



THE CITY OF SAN DIEGO

M E M O R A N D U M

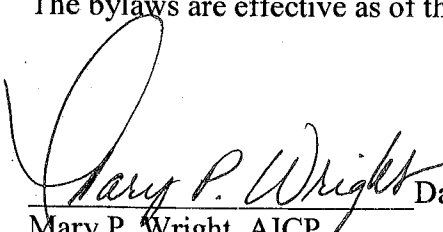
DATE: March 13, 2008

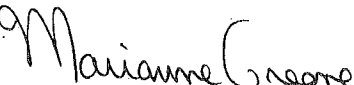
TO: Derryl Williams, Chair, Encanto Neighborhoods Community Planning Group

FROM: Mary P. Wright, City Planning & Community Investment Department &
Marianne Greene, Office of the City Attorney

SUBJECT: Approval of an amendment to the Encanto Neighborhoods Community Planning
Group bylaws

The Encanto Neighborhoods Community Planning Group bylaws amendment has been reviewed and determined to be in conformance with the provisions of City of San Diego (City) Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups). The Council Policy 600-24 requires each community planning group, as a condition of official recognition by the City, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws." Amendments may be approved by the Mayor's office and the City Attorney's office if determined to conform to Council Policy 600-24. The amended bylaws have been reviewed and approved by the City Attorney's office and the City Planning & Community Investment department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.


Date: 3/20/08
Mary P. Wright, AICP
Deputy Director
City Planning & Community Investment


Date: 3/25/08
Marianne Greene
Deputy City Attorney

MPW/MG/bt

Attachments: Encanto Neighborhoods Community Planning Group bylaws

**Encanto Neighborhoods Community Planning Group Bylaws
Amended and Approved September 11, 2007**

ARTICLE I Name

- Section 1. The official name of this organization is the Encanto Neighborhoods Community Planning Group (referred to hereafter as “ENCPG.”)
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the ENCPG are the boundaries of the Encanto Neighborhoods community, as shown on Exhibit "A".
- Section 4. Meetings of the ENCPG shall be held within these boundaries, except that when the ENCPG does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.
- Section 5. The official positions and opinions of the ENCPG shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. The ENCPG has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Encanto Neighborhoods community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.
- Section 2. In reviewing individual development projects, the ENCPG should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.
- Section 3. All activities of the ENCPG shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age,

creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

- Section 4. The ENCPG shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.
- Section 5. Pursuant to the provisions of City Council Policy 600-5, the ENCPG's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the Encanto Neighborhoods community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.
- Section 6. The ENCPG operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.
- Section 7. The ENCPG may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

- Section 1. The ENCPG shall consist of sixteen elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected members of the ENCPG shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the ENCPG eight of the elected seats are filled by any eligible member identified below. These will be referred to as the “At Large” seats. The other eight elected seats are filled by a geographic distribution of seats among neighborhoods as follows: one seat for a resident of Alta Vista; one seat for a resident of Broadway Heights; one seat for a resident of Chollas View; one seat for a resident of Emerald Hills; one seat for a resident of Encanto; one seat for a resident of Lincoln Park; one seat for a resident of South Encanto; and one seat for a resident of Valencia Park. These seats will be referred to as “Representatives” of their respective neighborhoods.

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

An individual may become an eligible member of the community by attending three meetings of the ENCPG within one year and submitting a membership application to the planning group Recording Secretary prior to the March election.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group’s criteria and formal action is taken by the planning group. However, the ENCPG shall require proof of eligibility during elections.

Section 3. Members of the ENCPG shall be elected to serve for fixed terms of two years with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than eight consecutive years.

The eight year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for eight consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for eight consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the ENCPG must retain eligibility during the entire term of service.

Section 5. A member of the ENCPG found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the ENCPG who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

Section 1. The ENCPG shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning groups regular meetings.

Section 2. Vacancies that may occur on the ENCPG shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The ENCPG shall fill vacancies at the time the vacancy is declared in accordance with the following:

- The vacancy shall be announced to the community for one month prior to a selection, and a written application shall be requested to be filed with the ENCPG for consideration. After one month, should no applications be received from the neighborhood of the vacated seat, then applications shall be opened to anyone meeting all qualifications for membership.
- After applications have been received and presented to the board on the first or second meeting following the recognition of the vacancy, the ENCPG shall select a candidate by written secret ballot to fill the vacated seat with the voting record available upon request.

- The term of office of any member filling a vacancy shall be for the balance of the term of the vacated seat.
- Applications to fill a vacancy may be accepted from eligible members of the community.

Section 3. When the ENCPG is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. General elections of ENCPG members shall be held during the month of March in accordance with the elections procedures found in Exhibit B of these bylaws.

The ENCPG's general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at three meetings of the ENCPG's last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The ENCPG shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the group for at least one year.

The ENCPG holds its election at the March regular meeting.

The ENCPG will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service.

