

# E-COW



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Welcome to the electronic Community Orientation Workshop online training program – the eCOW.

This program will allow you to learn how to serve as a volunteer for your local community planning group. Maintaining community involvement in land use planning decisions is vital to San Diego and helps protect the welfare of residents and the environment. The goal of this training program is to provide you with an understanding of your role and responsibilities as a community planning group member as outlined in Council Policy 600-24 which incorporates requirements of the Brown Act and Roberts Rules of Order.

Thank you for taking the time to complete this training program and for volunteering to become a community planning group member.



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# Training Overview

- The City Council has established Council Policy 600-24 as the operating procedure for recognized community planning groups.
- One provision of Council Policy 600-24 calls for community planning group members to take this orientation workshop training as a prerequisite for legal indemnification and representation.



Community Meeting

# Training Overview

- Throughout the training program, key provisions of Council Policy 600-24 will be presented.
- To confirm your understanding of the issues, you will be asked to answer some situational questions regarding standard operating procedures and responsibilities of recognized community planning groups.
- The correct answer then will be discussed in detail.
- You will find it helpful to follow along with a copy of Council Policy 600-24 during the training so you can get a sense of each Article of the Policy as it is discussed.

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# Training Overview

This content of this training is divided into three sections that will provide you with an overview of the guiding documents that provide operational and procedural direction to the planning groups.

Section One	Introduction and Legislative Framework
Section Two	Council Policy 600-24
Section Three	Ralph M. Brown Act
Conclusion	Training Completion

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# SECTION ONE

## Introduction and Legislative Framework



Community Workshop

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# History

- Since its incorporation in 1850, the City of San Diego has experienced steady growth.
- The need to plan for, and guide, this growth has been the responsibility of City government and citizens working together.
- In the 1960s and 1970s the City Council adopted policies that established and recognized community planning groups as formal mechanisms for community input in the decision-making process.

# Purpose

- Community planning groups provide citizens with an opportunity for involvement in advising the City Council, the Planning Commission, and other decision-makers on discretionary development projects, general or community plan amendments, re-zoning and public facilities financing.
- Community planning groups may also be asked for input or recommendations on other matters referred to them by the City or requested by another agency.



City of San Diego Historical District (Burlingame)

# Question

Community planning groups were formed to:

- A. Provide a formal mechanism for community input in the decision-making process.
- B. Provide citizens the opportunity to work with City staff in order to formulate community plans.
- C. Allow members of a given community to advise the Planning Commission and City Council on the ways in which plans are implemented in their respective communities.
- D. All of the above.

