proceed with self-correction.

Section 3. Council Policy 600-24 Violations and Remedies

Section 3 discusses how community planning groups address violations by individual members of a group and by the group as a whole. Violations should be lodged by written complaint.

(a) Alleged Violations by a Member of a Community Planning Group

It is the responsibility of a community planning group, not the City, to address alleged violations of CP 600-24 by individual members. Council Policy 600-24 does not contemplate either staff or the City Attorney taking decisive action against a group member for violations of CP 600-24, although staff may, upon request by a community planning group, offer advice on how to proceed, based on experience with how other groups have addressed similar situations. Community planning groups are authorized to conduct an investigation, and where feasible take corrective action, as is deemed appropriate by the group. Investigation procedures are outlined and incorporated into the standard community planning group Bylaws Shell attached to CP 600-24. Additionally, factors that can be considered during the discussion are whether this was the individual's first violation or whether the violation relates to the Brown Act and therefore potentially opens the community planning group to penalties.

When corrective action is not feasible, removal of a community planning group member may be necessary. There may be extenuating circumstances where the benefit of removing a community planning group member without any doubt outweighs attempting to continue to operate with that member. Removal must be considered with extraordinary care and thoroughness by the entire community planning group, and must adhere to the following procedures.

a. Any action by a community planning group to discipline or remove a group member must occur at a scheduled planning group meeting and be noticed on the agenda as an action item. An action to remove a member from a community planning group must occur by a 2/3 vote of the voting members of the group unless the group's bylaws include specific alternative requirements for the removal of an appointed member.

b. Due to the significant nature of removing an elected member, and to ensure a fair and public process, standardized procedures for conducting an investigation and hearing are provided in the standardized Bylaws Shell. These procedures detail the following topics. Additional procedures would have to be approved as bylaws amendments. See Article II, Section 7.

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

Give ample notice to any member who is subject to an allegation of violation of bylaws or CP 600-24. When there is any breach, remedying the situation is always recommended. Involve the member in discussions. If there are grounds for removal and you are proceeding to schedule an item on a meeting agenda, provide the individual notice well in advance of putting out the agenda to allow the opportunity for that person to resign prior to the meeting notice being distributed and the meeting occurring.

(b) Alleged Violations by a Community Planning Group

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

The phrase "investigation by the Mayor's office," as used in this subsection, does not mean a formal criminal or civil investigation. It refers to an informal process, shaped by the nature of the allegations, and will usually involve discussions with individual members, or with an entire community planning group, as well as discussions with group members and others, and review of group minutes, correspondence, or other documents. Staff may offer advice on how to proceed, based on their experience with how other community planning groups have addressed similar situations, and may discuss the matter with the CPC.

A community planning group found to be in violation of its adopted bylaws, CP 600-24, or the Brown Act may lose its position of representing the community to the City and other agencies. The process itself will be difficult: disclosing findings that have been evaluated and will be presented to the City Council; the City Council discussion of the findings; the City Council action to remove recognition from the group as constituted. A City Council action could leave a community unrepresented, or could cause the City Council to select and appoint a new series of members who meet the eligibility requirements.

ATTACHMENT A
TRACKING SUBSTANTIVE CHANGES TO COUNCIL POLICY 600-24

The following paragraph was inserted into the POLICY Section of Council Policy 600-24 in 2014:

> "As Council Policy 600-24 is amended from time to time, the Council shall state whether community planning group bylaws must be amended to conform to the amended Council Policy and whether previously approved community-specific deviations to community planning group bylaws will govern. Regardless of whether community planning group bylaws are required to be amended, community planning groups must conform to the criteria in Council Policy 600-24, as most recently approved."

The paragraph is intended to acknowledge that various added provisions to CP 600-24 impact community planning groups and their adopted bylaws in a variety of ways:

1. Council Policy Change Only: Some language is written into CP 600-24 but there is no corresponding provision in adopted bylaws of community planning groups. Therefore, groups are all subject to this new general language by its placement in CP 600-24 with no need to incorporate it into adopted bylaws. If groups desire to incorporate it, it could be an administrative approval (not a City Council-needed deviation)
2. Council Policy & Bylaws Shell Change: The revised provisions are found in CP 600-24 and have corresponding language in the Bylaws Shell. New provisions in this category are developed to address issues faced by multiple community planning groups and cause a generally-applicable change to CP 600-24. Revised language must be included in a group's bylaws unless language of similar intent is already present. If a group is currently updating their bylaws, this language must be incorporated prior to final City approval (either administratively or by City Council deviation).