The ENCPG's policy related to write-in candidates is that write-in candidates are not allowed.

Section 3. Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4. The ENCPG's election becomes final after announcing the election results at the conclusion of the noticed, regular March meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5. Voting procedures: See Exhibit B – Elections Handbook.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the ENCPG to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. **(a) Meeting Procedures**

It shall be the duty of each member of the ENCPG to attend all planning group meetings.

(i) **REGULAR AGENDA POSTING** - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

(ii) **PUBLIC COMMENT**- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) **ADJOURNMENTS AND CONTINUANCES** – If the ENCPG does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

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

(iv) **CONTINUED ITEMS** - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new

agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee's consideration.

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

(vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

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

(vii) DEVELOPMENT PROJECT REVIEW - The ENCPG may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

The planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

(viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an

immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

The ENCPG's chair participates in discussions but does not vote except to make or break a tie.

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

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of Council Policy 600-24.

(ix) **COLLECTIVE CONCURRENCE** - Any attempt to develop a collective concurrence of the members of the ENCPG as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) **SPECIAL MEETINGS** - The chair of the ENCPG, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) **EMERGENCY MEETINGS** - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the ENCPG and are prohibited under these bylaws.

(xii) **RIGHT TO RECORD** - Any person attending a meeting of the ENCPG must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(xiii) **DISORDERLY CONDUCT** - In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The ENCPG may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

(i) **STANDING SUBCOMMITTEES** - Pursuant to the purpose of the ENCPG as identified in Article II, Section 1, the planning group has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter.

(ii) **AD HOC SUBCOMMITTEES** - Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

(iii) **SUBCOMMITTEE COMPOSITION** – Subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) **RECOMMENDATIONS** – Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) **RECUSALS** - Any member of the ENCPG with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

(ii) ABSTENTIONS – In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

(d) Meeting Documents and Records

(i) AGENDA BY MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES – For each planning group meeting, a report of ENCPG member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The ENCPG is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv) RECORDS RETENTION – ENCPG records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of the ENCPG and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the ENCPG to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The ENCPG may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each elected ENCPG member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII Planning Group Officers

Section 1. The officers of the ENCPG shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Corresponding Secretary, Recording Secretary and Financial Secretary. The length of an officer's term shall be one year, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

- Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. The Chairperson shall be an ex-officio member of all subcommittees. The Chairperson shall set the agenda for meetings. The Chairperson shall be the point of contact for development applicants.
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.
- Section 4. Corresponding Secretary. The Corresponding Secretary shall be responsible for the planning group's correspondence and for posting notice of meetings.
- Section 5. Recording Secretary. The Recording Secretary shall be responsible for attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Recording Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 6. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 7. The ENCPG officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

- Section 1. The ENCPG bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

(a) Community Participation

The following are the ENCPG's procedures regarding community participation:

Community outreach strategies: In order to grow interest in the planning group and encourage a representative diversity among its members, members who are Representatives of neighborhoods are strongly encouraged to participate in their respective neighborhood councils and in order to represent their interests and concerns.

Community Outreach Subcommittee: In September of each year, the Chairperson shall appoint a Community Outreach Subcommittee to endeavor to achieve greater involvement of the community in the ENCPG.

(b) Planning Group Composition

The following are the ENCPG procedures pursuant to Article III, Section 2 regarding planning group composition:

Representatives residing outside of the neighborhood to be represented: If, after actively seeking to the greatest practical extent, a candidate to fill a seat reserved for a neighborhood Representative per Article III, Section 2 and finding no qualified community member to serve, that seat may be filled by a qualified community member from another neighborhood.

(c) Conduct of Meetings

The following are the ENCPG procedures regarding conduct of planning group meetings:

ENCPG Ground Rules: In August and September of 2006, the ENCPG held a series of retreats to improve the effectiveness, efficiency and collaborative conduct of meetings. An outcome of the retreat sessions was the adoption of the Encanto Neighborhoods Community Planning Group Ground Rules. These are incorporated into these Bylaws as Exhibit C.

Notice of meetings: The Corresponding Secretary will post agendas on a bulletin board at Malcolm X Valencia Park Library within 72 hours prior to regularly scheduled meetings. The Chairperson will forward agendas to the City Planning

& Community Investment Department to be posted on the City Planning & Community Investment Department website [www.sandiego.gov/planning/community/profiles/encanto/agendas.shtml] within 72 hours prior to regularly scheduled meetings.

Elections Subcommittee: Each November, an Elections Subcommittee shall be appointed by a vote of the planning group to implement elections in accordance with Article V. The Elections Subcommittee shall be comprised of members who are not up for election in the coming March.

(d) Member and Planning Group Responsibilities

The following are the ENCPG procedures regarding member and planning group responsibilities:

Representation of Planning Group Positions: All positions of the ENCPG, whether project review recommendations or other opinions, shall be authorized by a majority vote of the planning group. A record of the vote shall be included with the position.