Please Select the Letter Choice  
Above

# Correct

D. All of the above.

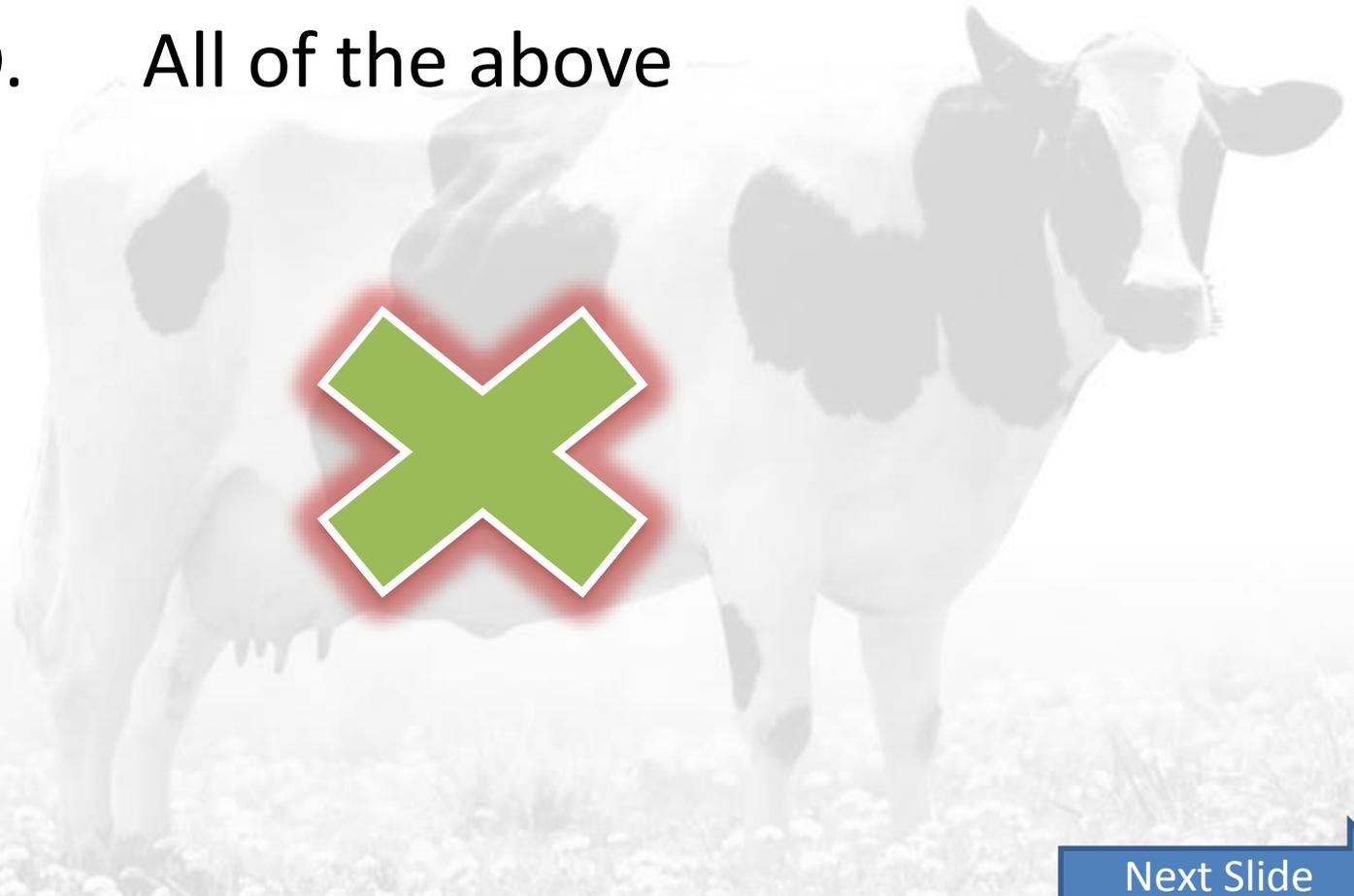


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# Incorrect

The correct answer is:

D. All of the above



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# Explanation of the Answer

- In 1966, the City Council adopted Council Policy 600-5 (now repealed) which first formalized the government-citizen relationship that had informally existed since the City's incorporation.
- Council Policy 600-24, adopted in 1976, formalized operating procedures and responsibilities of groups "recognized" by the City. This Policy has evolved over time to expand community planning groups' range of involvement in General Plan and land use matters.