This paragraph indicates that when amendments to CP 600-24 proceed, the City Council will identify which category the revised provisions fall into, thus providing specific direction to staff and the community planning groups about the intent of the Council action. Any resolution approving the CP 600-24 revisions will contain a list of all Policy Articles (& Section if needed) that are being revised. Lists of revisions attached to resolutions will be incorporated into this Attachment A of the Administrative Guidelines and will be used as a guide for revisions to adopted bylaws and for Council consideration of future proposed deviations to standardized provisions.

In 2007 the Bylaws Shell was adopted as part of CP 600-24. It was the first 'semi-standardization' of all community planning groups' bylaws. Since 2008 when revised bylaws for all community planning groups were either approved administratively by Staff and the City Attorney, or approved with deviations by the City Council, a log has been kept of bylaws amendments. Thus, when revised provisions are proposed to CP 600-24 in the future, between this matrix and knowledge by individual groups previously-granted deviations should be able to be identified and reviewed to determine if revisions are needed to bring adopted bylaws into compliance or if previously-granted deviations may remain.

2014 Council Policy 600-24 Amendments

Article/Section	Revised Provision/s	CP change only	Bylaws Changes Required - no deviations from intent
BACKGROUND	Community Planners Committee; bylaws deviations description; general editing	✓	
PURPOSE	Clarifies who are members of the community planning group for CP600-24 purposes	✓	
POLICY	Changes bylaws amendments to a two-thirds vote		✓
POLICY	Discuss CP600-24 revisions in relation to adopted bylaws	✓	
POLICY	General editing	✓	
Article I, Section 3	How a community planning group's boundaries may change	✓	
Article II, Section 1	Roles of community planning groups based in General and community plans, and as requested		✓
Article II, Section 2	Adds that a community planning group reviewing a development project will consider the Land Development Code		✓
Article III, Section 1	Enabling language and purpose of appointed seats on a community planning group	✓	
Article III, Section 3	Limits business representation to one community planning group seat per establishment with a non-residential real property address in the planning area		✓
Article III, Section 4	Clarifications: an over-term member may continue to serve if fewer candidates than vacant seats; over-term members cannot exceed twenty-five percent of elected members of the community planning group	✓	
Article III, Section 5	Clarification that majority vote is of voting members of the community planning group		✓
Article III, Section 5	Changes vote by community planning group to remove a member who lost eligibility to be a ratification vote		✓
Article IV, Section 1	Adds listing of all the reasons that a vacancy may be declared		✓
Article IV, Section 2	States a vacancy should – not shall – be filled within 120 days		✓
Article IV, Section 3	States that a community planning group may – not shall – leave a seat vacant until the next election if a candidate is not found within 120 days		✓
Article V, Section 1	Clarifies that the number of documented meeting attendances varies by community planning group		✓
Article V, Section 3	Clarifies that secret written ballot shall be used in election of new community planning group members in an election held separately from a community planning group meeting	✓	
Article VI, Section 2(a) (1)	Adds that if a community planning group maintains a website, an agenda should be posted there 72 hours in advance of a meeting		✓
Article VI, Section 2(a)(8)(a)	Clarification that two-thirds vote cited is two-thirds of the voting members of the community planning group		✓
Article VI, Section 2(a)(8)(b)1-4	Adds comprehensive list of the subjects of actions that could be taken by a community planning group and that a two-thirds or majority vote cited is two-thirds or majority of the voting members of the community planning group		✓
Article VI, Section 2(a)(8)(b)5	Changed voting for vote types not specified in 1-4 above is a majority of voting members of the community planning		✓

	group in attendance at a meeting when they constitute a quorum		
Article VI, Section 2(a)(8)(b)	Rewrote statements about actions of a community planning group must be taken in public and that positions on agenda items are established by those votes	✓	
Article VI, Section 2(c)	Added statements to Recusals and Abstentions referring to the Administrative Guidelines for relevant situations for each	✓	
Article VI, Section 2(d)(3)	Adding specific timeframes for availability of draft minutes and detailing Brown Act requirement for content of minutes		✓
Article VI, Section 2(d)(3)	States requirement of posting of approved minutes on a community planning group's website		✓
Article VI, Section 2(d)(4)	Replaced 'holding language' about records retention requirements of community planning groups with substantive information and referral to Administrative Guidelines for categories of material.		✓
Article VI, Section 6	Adds requirement that a new community planning group member complete online orientation training if attending a Community Orientation Workshop is not possible within 60 days of becoming a member		✓
Article VI, Section 6	Adds City responsibility to maintain availability of online training session for those unable to attend a Community Orientation Workshop within 60 days of becoming a member		✓
Article VII, Section 2	Clarifies that the Chair will be the community planning group member to appeal a discretionary decision unless they are prohibited by absence or direct economic interest.		✓
Article IX, Section 3	Rewording of statement about community planning group member's failure to comply with governing documents	✓	