The ENCPG may appoint liaisons to other community organizations as needed.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The ENCPG and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The ENCPG and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

(a) Alleged Violations by a Member of the ENCPG

In cases of alleged violations of the ENCPG bylaws or Council Policy 600-24 by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

If the planning group member found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the ENCPG to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.

- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair [or other officer] may assist in providing appropriate citations to assist the complainant.
- The chair will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and the ENCPG would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may

also request a continuance of the item to gather more information to present to the planning group.

- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a 2/3 vote of their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations Against the ENCPG as a Whole

In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The ENCPG will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Exhibit A: ENCPG Boundary Map
Exhibit B: Elections Handbook
Exhibit C: ENCPG Ground Rules

Bylaws Shell Date: 6/1/07

Exhibit A

Boundary Map

Exhibit B

Elections Handbook

Elections Handbook

2004



City of San Diego Planning Department

The handbook represents a compilation of current Council Policy 600-24, the Administrative Guidelines, current community planning committee bylaws, and references from Robert's rules of Order. The Election Handbook will be revised to reflect any changes to Council Policy and the Administrative Guidelines.

Introduction

The purpose of the Elections Handbook is to help promote effective elections within the City of San Diego's recognized community planning committees. Council Policy 600-24, Standard Operating Procedures and Responsibilities of Recognized Community Planning Committees, is the guiding policy that frames the roles and responsibilities for all committees and their members. The City Attorney and Planning Departments have prepared Administrative Guidelines to help explain the Council Policy provisions and provide more detailed guidance to community planning committees. All committees have generated their own sets of bylaws that are tailored from Council Policy 600-24. Within the Policy statement of Council Policy 600-24, committees' bylaws must follow the format and be in conformance with the criteria of CP 600-24 as a condition of recognition. As self-governing private organizations, the planning committees have modified their bylaws to fit the uniqueness of their community planning areas.

An important component of committee bylaws is the procedure for the election of community planning committee members. In order to operate successfully with broad community participation, elections must reflect the integrity of the committee, the bylaws, Council Policy 600-24, and the membership. When the committee bylaws explicitly detail election procedures and contain contingency procedures for the broad spectrum of election nuances, elections are run smoothly and there is a seamless transition as the committee changes composition. Election procedures are more likely to be successful if a sincere effort is made by the planning committee to disclose election details early and to make the process open and accessible to the community.

The handbook is a collection of election details that have been collected from Council Policy 600-24 and the bylaws of the community planning committees. The discussion focuses on who the Council Policy recognizes – the 12-20 elected committee members. Some committees go on to identify a general membership category – discussions of eligibility for which are not discussed within the handbook. The handbook provides a glimpse of the spectrum of specificity that is contained within the bylaws of the community planning committees and provides staff advice based upon our election experience with all community planning committees.

One of the most important points for committee members to take from this handbook is that members should have a clear understanding of their bylaws. After the 2004 elections and upon review of the committee's bylaws, your committee may determine to strengthen election procedures and provide further details through bylaw augmentation and amendment. The ultimate goal is a smooth election, a seamless transition, and broad community participation.

Community Planning Committee Elections

Council Policy 600-24 requires that all bylaws include a procedure for election of committee members (Article VIII Section 1 (1)). Bylaws must incorporate requirements for planning committee candidacy, and clearly define general and elected membership and voting eligibility, including membership application or registration. Within the bylaws, a method of review of voter qualification as well as a method of cross-checking voting eligibility at the time of election must be included to eliminate qualification confusion. Pre-election procedures vary among the 42 planning committees. The Election Handbook depicts the spectrum of how different planning

committees structure their bylaws to address pre-elections procedures and membership qualifications, thus showing the range of specificity throughout the bylaws of all of the planning committees.

Pre-Election Preparations

- **Member Eligibility Requirements**

Basic member eligibility requirements are the same for all 42 planning committees and are dictated by Council Policy 600-24. CP 600-24 states that community planning committee members shall be elected by and from eligible members of the community. To be an eligible community member, an individual must be at least eighteen (18) years of age, and shall be affiliated with the community as a property owner or resident or local business person with a business address in the community at which employees or operators of the business are located.

Eligibility may be further defined in committee bylaws. Some committees have gone on to have more specifically defined categories. It is fundamentally important to know from inception of the category how to qualify someone for this category. Community planning committee members shall to the extent possible, represent the broad community and diversified community interests. Most community planning committees have adopted this same language within their bylaws.

- **Soliciting new planning committee members/eligible candidates on an ongoing basis**

In order to ensure that meeting attendees understand the roles and duties of the community planning committee, the Chairperson can provide a brief introduction on the purpose and duties of the planning committee at the beginning of each meeting. The introduction assists individuals interested in participating in the planning committee with a clear understanding of the overall duties and purpose of the Committee. The introduction can include a brief statement of the overall purpose set forth by Council Policy 600-24 and the committee's bylaws as well as the planning area boundaries. As committee members introduce themselves, they can state their name, seat and, if pertinent, the area of the community they represent.