# The Planning Process

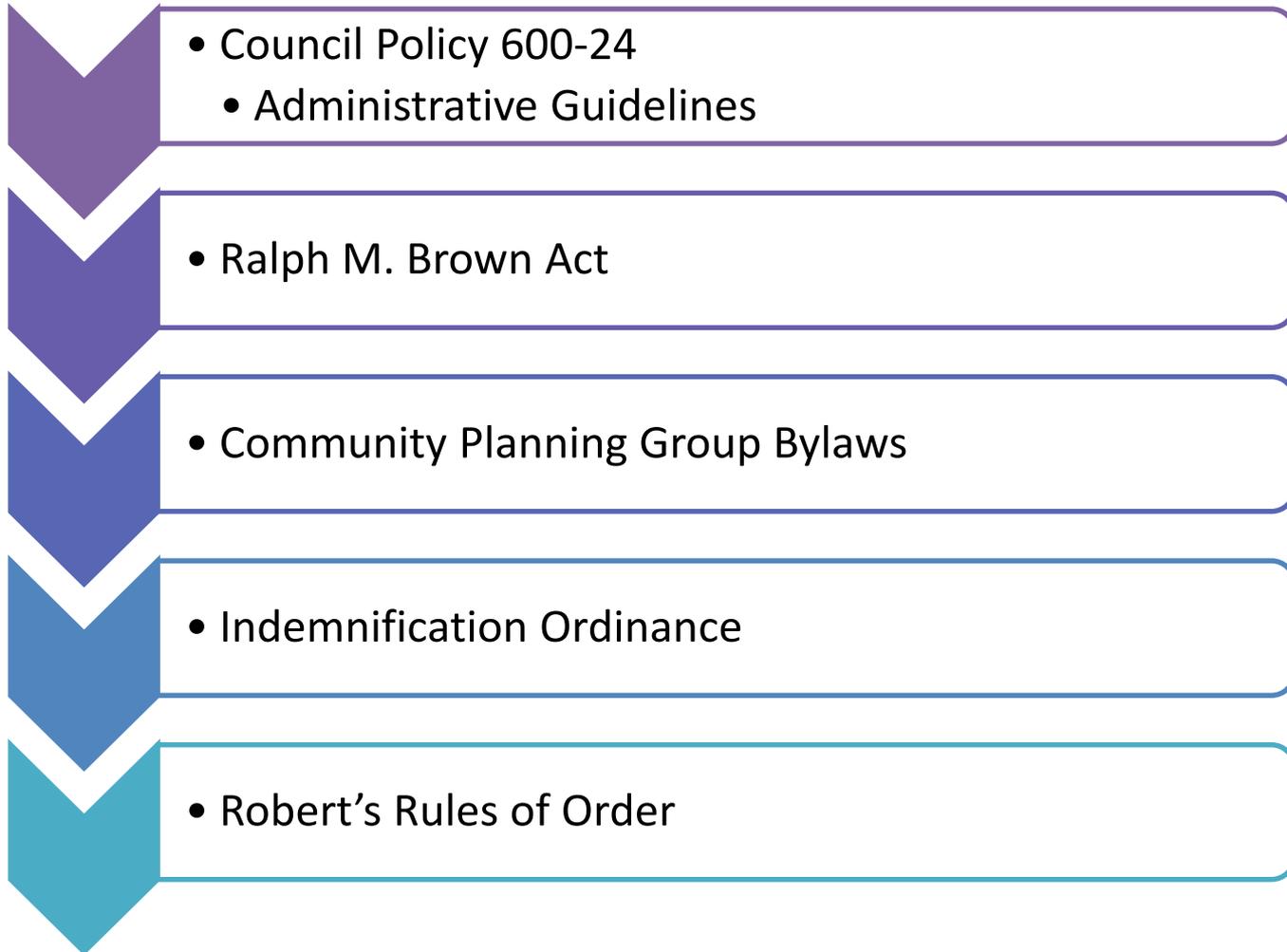
- The planning process is an ongoing practice.
- Community members, using the planning group meeting as the forum, and members of the City Planning Department work together through a comprehensive series of logical steps in order to develop, implement, and amend a community plan.
- A community plan is a public document which contains specific recommendations in a given community for future land uses, urban design and public improvements.

- Once a community plan is adopted, planning groups and the City must use findings to determine whether proposed development projects meet the plan policies and recommendations to ensure that the plan continues to be a valid projection of the future in a community.
- A basic level of understanding about planning processes and the role that community planning group members assume is essential to the operation of a group over time. Training is a key component to assure the continuity of understanding.
- Every member of a planning group should be aware of his or her role in the planning process, and have an understanding of what is involved in the planning process.

# Community Planning Group Governance

- Council Policy 600-24 (a City-adopted document), containing provisions from the Ralph M. Brown Act (California state law), create the overarching framework for community planning group operations. The Brown Act will be discussed in Section Three of this online training.
- The Administrative Guidelines is a document which explains, discusses, or gives examples for each Policy section of operating procedures or community planning group and member responsibilities.
- Each community planning group has its own set of approved bylaws which are tailored to a community's need but which also are consistent with the Council Policy.
- The Indemnification Ordinance, adopted by the City Council, provides for legal representation and protection to community planning groups and group members who operate within the Policy and adopted bylaws.
- The latest version of Robert's Rules of Order may be consulted in cases where the Council Policy, the Administrative Guidelines, the Brown Act or the community planning group bylaws are silent on a planning group operational issue.

# Governance Structure



## Indemnification Ordinance

- City Council has authorized the City Attorney to defend the individual community planning groups and their duly elected or appointed members recognized in Council Policy 600-24 against any claim or action related to their community planning functions.
- The legal representation provided by the City Attorney will only take place under the limited circumstances listed in Ordinance O-19883 NS.
- A community planning group, or individual community planning group members, may not be indemnified or represented by the City if their conduct is contrary to Council Policy 600-24, Ordinance O-19883 NS, their adopted bylaws, or other given directives.

# Situation

During the course of a community planning group meeting, an operational issue arises which is not addressed in the group's bylaws.

# Question

What should the community planning group do?

- A. Panic
- B. Consult Council Policy 600-24, the Administrative Guidelines, the Brown Act or, if not addressed in any of the above, Robert's Rules of Order. Otherwise, consult your assigned community planner.
- C. Take a straw poll of community planning group members present on how they think the issue should be resolved.