Attachment B

Community Planning Group Records

In accordance with Article VI, Section 2 (d) (4), community planning groups manage many types of documents in conducting group business. Some of these documents community planning groups create to meet City requirements of CP 600-24 and to assure consistent and fair operation of their planning group. Some of these documents are required by CP 600-24 to be handed over to the City. Because the City requires submittal of these documents to review planning group operation and provide public information or planning group assistance as needed, these become City records subject to an RRE (Records Retention Evaluation). Other documents are ones that the planning group creates or receives and distributes to a majority of the planning group members in order to conduct business at meetings. Many of these remain with the planning group and are subject to the Brown Act requirement of availability to the public upon request. Other documents that the planning group receives may not need to be retained.

Document/Record Type	Required Retention or Availability
Records the CPG must submit to the City either as draft (bylaws) or as a copy (rosters, annual reports, approved minutes of the CPG or its standing subcommittees, materials used in investigation of alleged violations of CP or adopted bylaws by CPG or CPG member); voting procedures for atypical situations; reports from CPG regarding filling lengthy vacancies	City to include these items in an RRE for City retention of required documents with appropriate timeframes identified in the RRE.
	CPGs should have these records available as operational documents as long as there is use of them by the CPG. Specifically: bylaws should be available if they are current; current rosters should be available as should any past rosters used to determine length of term of current elected CPG members; most recent annual report; approved minutes for 2 years or until information in them is outdated.
Recommendations, either created electronically or in paper format, from CPGs to the City on projects or plans that fulfill responsibilities contained in CP 600- 24.	City to include this item in an RRE for City retention of required documents with appropriate timeframes identified in the RRE. Will be retained as part of a project or plan record.
	These are records subject to public availability required by the PRA. CPGs should have these records available as operational documents as long as there is a use of them by the CPG, e.g., while a development project is active or a plan is a draft.
Records the CPG received or produced that do not qualify as a record of the City and are not required to be submitted to the City, such as: published agendas of the CPG or its standing subcommittees, correspondence generated by the CPG; correspondence submitted to the CPG; meeting sign-in sheets used to determine elected-member eligibility or documentation.	City will not develop an RRE to retain these documents even if sent to the City; these are not City records. Any holding or managing of these documents by the City is voluntary and sporadic.
	These are records subject to public availability required by the PRA. CPGs should have these records available as operational documents as long as there is a use of them by the CPG. Specifically: published agendas should be retained until minutes of that meeting are prepared (reflecting the final agenda); correspondence should be available for at least 1 year or until its use has passed (e.g., related to a proposed project until the project is heard); meeting sign-in sheets should be available until the next election cycle.

Non-records of the CPG are those that are copies of documents received by the CPG to review such as: project plans or environmental documents; and miscellaneous notices or materials received by the CPG either by mail or at a meeting.	City will not develop an RRE for these non-records.
	CPGs do not need to make these documents available since they are not records of the CPG. CPG should hold these documents as long as needed to utilize them for their intended purposes.

Attachment C
Sample Community Planning Group Roster for City Use
Date [Month/Year]

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

Vice Chair
Name Telephone Number Fax Number
Address
City, State Zip Code Term expiration Seat (if applicable)
Email Address Initial Term Date with Uninterrupted Service

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

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

Elected Members [list each individually]

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

Community Planner
Name Phone Number Fax Number
San Diego Planning Department
202 "C" Street, MS-4A
San Diego, CA 92101
Email Address

Last updated XXX

Attachment D
Sample Community Planning Group Roster for Public Use
Date [Month/Year]

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

Vice Chair
Name | Term Expiration/ Initial Term Date | Seat (if applicable)

Secretary
Name | Term Expiration/ Initial Term Date | Seat (if applicable)

Treasurer
Name | Term Expiration/ Initial Term Date | Seat (if applicable)

Elected Members

List Each Name | Term Expiration/ Initial Term Date | Seat (if applicable)

Community Planner
Name | Phone Number | Fax Number
San Diego Planning Department
202 "C" Street, MS-4A
San Diego, CA 92101
Email Address

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

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

Last updated XXX

CITY OF SAN DIEGO
COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES

ATTACHMENT E
ANNUAL REPORT OF THE XXX COMMUNITY PLANNING GROUP
Month, Year – Month, Year

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

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

Section III. Members Summary

Number of members in bylaws and seated; problems with retaining members? Elections?