- ❖ **Sample Chair Intro**

The ___[insert committee name]___ is the officially recognized land use advisory committee to the San Diego City Council. Our role is to review and provide recommendations to the City on land use and development-related projects and issues that fall within the [insert area name] Community Planning Area. While we are an advisory body we are not a decision making body – we provide advice to city officials and decision makers, the Planning Commission and City Council.

The [insert area name] community is made up of the neighborhoods bounded by... [provide general geographic description].

My name is [insert name] and I am the chair of [insert committee name]. All of the committee members are [residents, business owners, etc.] in the [insert name] area and elected by the community during general elections that are normally held in March. The other elected committee members will now introduce themselves.....

Many committees do not have eligibility requirements or attendance requirements or membership requirements for voting in a community planning committee elections. In general, voter eligibility in the committee elections is based upon proof of residency or a business address within the community at the time of the election. Committees without membership requirements have determined that planning committee voter eligibility should be no more restrictive than voter eligibility in a City election.

Where committees have membership requirements, membership forms can be made available at planning committee meetings. The forms need to clearly indicate eligibility categories according to the adopted bylaws. The forms can be placed on the sign-in table as individuals enter the room. In the event of a committee vacancy, membership forms can be included with the agenda in the monthly mail out. The bylaws can state which committee member will maintain the membership applications on file, or individual forms can identify to whom the form can be returned.

While not mandatory, a sign-in sheet can be utilized at each planning committee meeting. Sign-in sheet information is used to send monthly agendas to individuals interested in planning committee activities. The information is also used to determine eligibility for general membership and candidacy. Normally, it is the Secretary's duty to maintain the sign-in sheets. When an election sub-committee is formed, the sign-in information is provided to the sub-committee for election purposes. If the applicable bylaws have attendance requirements for candidates, the sign-in sheets must include an area for the person's name, mailing address, email address and phone number to be used for contact purposes and establishing eligibility. As a note, privacy issues have arisen regarding these sheets and it is at the discretion of the committee to provide this information to the general public.

Candidacy requirements may be different from general membership requirements. The bylaws can clearly state attendance or eligibility requirements that go beyond general membership and voting requirements.

In summary, if the community planning committee has established a general membership category to which individuals need to belong in order to vote for elections of new community planning committee members, requirements for being a general member must be clearly written in the committee's bylaws.

- **Noticing regular elections to attract new planning committee members as candidates**

Actively noticing elections encourages broad community participation and attracts new candidates for planning committee membership. Noticing can reach a broad range of community interests and reach a wide geographical area. Individual committees may

have specific criteria for qualification as a voter or as a candidate; therefore, early noticing of the elections will inform the community of these procedures in time for their participation in the election. Council Policy 600-24 states that it shall be the duty of the community planning committee to make a good faith effort to contact community newspapers and utilize other means appropriate to their communities to publicize the elections (Article V Section 2). Other than the newspapers, the policy leaves it up to individual committee bylaws to provide additional provisions for the noticing of the elections.

The Administrative Guidelines, under the General Election Procedures (Admin. Guidelines Sec. 6), recommend that the election policies in the bylaws or in procedures are readily available to the public and presented consistently. Detailed instructions that can be distributed in writing will be useful to present to the public. There are a variety of avenues for noticing, including the local community newspaper, local home owners' association newsletters, and on the planning committee website. Information can also be dispersed through emails and server committees as well as through flyers posted in appropriate locations such as the local library, public meeting places, churches, recreation centers, community-based organizations or institutions. While assistance from the Planning Department is available through the community planner for the area, community planning committees know their communities and may determine the most effective measures to utilize in order to reach a broad range of people in the community to encourage participation in the election process.

If a committee has eligibility requirements, an excellent approach to ensuring that individuals are aware of such requirements for both candidacy and general membership is to start noticing the March election in the fall. Following are examples of how some community planning committee bylaws address noticing elections and general membership, a first step in candidacy qualification.

The **Greater North Park** committee includes election and voting information on the monthly agenda beginning in September of each year and also posts it on the North Park Community Association Website. The **Torrey Pines Community Planning Board** bylaws allows for posting of election notices on web sites. The committee maintains its own website available for public access, which can be utilized to advertise elections. The **Linda Vista Community Planning Committee** bylaws provide for flyers to be posted announcing the upcoming Committee election in prominent places, as legally permitted, throughout the community; including notices of the election posted at the Linda Vista Library and at the community Bulletin Board in the Linda Vista Plaza. The **Clairemont Mesa Planning Committee** bylaws identify notices of elections to be posted at the Clairemont Friendship Center, The South Clairemont Recreation Center, the Clairemont Public Libraries and Churches as allowed. The **Eastern Area Community Planning Committee** bylaw provisions include noticing the elections in prominent places in the community, such as: Community councils, libraries, shopping centers, Chollas Lake Park, PTA meetings, community council newsletters and public service radio announcements, where possible. The **College Area Community Council** bylaws provide for the general membership to be notified of the date, time, and location of the