Please Select the Letter Choice  
Above

# Correct

- B.** Consult the other documents that discuss community planning group operations (Council Policy 600-24, the Administrative Guidelines, the Brown Act or, if not addressed in any of the above, Robert's Rules of Order). If no resolution is forthcoming, consult your assigned community planner.



# Incorrect

The correct answer is:

**B.** Consult the other documents that discuss community planning group operations (Council Policy 600-24, the Administrative Guidelines, the Brown Act or, if not addressed in any of the above, Robert's Rules of Order). If no resolution is forthcoming, consult your assigned community planner.



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# Explanation of the Answer

- In order to ensure effective operations, community planning group members should familiarize themselves with Council Policy 600-24, the Administrative Guidelines, and the Brown Act, in addition to their bylaws.
- If there are specific instances when the above do not address certain operational issues, Robert's Rules of Order may be consulted to provide further guidance.

# SECTION TWO

## Council Policy 600-24



Transit-Oriented Development (Mission Valley)

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# Section Overview

- Section Two contains the discussion about the nine articles of Council Policy 600-24.
- The purpose of Council Policy 600-24 is to provide a set of uniform standard operating procedures and responsibilities for the City's community planning groups, and in exchange for a group's compliance with the policy, it is officially recognized by the City to represent the interests of their respective communities.
- Since community planning groups are the "voice of the community," Council Policy 600-24 strives to ensure that a broad spectrum of the community interests are openly considered and conveyed to the City.
- The procedures and responsibilities that are found in Council Policy 600-24 are specifically designed to preserve and promote the integrity and credibility of community planning groups in their advisory capacity.

# Section Overview

- In general, community planning groups are operationally self-sufficient which also includes interpreting and drafting their own bylaws for approval by the City.
- In 2007 the City Council supported the creation of a bylaw shell to minimize non-substantive wording differences in community planning group bylaws that led to inconsistent interpretation and referral to staff or the City Attorney.
- This shell is utilized to create new, and revise existing, bylaws, and is made available as an appendix to the Council Policy. The shell was updated in 2014 to be consistent with City Council revisions to Council Policy 600-24.
- Although the shell provides “standardized” inclusions for all community planning groups, individual communities can tailor many of the provisions to suit their unique needs (such as number of group members and how seats are elected).

# Article I

- Article I addresses the official name of the Community Planning Group and boundaries of the community planning area.



A public facility (Pacific Highlands Ranch Fire Station)

# Name/Boundaries/Positions

- All activities of the community planning group shall be conducted in its official name.
- A planning group shall operate within its predetermined geographic boundaries.
- Any representation of a community planning group's position must be made with the group's authorization and knowledge.

# Situation

An individual member of a community planning group attends a City Council meeting to speak on an issue. The issue was presented to the group at their previous meeting and the group voted unanimously to support the proposal.

# Question

Is there a situation where this individual can represent the Community Planning Group when presenting their position on the issue?

- A. No, only the community planning group's Chair can represent the planning group at a public hearing.
- B. Yes, because the community planning group unanimously voted in favor of the proposal.
- C. Yes, but only if this individual has been authorized by the community planning group or the group's Chair to do so on their behalf.

Please Select the Letter Choice  
Above

# Correct

- C. Yes, but only if this individual has been authorized by the community planning group or the group's Chair to do so on their behalf.



# Incorrect

The correct answer is:

- C. Yes, but only if this individual has been authorized by the community planning group or the group's Chair to do so on their behalf.



# Explanation of the Answer

- If a community planning group's chair cannot represent the position of the group due to absence or direct economic interest, another member should be identified and authorized to represent the group for that particular situation. Often this is the Vice Chair.
- Community planning group members should not identify their status as an elected group member when expressing opinions outside of the responsibilities assigned to them.
- If a community planning group member must identify him/herself as a group member, or is identified as such by other parties, the member should clearly state they are a "member of the "X" Community Planning Group but not representing the group's position".

## Article II

- Article II addresses the purpose of a Community Planning Group.



A Light Industrial Development (University City)

# Purpose

- The primary purpose of community planning groups is to make land-use recommendations to the City Council, Planning Commission, City staff, and other decision-making bodies.
- The review of development projects by community planning groups should focus on whether the project implements the goals and objectives of the Community Plan and the General Plan.

# Nonpartisan/Nonsectarian

- All community planning group activities are to be nonpartisan and nonsectarian, and acts of discrimination will not be tolerated.
- Meeting facilities must be accessible to persons with disabilities.
- No community planning group or group members may identify affiliation with the group when endorsing any political candidate.
- Failure to pursue the planning process results in the forfeiture of the right to represent the community.

