City of San Diego
MEMORANDUM

DATE: April 20, 2007

TO: Community Planners Committee

FROM: Mary P. Wright, Program Manager, City Planning & Community Investment

SUBJECT: Revisions to Council Policy 600-24 and the Bylaws Shell

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This memorandum addresses proposed revisions to Council Policy 600-24, Standard Operating Procedures and Responsibilities of Recognized Planning Groups, to reflect applicability of the Brown Act, incorporate specific direction received from the Land Use and Housing Committee on October 25, 2007, include the bylaws shell and make other minor changes. With this memo you are receiving an April 20, 2007 draft of proposed revisions to Council Policy 600-24 in both a "clean" and strikeout version plus an updated bylaws shell.

On October 27, 2007, the City Attorney's office issued a Memorandum of Law stating the community planning groups are legislative bodies subject to California's Public Meeting Law, the Ralph M. Brown Act. Changes to Council Policy 600-24 have been made which clearly identify which procedures are subject to state law. As the Brown Act addresses public meetings, these changes reflect operational meeting requirements such as noticing, agendas, public comments, subcommittees, documentation, etc. In addition, the Policy clearly outlines that violations of the Brown Act May incur criminal penalties and civil remedies.

Revisions to the Council Policy have also been made to reflect direction received by the Land Use and Housing Committee on October 25, 2006. At that meeting, the City Planning & Community Investment Department (CPCI) identified the need to standardize operations (with selected, predetermined options on certain specific issues) among planning groups to maximize planning group effectiveness and minimize staff time needed to develop and interpret a large number of personalized bylaws. At that meeting, CPCI identified a number of procedures that groups were proposing to deviate from. LU&H directed CPCI to include standardized language in the Council Policy for these issues but provide a process that would allow groups to deviate. The specific procedures that have been incorporated into Council Policy 600-24 are included as Attachment A to this report. In addition, the Council Policy states community planning groups may work with their respective Council Office(s) to schedule bylaws which deviate from this Policy for City Council consideration (Article II, Section 7). Planning groups will have six months from Council acceptance of the Council Policy to revise their bylaws.

Other changes to Council Policy 600-24 include attaching the standardized bylaws shell which has been revised to mirror the order and format of the Council Policy with article and section numbers and headings closely matching those of the Policy. In addition, other changes were made to improve the clarity, organization and accuracy of the Policy and reflect the Mayoral system of government. Editing revisions may continue as the final documents are prepared for City Council consideration.

As you know, a CPC Subcommittee worked extensively with staff in 2003 through 2005 on a comprehensive revision to Council Policy 600-24 which was approved by the City Council on October 17, 2005. For the current revisions, staff felt that the changes were factual and not subject to extensive interpretation. Thus, the changes were presented to CPC for information and a CPC Subcommittee was not asked to actively review and comment on the changes. In addition, the need to pursue revisions to Council Policy 600-24 and begin updating planning group bylaws warranted an accelerated timeline. Nonetheless, CPC input on the revisions, and a CPC action, is welcome and staff will be present at the April 24th meeting to discuss the changes.

City Council consideration of the revisions to Council Policy 600-24 and the bylaws shell was previously scheduled for May 1, 2007. Due to scheduling conflicts, the item is now scheduled for City Council Consideration on May 22, 2007.

Please feel free to contact me at 619-533-4528 or mpwright@sandiego.gov if you have any questions or comments regarding this item.

Attachment: 10/25/06 LU&H Issues

10/25/06 Land Use & Housing Committee Issue Areas
Regarding Council Policy 600-24

Revisions to the Council Policy have also been made to reflect specific provisions discussed at the Land Use and Housing Committee on October 25, 2006. At that meeting, CPCI identified a number of procedures that staff proposed to standardize that some planning groups were proposing to deviate from. LU&H directed CPCI to include standardized language in the Council Policy but provide a process for groups to deviate. The specific provisions are as follows:

Bylaw Revisions. Language has been added to clearly state a long standing policy that only the elected board vote on bylaw revisions (Article II, Section 7).

Voter Eligibility. Clarification has been made to Council Policy 600-24 to state that once eligibility to vote in a community planning group election is established, it is maintained until an individual is proven to not meet the qualifications (Article III, Section 3).

Excused Absences. New language has been added to the Council Policy stating that any absence constitutes an absence and that an elected member would lose their seat upon the third consecutive absence or fourth absence in a 12 month period (Art. IV, Sec.1). This was added due to overuse of 'excused' absences and to ensure that elected planning group members attend and participate in planning group meetings on a regular basis.

Elections for Two or More Vacancies. A new provision has been added to require that elections for two or more vacant seats be conducted with all eligible voting members (Art. IV, Sec. 2). This was intended to allow the community at large input into a majority of elected seats.

Candidate Eligibility. A provision has been added that, in order to be a candidate in the election, an eligible member of the community must have documented attendance at three of the planning group's last 12 meetings prior to the February regular planning group meeting preceding the election (Art. V, Sec. 1). This requirement is intended to ensure that candidates have a proven interest in the planning group.

Additional Requirements of Project Applicants. Clarification has been made that planning groups should not, as a condition of placing an item on an 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 (Article VI, Section 2(a)).

Subcommittee Composition. The Council Policy has been revised to clearly state that any subcommittee established by the planning group shall contain a majority of members who are elected members of the planning group (Art. VI, Sec. 2(b)). his has been added because elected board members have been elected to serve as planning group members, have been trained in their roles and duties and are protected by the City's indemnification policy.