election through the newsletter or other written notice mailed to the general membership at least fifteen (15) days prior to the election. The **Mission Beach Precise Planning Board** bylaws indicate that the secretary provides notice in the community press requesting candidate nominations prior to the February meeting, and announcing member elections and candidates prior to the March meeting. The **Normal Heights Community Planning Committee** bylaw provisions include posting of notices at the regular meeting location and at the post office at least two (2) weeks prior to the election; and oral or written notification of business and community committees to the greatest extent practical. The **Midway Community Planning Advisory Committee** bylaws state to advertise the elections through mailing of flyers and posting notices in area businesses. Also, the **Southeastern San Diego Planning Committee** bylaws include the provision of noticing elections through direct mail notice to all general members.

- **Election Committee**

In general, pre-election procedures are tailored to the needs of each community planning committee through its bylaws or standing election procedures. Although not required, committees seem to function best when the work leading up to the election is distributed among the election committee members and does not fall to one person. Many bylaws state that members up for re-election cannot be selected to serve on the election committee. This is a good practice which helps the community planning committees maintain the appearance of a fair and balanced election and avoid the perception of impropriety and entrenched membership.

The bylaws can provide clear guidelines in relation to eligibility requirements, attendance requirements, membership application deadline, nominations from the floor, write-ins, as well as parameters to create an easily understandable ballot. Bylaws can clearly indicate the duties of the election committee and can specify how to deal with ballots, lists, and incumbents. The **San Ysidro Planning and Development Group** bylaws allow for a nominating committee, composed of members not up for reelection, to prepare a ballot of candidates from eligible persons, to announce the proposed ballot, and to accept qualified nominations from the floor. Nominations are then closed and the nominating committee disbanded, with election responsibilities turned over to an Election Committee. According to the **Uptown Planning Committee** bylaws, at the January meeting, the Secretary reports to the planning committee the names of persons deemed automatically eligible for election at the following February meeting.

As the bylaws or election procedures state, the primary purpose of the election committee is to supervise the election preparations as well as the election itself. In order to have an effective election committee, individuals serving on the committee must have a clear understanding of the election process itself.

Both floor nominations as well as write-ins are allowed by many committee bylaws. An election committee's understanding of how nominations from the floor are handled and the process for writing in candidates is essential for the election procedures to run as smoothly as possible. In order to be eligible to run for a seat, the election committee

must verify that a nominee has fulfilled the eligibility requirements set forth in the bylaws.

In conjunction with candidate eligibility, it is important for the election committee to understand the composition of the committee with respect to member term limits. As an exception to the eight or nine year limit of consecutive service, Council Policy 600-24 does allow for further consecutive service if the board's composition does not exceed 25% of termed out members and if the reelected member(s) receive two-thirds majority of the votes cast in a regular election. For further discussion of term limits and the exception, see Determining eligibility of candidates.

An important duty of the election committee includes the review of eligibility of candidates between the time a candidate applies to run and the date of the election. Eligibility must be monitored by the election committee in order to ensure that candidates on the ballot have maintained eligibility and the election runs smoothly. If a candidate becomes ineligible between the time of nomination and the election, the election committee must revise the ballots so voters clearly understand that the ineligible candidate is not a choice on the ballot.

Polling can take place at the regularly scheduled March meeting per the Council Policy (Article V Sec.1). The location must be accessible to all persons and be advertised well in advance of the election date through the avenues discussed in the previous section on noticing. If the bylaws or operating procedures stipulate that multiple polling times and locations are acceptable, it must be clearly identified how voters are tracked in order to avoid multiple ballots being cast by an individual voter.

Election committee members can reference the bylaws to determine what voting qualifications are required. In most instances, a form of identification is required in order to be eligible to vote. Ballots can be distributed to an individual only after eligibility as well as identity has been verified. Voting is done by secret ballot placed in a box, with the election committee monitoring to ensure voters their ballot have been cast in secrecy.

Election committee members should have a clear understanding on whether a plurality or majority of votes cast determines election of candidate (see Post Elections – Counting the ballots). Normally, a plurality of the votes determines the election. This should be stated at the start of the election to all voting members.

- **Determining eligibility of candidates**

Many bylaws include a requirement that defines membership seats by particular categories or geographic areas. The particular categories must be clearly defined to avoid controversy. For example, if a business representative from the community is required, the parameters of a business seat must be clearly defined in the bylaws. Bylaws can specifically outline meeting attendance requirements to ensure that both candidates and elected members understand the time they are committing to the planning committee.

Membership application filing deadline can be incorporated into the bylaws as well as clearly stated on the membership application forms.