# Basics of Bylaws Amendments

- Bylaws amendments must be submitted to the City for review and approval prior to their implementation.
- Bylaws may be found inconsistent if the community planning group proposes amendments to the “standardized” shell language, or proposes an option that is not available within the shell.
- Bylaws amendments found inconsistent with Council Policy 600-24 cannot be approved by City staff and staff will forward them to the City Council for consideration.
- Amendments will not be in effect, and cannot be relied upon, until the community planning group receives approval from City staff or following a City Council hearing approving them.

# Basics of Bylaws Amendments (cont)

- If a proposed bylaws amendment affects adopted election procedures, the group should begin its bylaws amendment process well in advance of the elections, in order to allow sufficient time to complete the review and approval process.
- If amendments are desired by a community planning group that would affect its elections procedures, they should be discussed with, and submitted to, the City staff in early fall; otherwise the bylaws may not be approved in time to prepare for the March elections – especially if a deviation is required that requires City Council consideration.
- If the bylaws are not approved prior to the start of any election activity, including the forming of the Elections Subcommittee, then the current bylaws must be utilized throughout the current election cycle.

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# Situation

A candidate for local political office has requested an endorsement from a member of a community planning group, to be used on election materials. The community planning group member is a strong supporter of the candidate.

# Question

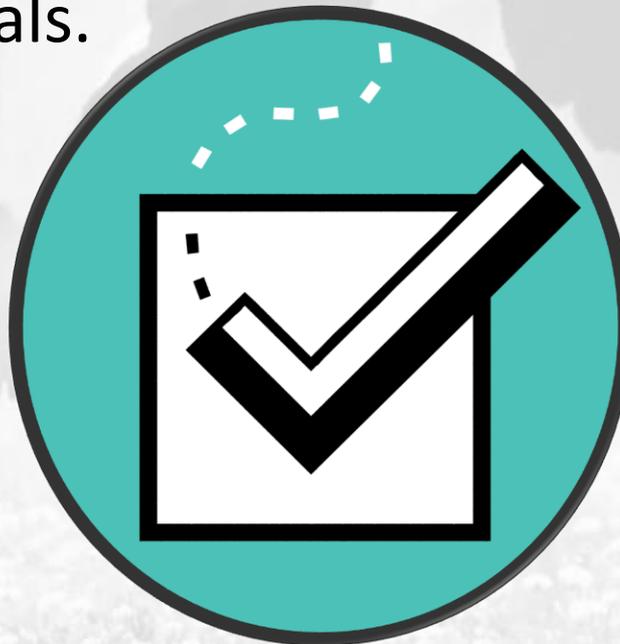
What should the community planning group member do?

- A. The community planning group member should provide their name and group affiliation.
- B. The community planning group member should provide their name only and make it known to the candidate that their community planning group affiliation should not be included on any election materials.
- C. The community planning group member should request a recommendation from the full community planning group.

Please Select the Letter Choice  
Above

## Correct

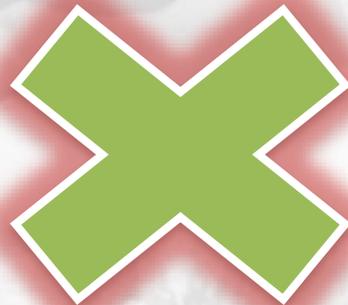
- B.** The community planning group member should provide their name only and make it known to the candidate that their community planning group affiliation should not be included on any election materials.



# Incorrect

The correct answer is:

- B.** The community planning group member should provide their name only and make it known to the candidate that their community planning group affiliation should not be included on any election materials.



# Explanation of the Answer

- It is important that recognized community planning groups and group members maintain and reinforce their independence as non-political advisors to the City on local land use matters.
- Because of this, Council Policy 600-24 does not permit current community planning group members to use their community planning group affiliation when taking a position on, or endorsing, any candidate for elective public office or any ballot measure.
- If a community planning group member supports a candidate, that member shall not try to sway other group members to support the candidate.
- Community planning groups, as a whole, may take a position on ballot measures, but are not permitted to take a position or endorse any candidate for elective public office.

# Additional Note

The City Clerk provides each candidate who files forms to run for office with a memo advising them to not solicit endorsements from community planning groups or current members of community planning groups.



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## Article III

- Article III addresses Community Planning Group organization.