Section III. Community Plan Preparation, Plan Amendments, and Implementation

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

Section VI. Special Projects.

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

Section VII. Overall Summary of Project Review & Community Development.

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

Section VIII. Activities of Associated Community Organizations

Include any associations with groups such as BIDs or CDCs that the community planning group participates in or partners with.

CITY OF SAN DIEGO
COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES

ATTACHMENT F
Community Planners Committee Membership Data Form

COMMUNITY PLANNERS COMMITTEE (CPC) MEMBERSHIP DATA

Date:

Planning Group Name:

Chairperson's Name:

Chairperson's Address:

Chairperson's Email:

Chairperson, please check one box below:

☐ I am the CPC Representative ☐ I am not the CPC Representative

If the Chairperson is <u>not</u> the CPC Representative, please list the designated representative below:

The Planning Group's action on [date] designated the CPC Representative as:

Name:

Address:

Email:

Alternate CPC Representative:

The Planning Group's action on designated the Alternate CPC Representative as:
Date

Name:

Address:

Email:

Pursuant to the Community Planners Committee By-laws, this information must be received in order for any community planning group member to maintain active membership and voting eligibility rights in the Community Planners Committee. The completed form can be emailed to CPCommittee@sandiego.gov or faxed to (619) 234-6478.

Attachment G

CITY COUNCIL ORDINANCE NO. O-19883NS, "AN ORDINANCE PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF COMMUNITY PLANNING GROUPS."

ORDINANCE NUMBER O-_____1_9_8_8_3___(NEW SERIES)

DATE OF FINAL PASSAGE --'"-JU::..:l=---2-'"8-

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AN ORDINANCE PROVIDING FOR DEFENSE AND INDEMNIFICATION OF COMMUNITY PLANNING GROUPS.

The document below is the text of O-19883NS (Corrected Copy). It can be found in its entirety with its voting & adoption information on the City's website at: http://docs.sandiego.gov/council_reso_ordinance/rao2009/O-19883.pdf .

WHEREAS, the successful implementation of the General Plan of the City of San Diego requires the thoughtful and deliberate development and implementation of community plans; and

WHEREAS, the development of community plans requires the cooperation and participation of citizens who have the personal knowledge of the needs and aspirations of their respective communities; and

WHEREAS, the City Council has adopted Council Policy 600-5 entitled "Community Plans" which provides, in part, that citizens' groups be established for the purpose of providing a formal organizational structure for coordination and communication with City planning staff;

that said citizens' organizations shall contain as broad a base oflocal representation as is feasible and practical; and that groups be aware of their duties and responsibilities in the planning process and express a willingness to accept such responsibilities; and

WHEREAS, the City Council has adopted Council Policy 600-9 entitled "Community Planners Committee" which provides, in part, that, in an advisory capacity, the Community Planners Committee [CPC] shall participate in reviewing and recommending to appropriate bodies actions deemed necessary and desirable for the timely and continued effectuation of goals, objectives and proposals contained in the General Plan and that it shall serve in an

advisory capacity to the community planning groups with a primary goal of achieving maximum coordination of planning matters on a comprehensive or citywide basis, and promotion of solutions of matters of mutual concern shared among the communities of San Diego; and

WHEREAS, the City Council has adopted Council Policy 600-24 entitled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups," which provides a procedure under which citizens who are interested in participating in the planning

process in an advisory capacity may form organizations and request recognition, in their advisory capacity, by the City Council as community planning groups; and

WHEREAS, community planning groups devote countless hours of their time and substantial private resources in assisting the City of San Diego in the development and implementation of community plans and the General Plan; and

WHEREAS, both community planning group members and non-members serve together on subcommittees of community planning groups and perform a necessary function in the planning process; and

WHEREAS, the voluntary efforts of community planning groups and subcommittee members are of inestimable value to the citizens of the City of San Diego; and