Council Policy 600-24 states that no person may serve on a committee for more than eight or nine consecutive years, but that after a one year break in service, the individual is again eligible for election to the committee (Article III Sec. 4). An exception clause was added to the Council Policy in 1989, in order to allow committees with low community participation to continue to have representation with persons willing to serve in excess of eight or nine years. The bylaws can provide a clear understanding of the exception clause that is embodied within Council Policy 600-24. The clause states a committee member may serve in excess of eight or nine consecutive years if that person is reelected to a new term provided that they receive a two-thirds majority of the votes cast by eligible community members participating in a regular election. The number of individuals on a planning committee serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership. If there is broad based community participation in the elections and enough new, eligible candidates are on the ballot, use of the exception clause is not necessary. Persons who have served for eight or nine years can fulfill the Council Policy's break in service requirement, while allowing new individuals the opportunity to serve on the planning committee.

Candidate forums are encouraged at the beginning of the election so voting members have an opportunity to understand each candidate's qualifications. All candidates must be given equal opportunity and equal time to present their qualifications. Space could be made available on the February agenda to include written candidate statements for all candidates.

In no case shall a slate be created or provided to the elected or general membership prior or during the election. A "slate of candidates" occurs when candidate names, especially candidates up for reelection, are portrayed in a way that gives voters the impression that one single vote is a vote for all candidates on the slate.

Elections

- **Polling Locations and Times**

The Election Committee must provide ample notification of all election procedures. The times and locations(s) of the polls are dependent on the number of members of the Election Committee, the amount of time they can volunteer for the elections, and the estimated turnout for the election.. Most elections occur during the regularly scheduled March meeting – with perhaps some time before and/or after for voting and tabulation purposes. When advertising the elections, the times and locations can be clearly stated.

Polling locations that are stipulated in bylaws or standard operating procedures ensure the Election Committee can announce polling sites and times well in advance of the elections, and that there are enough Election Committee members to handle multiple polling locations and times.

- **Ballot Clarity**

To reduce confusion and the opportunity for challenging the elections, the election committee must create a clear and simple ballot. The ballot must clearly state the number of open seats available and how many candidates to vote for. It can also state whether voters can use pencils or pens when marking the ballot. The stipulation of pens only will help alleviate erasure interpretation when the ballots are counted. If there are category restrictions, candidates can be separated by categories.

Write-in restrictions can be clearly denoted on the ballot. If write-in candidates are allowed, space can be made available for a write-in and can clearly state any limitations pertaining to the write-in process. Ballots that are well written and easy to use will help to reduce election challenges by the public.

Election Committees are responsible for determining the validity of the ballots. While creating the ballot prior to the election, the Election Committee can determine what constitutes an invalid ballot. If a ballot is to be considered invalid due to voting for too many candidates, the ballot can boldly state how many candidates can be chosen. If a ballot has a write-in candidate and the bylaws state that write-ins are not accepted, the ballot can clearly state that write-ins will invalidate the ballot.

- **Verification of voter eligibility**

Group bylaws can stipulate identification requirements needed as proof of voter eligibility. Some bylaws only require proof of identity and address at the polls, while other bylaws can have prior certification restrictions. The **Torrey Hills Community Planning Board** bylaws state that the general election voting is open to General Members over eighteen years of age who meet voter qualifications and sign a roster with qualifying address to cross check voting eligibility.

- **Proxies and Absentee Ballots**

A proxy is the authority given by one person to another to vote in his/her stead. Per Robert's Rules of Order, proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and nontransferable. Council Policy 600-24 does not address proxy voting as it pertains to elections. The policy does states that "a quorum, defined as a majority of non-vacant seats of the planning committee and/or to vote on projects or actions at regular committee meetings must be present in order to conduct business." (Article VI, Section 2)

Consequently, proxies (the authority of another person to act for an absent director) are not permitted during the transactions of the group meetings. Because planning groups abide by Council Policy 600-24, their bylaws, and the intent of Robert's Rules of Order, proxy voting in either elections or on agenda action items is not allowed. Unless specifically incorporated in a group's bylaws, proxies are not permitted for any actions a planning group may take.

Several planning groups do allow for absentee ballots. Often times, a small fraction of the general membership attend meetings on a regular basis. Because the election of committee members is an important issue for the planning group, an absentee ballot process can be authorized within the group's bylaws. It is important that the absentee ballot process is clearly understood by the Election Committee, and that information regarding absentee voting is disbursed to the general membership in a timely fashion. The **Rancho Bernardo Community Planning Board** bylaws state that absentee ballots shall be provided by the Election Committee and notices published at least 21 days prior to election day as to availability of absentee ballots, where obtained and procedure for casting an absentee ballot. All absentee ballots are to be returned in a sealed envelope signed by the absentee voter and received by the Election Committee before the election date.