A public plaza (Rio Vista)

# Membership

- Recognized community planning groups will consist of a specific number of members ranging from 12 to 20.
- To be eligible to vote in an election or serve on a community planning group, an individual must be at least 18 years of age and affiliated with the community as a property owner, resident, or a local business person.
- Community planning groups may also identify seats to which they appoint members for particular community-benefitting reasons, and where appointment and removal processes are detailed in adopted bylaws.
- **Note:** A community planning group can identify additional categories for the allocation of seats. These categories can include geographic locations and diversified community interests. These categories should not work to reduce the representation of community interests; rather, should represent the community as a whole.

# Term of Service

- Community planning group members shall be elected to serve fixed terms of 2, 3, or 4 years.
- No member may serve for more than eight consecutive years if elected to 2- or 4-year terms, or nine consecutive years if elected to 3-year terms.
- After a 1-year break in service, a member who has served eight (or nine) years would become eligible to begin a new series of terms of up to eight or nine years.
- An exception to this term of service may occur when a member who has served eight (or nine years) runs again and the following conditions can be met:  
The member may be elected if open seats remain after qualified new members are seated, and if:
  - There are fewer candidates than vacant seats, and
  - The over-term member receives at least two thirds of the votes cast by eligible members, and
  - The over-term member does not cause the community planning group to exceed 25% over-term members.

# Compliance with Council Policy 600-24 and the Brown Act

- A member will be removed with a majority vote of the voting members of their community planning group ratifying the Secretary's determination that they are no longer eligible to serve based on attendance or community affiliation.
- A member who is found in violation of Council Policy 600-24 or their adopted bylaws will be removed after a 2/3 vote of the voting members of their community planning group supporting the action.
- A member or group found to be out of compliance with the Council Policy risks loss of indemnification and representation.
- Violations of the Brown Act may carry civil or criminal consequences.

# Situation

Five vacancies exist during an election cycle. The Election Committee has identified five new eligible candidates and three returning members would like to run for another term, two of whom have reached their eight-year term limit.

# Question

In preparing the ballot the community planning group's Election Committee should:

- A. Include all eight candidates.
- B. Include only the five new candidates.
- C. Include the five new candidates plus the one member who has not reached their eight-year term limit.