WHEREAS, recent developments have caused community planning groups not committee members and the CPC to become concerned about possible exposure to litigation arising from participation in the planning process; and

WHEREAS, the concerns about personal exposure to litigation continue to jeopardize the vitality of the planning process and, unless eliminated, may cause the collapse of the process that provides essential citizen participation; and

WHEREAS, the Council of the City of San Diego finds and declares that the provision of defense and immunity of any community planning group, or the elected or appointed members, subcommittee members, or former members thereof, acting in conformance with Council Policy 600-24, would constitute expenditure of public funds which serves the highest public interest and purpose; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Except as hereinafter provided, the City of San Diego shall provide for the defense and indemnity of the following: the CPC established by Council Policy 600-9, and any community planning group, including its subcommittees, established pursuant to Council Policy 600-24, both entities hereafter referred to as "group"; and the duly elected or appointed members, subcommittee members, or former members, hereafter also referred to as "people" or "person," thereof against any claim or action against such group, member, or former member, if all of the following circumstances exist:

A. The person is, or was, a duly-elected or appointed member of a group recognized and operating in accordance with Council Policy 600-9 or Council Policy 600-24;

B. The person attended a Community Orientation Workshop [COW] conducted by the City of San Diego, prior to participating in the activity which gave rise to the claim or action against the group, member, or former member; or, if a COW was not yet available, prior to the person's participation at his or her first group meeting, the person read the Community Orientation Workshop Handbook and certified on the record at that meeting that the person completed such review, and then attended the first COW available to that person. Upon the availability of the COW electronically, a person shall be required to attend the COW or participate in the electronic version within sixty (60) days of being duly elected or appointed in order to qualify for the indemnity and defense provided herein;

C. The alleged act or omission occurred or was authorized during a lawful meeting of the group or subcommittee thereof;

D. The alleged act or omission was within the reasonable scope of duties of a group as described in Council Policies 600-S, 600-6, 600-9 and 600-24, and was not in

violation of any of those Council Policies, or any provision of the bylaws adopted by the group and approved and/or adopted by the appropriately-designated City officials or City entities;

E. The person or group made a request in writing to the City Attorney for defense and indemnification no later than ten (10) working days from being served or notified of such legal papers;

F. The person or group performed his, her or its duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person or persons in a like position would use under similar circumstances;

G. The person or group reasonably cooperates with the City Attorney in the defense of the claim or action; and

H. The person's or group's actions or failures to act were not due to actual fraud, corruption, actual malice or bad faith.

I. Any person who is a member of a subcommittee, and is identified on the record and within the minutes upon their election or appointment, or during the first planning group meeting that occurs after that person joins the subcommittee, whichever is earlier.

Section 2. In the event the City Attorney determines that a person or group is not entitled to or should not receive defense and indemnification under this ordinance, the City Attorney shall promptly advise the City Council and the person or group. The City Attorney shall not withdraw from such defense, and the City shall not deny such indemnification, under this section without the approval of the City Council. Nothing contained herein relieves the City of San Diego from its obligations under Section 1 to provide a defense and indemnification under the

conditions specified. The City of San Diego may provide a defense to a person or group under a reservation of rights.

Section 3. The provisions of this ordinance apply only to members, subcommittee members, or former members of groups established and recognized by the City Council pursuant to Council Policy 600-9 and Council Policy 600-24.

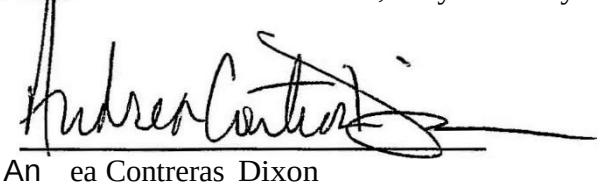
Section 4. Defense and indemnification shall not be provided by the City of San Diego in any administrative or judicial proceeding initiated by a group, its members, or its subcommittee members, against the City of San Diego, its agencies or representatives or any other party or organization nor shall representation and indemnification be provided to a group, its members, or its subcommittee members, against damages to any person or organization which are alleged to have resulted from the initiation of any administrative or judicial proceeding by a group, its members, or its subcommittee members.

Section 5. In no event shall defense or indemnification be provided against a claim or judgment for punitive damages.

Section 6. This ordinance does not constitute an admission or a waiver of the position of the City of San Diego that groups and the members thereof are not officers, employees or servants of the City of San Diego.

Section 7. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

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