- **Closing the polling place/s**

Prior to the close of elections, a general announcement should go out soliciting any outstanding ballots. If the election takes place during a regularly scheduled committee meeting, the Chairperson should announce the close of the elections and state that ballots will not be accepted after the polls close. Normally this should be done half way through the meeting in order to ensure adequate time for the counting of the ballots. If the bylaws state and the election committee has determined that there may be several polling locations, the date and time for the polls to be open and closed must be clearly publicized early in the election process. All ballots must be gathered into one place and counted all together, even if multiple polling times and places are used.

It can be made clear prior to the election who will be counting the ballots, and how many ballot counters will be needed based on the estimated turnout for the election. If there is an election committee established, it is often the members of the election committee that collect and count the ballots. No candidate can be present during the counting of the ballots.

Post-Election

- **Counting the Ballots**

The basic method for determining how many votes cast will determine the election of a candidate is a *plurality vote*, except where bylaws state otherwise. A plurality vote is the largest number of votes to be given any candidate. Determining election by a plurality of votes is the method most often used in community planning committee elections because there are three or more candidate choices possible. The candidate having the largest number of votes has a plurality and is declared the winner.

If bylaws state that a *majority vote* determines a candidate's election, majority means "more than half". A *majority vote* then means that a candidate will need to receive more than half of the votes cast to be declared the winner. If there are more than three

candidates for a seat on the planning committee, a candidate would have to obtain more than half of the votes cast for that seat. For example, if 19 votes are cast, a majority (more than 9 ½) is 10. If 20 votes are cast, a majority (more than 10) is 11. If 21 votes are cast, a majority (more than 10 ½) is 11. If any seat(s) remains unfilled after the election because a candidate did not receive a majority vote, the balloting needs to be repeated as many times as necessary to obtain a majority vote for the seat(s). When repeated balloting for a seat is necessary, the names of all nominees are kept on the ballot. The nominee receiving the lowest number of votes is never removed from the ballot unless the bylaws require such action, as the nominee may turn out to be a “dark horse” on whom voters may prefer to elect to the committee (Robert’s Rules of Order pages 425-427).

In the event that the number of votes cast for candidates for the same seat is close, a recount could be done to ensure the ballots cast for each candidate is accurate. In numerous bylaws, the task of counting ballots is the duty of the election committee, and may include City staff persons or council representatives. The counting is done at the regularly scheduled meeting, with the final determination of the legality of all ballots cast reported to the Chairperson who announces the results at the end of the planning committee meeting.

Council Policy 600-24 states that a committee member may serve in excess of eight or nine consecutive years if that person is elected to a new term provided that they receive a two-thirds *majority* of the votes cast by eligible community members participating in a regular election. New candidates or committee members seeking reelection and are not termed out may need only a plurality or simple majority of votes to be elected. The ballot counters need to have a clear understanding of determining the number of votes each candidate needs in order to be elected to the committee.

Very few committee bylaws address tie-breaking procedures, nor are they addressed in Robert’s Rules of Order as they relate to election of candidates. Prior to the election, the planning committee can establish a procedure for resolving a tie-vote situation. The **Centre City Advisory Committee** bylaws state a coin toss or the drawing of straws will determine the winner in the event of a tie vote, with both candidates having the opportunity to be present for the coin toss or drawing of straws.

Upon final verification of the count, the election committee reports the election results to the Planning Committee Chairperson, then certifies and publishes the results. A community planning committee’s election procedures can identify when ballots will be counted and the reporting, certification and notification of the results so that the planning committee and the community may know when to expect the results of the election. The **Rancho Bernardo Community Planning Board** bylaws state that the ballot counting, certification and notification process shall be completed within twenty-four (24) hours of the closing of the polls unless for good cause the election committee deems it necessary to extend the time, but in no event shall the counting, reporting, certification and notification process be delayed more than seventy-two (72) hours after the close of the polls. The **San Ysidro Planning and Development Group** bylaws state that following

the close of elections, the Election Committee will count the ballots, report the results, seal and retain the ballots for ninety (90) days, and then disband.

The Chairperson is responsible for preparing and certifying the report of the election committee and ensuring that it is forwarded to the Planning Department. In order to contend with a contested election, the bylaws can assign who shall keep the ballots and for how long the ballots may be kept. The bylaws can state that an independent authority may review and verify the ballots.

- **Installation of new committee members**

Bylaws or election procedures can also state when newly elected committee members will be seated. Often times new committee members are not seated until the next planning group meeting. The seating of committee members as the first order of business at the meeting following the March elections allows for an uninterrupted planning committee meeting in March. This also allows time for Planning Department staff to provide new committee members with community and financing plans so that they may become familiar with the documents prior to their first meeting. The **Normal Heights Community Planning Committee** bylaws state that newly elected Committee members shall be installed at the beginning of the April meeting. Installation at the beginning of the first meeting following the elections assures the earliest possible implementation of the election results.