Please Select the Letter Choice  
Above

# Correct

- A. Include all eight candidates

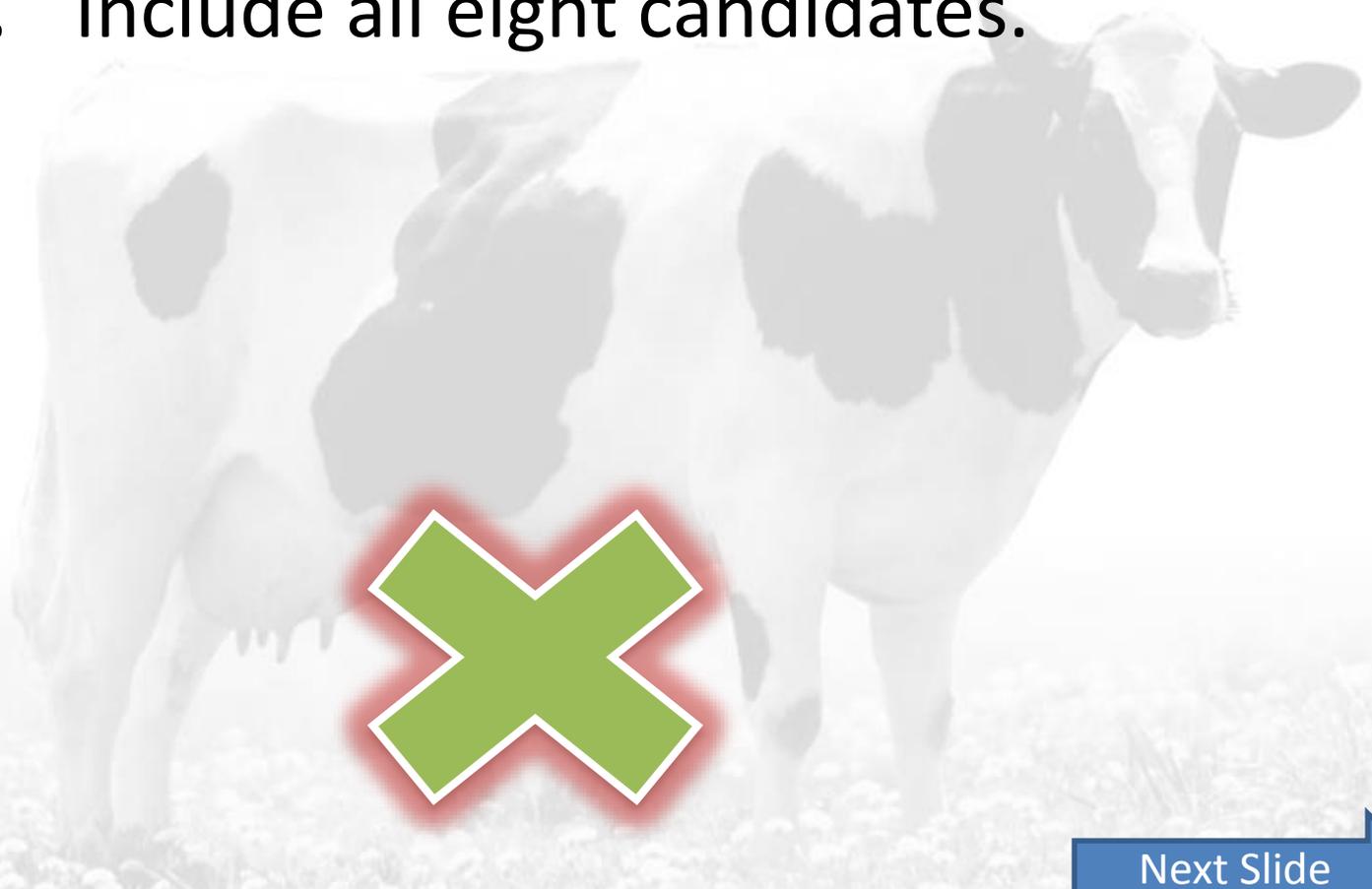


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# Incorrect

The correct answer is:

- A.** Include all eight candidates.



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# Explanation of the Answer

- Council Policy 600-24 includes a provision that members who have served more than eight (or nine) years may serve in excess of the term limit if they receive 2/3 of the votes cast in the election, and if that candidate does not cause the community planning group to exceed 25% members who are serving over-term.
- Even though it appears there are enough new candidates to fill the vacant seats, a candidate may drop out at the last minute or the election results may be challenged and a candidate be found ineligible to serve for a previously undisclosed reason. A candidate on the ballot may actually receive no votes!
- Only after open seats are filled with new members may candidates with service beyond eight or nine consecutive years, who received a two-thirds vote, be considered for remaining open seats

## Article IV

- Article IV describes the process for determining when a vacancy occurs, how to fill vacancies, and what to do if your Community Planning Group cannot fill vacancies.



A pedestrian-oriented streetscape

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# Vacancies

- A community planning group will find that a vacancy exists if a resignation in writing is received by the secretary, if a member has 3 consecutive absences or 4 absences within a 12 month period between April and March of each year, or if the member does not meet the eligibility requirements (e.g., property owner, resident, business representative) in adopted bylaws.
- A member who falls into one of the above categories will be removed upon a majority vote of the voting members of the community planning group to ratifies the findings presented by the Secretary.
- A former member is not prohibited from seeking a seat following removal for one of the above reasons.

# Filling Vacancies

- A single vacancy may be filled by a majority vote of the voting members of the community planning group in accordance with their bylaws. Votes for, against, or abstaining must be disclosed and reported in the minutes.
- Two or more concurrent vacancies shall be filled by a vote of all eligible community members by secret written ballot (not as a group meeting agenda item).
- Vacancies are to be filled in accordance with the bylaws not later than 120 days following the determination of the vacancy.
- The length of the term shall be the balance of the vacated term.

# Inability to Fill Vacancies

- If a community planning group is unable to fill the vacancy within 120 days and has more than 12 members in good standing, the group may either leave the seat vacant until the next election or amend its bylaws to permit a decreased membership to a minimum of 12 members.
- If a vacancy remains for more than 60 days and the community planning group has less than 12 members in good standing, the group shall report in writing the efforts it has made to fill the vacancy to the Planning Department.
- If after an additional 60 days the community planning group has not attained 12 members, the group will be deemed inactive and the Department shall notify the City Council that the group will be inactive until it has attained at least 12 members in good standing.

# Situation

An ongoing vacancy has existed on a community planning group for 120 days. The Elections Committee is conducting the process of finding candidates for the March election and the vacancy is not one of the seats up for election this year.

# Question

The community planning group should:

- A. Place the vacant seat on the ballot.
- B. Hold the seat until the following month to fill it as a vacancy.
- C. Amend the bylaws to reflect a decrease in seats.

Please Select the Letter Choice  
Above

# Correct

- A. Place the vacant seat on the ballot.



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# Incorrect

The correct answer is:

- A.** Place the vacant seat on the ballot.