Article IV of Council Policy 600-24 states that if vacancies exist on the committee, the vacancies shall be filled in a manner specified by the planning group's bylaws. If there are vacancies that exist on the committee at the time of an election, the bylaws can state that the planning group may have the vacancy identified on the ballot and solicit candidates to fill the seat for the duration of the vacated seat. This is consistent with Council Policy 600-24, Article IV, Section 2, which states that the term of office of any member filling a vacancy shall be for the balance of the vacated term. If the bylaws allow and the planning committee decides to fill a vacancy at the time of the March elections, this course of action can be clearly stated in the election procedures.

- **Unfilled seats**

If there are unfilled seats after an election, bylaws can establish the course of action. For most groups, a vacancy is declared, and the normal process for filling a vacancy is followed. An example of another course of action is found in the **Centre City Advisory Committee** bylaws which state that in the event there are an insufficient number of candidates elected to each category of membership, such seats may remain vacant until qualified candidates apply and a subsequent election is held.

- **Challenges to election procedures or to ballot tabulation**

The method of challenging an election can be clearly delineated in the group bylaws. The bylaws can clearly state the Election Committee responsibilities for handling

challenges to the election. Remember, challenges may be a direct result of unclear election procedures, with elections not appearing to be open and orderly to voters, members, and the public. If challenges occur regularly, groups can consider bylaw revisions to include procedures for challenges. The best method for reducing or preventing challenges to elections is to have clear, detailed, and comprehensive election procedures.

- **New member responsibilities**

All newly elected committee members are required by City Council Policy 600-24 to attend a Community Orientation Workshop (COW) training session as soon as possible after the elections. The Planning Department hosts several sessions throughout the year, with one scheduled for April 24, 2004 to train all newly elected committee members. The workshop focuses on members understanding the roles and responsibilities outlined in Council Policy 600-24, as your committee's actions are legally indemnified by your having attended this workshop and acting in accordance with Council Policy 600-24. It is important for members to understand that attendance at a COW session AND the continuance of valid operating procedures insure indemnification on authorized agenda items.

- **Roles of the Planning Department and City Attorney**

In the spirit of self-governance and committee credibility, community planning committees are responsible for the interpretation of their committee bylaws. The Planning Department is available to assist and to help frame bylaw interpretation at any time, but bylaw interpretation is ultimately the committee's responsibility. Ideally, questions and concerns regarding elections can be presented to the Planning Department in the late summer and early fall to ensure that issues are discussed and resolved early and prior to the March elections. At the request of the committee Chairperson, staff is available to meet with the Chairperson and Election committee in order to recommend resolutions to bylaw issues and concerns. If an issue cannot be resolved prior to the election, the Planning Department is always available to review and discuss election issues and potential solutions with the committee Chairperson and Election Committee. The City Attorney's office does not become directly involved in issues pertaining to the planning committees. Rather, the Planning Department consults the City Attorney's office for direction on a matter if it cannot be resolved by the planning committee working with the Planning Department.

Conclusion

The Planning Department, in close collaboration with a subcommittee of the Community Planners Committee, has prepared the Election Handbook to help facilitate balanced and effective planning committee elections. The handbook, a collection of election details gathered from Council Policy 600-24 and the committees' bylaws, provides both a range of current bylaw procedures and staff advice based upon our election experience with all community planning committees.

Every planning committee can experience smooth elections with an election committee that closely follows explicit election procedures and committee bylaws. Again, one of the most important points for committee members to take from this handbook is that members should have a clear understanding of their bylaws and election procedures. Supported by Council Policy 600-24, the committee's bylaws and election procedures, and good faith effort, the ultimate goal of an election with broad community participation and without controversy can be achieved by the recognized planning committees.

Exhibit C

ENCPCG Ground Rules

ENCANTO NEIGHBORHOODS PLANNING GROUP GROUND RULES

These rules and values are how we will treat, support and communicate with each other and how we will participate and cooperate in making decisions. We will use them in all aspects of our work assignments, meetings and discussions.

1. We will show respect by not cross-talking or back talking during discussions.
2. We agree that one person speaks at a time; there will not be side conversations.
3. We will treat each other with mutual respect and/or civility. We will be aware of and responsible for our words and our actions.
4. We will seek to build trust and safety within the group so that everyone feels safe enough to express opinions and present relevant information.
5. We acknowledge a member's right not to speak on a particular issue but we agree to participate in discussions and contribute to decisions.
6. We will maintain a sense of humor. We will de-personalize our conversations and focus on discussing issues.
7. We will listen without interrupting, be nonjudgmental and try to keep an open mind on issues until it is time to decide.
8. We will regard feelings as valid.
9. We will make "I" statements. We will speak for ourselves, not the group or others (present or absent)
10. We will respect the group's time and timetables. Each person will have a chance to speak their mind. However, our contributions will be brief and focus on bringing new facts or approaches and we will try to not be redundant.
11. We will give feedback in a constructive way. We will avoid "talking down" or attacking others.
12. We will strive to understand those who disagree with us. We will validate others.
13. We will be open to changing our minds.

Finalized September 29, 2006