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# Explanation of the Answer

- The vacant seat should be placed on the ballot as this provides an opportunity to fill the seat for the balance of its regular term. However, should the seat still not be filled, then the community planning group should amend its bylaws to reflect a decrease in seats or keep searching for an individual to appoint.
- If seats are not filled by categories (i.e. specific geographic sections of the community or by eligibility category), typically the top vote-getters will fill the vacant seats.
- If seats in a specific category are not filled, some groups have bylaws provisions that allow limited appointment of other individuals to those seats.

# Note

- If a seat becomes open after a list of eligible candidates for election is published, a separate election may be held to fill the open seat(s).
- A vacancy should be filled within 120 days following the date of the determination of the vacancy unless the end of the 120 day period would occur within 90 days of the annual March general election.

# Article V

- Article V addresses the Community Planning Group election process.



The San Diego Trolley

# Minimum Attendance

- Each community planning group holds an elections in March of every year or every other year.
- For the minimum meeting attendance requirement to be eligible as a candidate (which varies among community planning groups) please consult your bylaws which range from requiring attendance at 1 – 3 meetings prior to February.

# Publicizing Elections

- A community planning group is expected to make a good faith effort to advertise its election community-wide, including soliciting at least as many new candidates as there are open seats in the election.
- Community planning groups' elections procedures must be included in adopted bylaws and address how an election will be conducted, starting with the establishment of an Elections Committee through handling an election challenge and seating of new members at the beginning of the April meeting.

# Voting Times, Locations and Dates

- Typically elections are held the same day as the community planning group's regular March meeting. However, the election may not be noticed or held as a regular agenda item due to a conflict between the Brown Act and Council Policy 600-24: the Brown Act states that any vote taken at a meeting may not be by secret ballot and must be recorded in the minutes with which members present voted for, against, or abstained, while the Policy says that voting for new group members shall be by eligible members of the community by secret written ballot.
- In limited circumstances, community planning groups may establish procedures for multiple voting times or locations. If proposed, voting procedures must be submitted for review and approval to the City 45 days in advance of the first voting day. Due to difficulties encountered in monitoring a multi-location or multi-date election, and the possibility of mismanagement of voting roles or ballots, multiple voting locations or dates is discouraged.

# Election Voting

- Voting is by secret written ballot and must be held as outlined in the group's bylaws. Proxy voting is specifically prohibited.
- The community planning group may not develop or recommend a preferred 'slate' of candidates.
- Write-in candidates are permitted in some groups' elections where there are procedures to check candidate eligibility (or respond to a post-election challenge regarding eligibility).
- Candidates who have served longer than 8 (or 9) years may appear on the ballot but be seated only after gaining 2/3 of votes cast and after new candidates are seated.

## Article VI

- Article VI contains most of the policy's provisions about Community Planning Group meetings and records. It also contains the key policies regarding the Brown Act – since the Act is all about meetings, access to meetings, and access to a group's meeting records and documents.



Public Fountain

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- As most meeting policies in Article VI are requirements of the Brown Act, community planning group and member compliance with these provisions are areas of potential legal challenge from an outside party and subject to remedies under State law.
- Discussion of this Article will focus on the most significant requirements prescribed in Council Policy 600-24.
- Section Three of this training will more specifically discuss Brown Act provisions reflected in the Policy requirements.

# General Duties

- All activities of a community planning group must occur at a noticed public meeting.
- Neither a community planning group or its members may attempt to develop a collective concurrence about an action to be taken by the community planning group outside of a properly noticed group meeting.
- Individual members, and a community planning group as a whole, have the responsibility to assure that the meeting setting is accessible to all members of the public who are interested in attending the meeting and participating under established rules.
- All meetings of the group, including subcommittee meetings, must be held in a location made known to interested parties so they may attend.

# Meeting Procedures

- The official notice of a community planning group's meetings is the notice that is posted at the location of the meeting at least 72 hours prior to the start of the meeting. It is the community planning group's responsibility to post the notice.
- Supplemental noticing is done by the City (on the City website) and may be done by the community planning group through means available to them such as community newspaper notices or other organizations' publicity. If a group maintains a website, it is required to post approved minutes there within 14 days after approval, and is encouraged to post draft agendas and draft minutes there as well.

# Meeting Procedures

- A community planning group is responsible for notifying interested parties of its meetings, including applicants whose projects are being heard on a particular agenda, interested neighbors, City staff or organizations who are making presentations to the community planning group.
- A community planning group must allow time on agenda for comments from members of the public on both scheduled agenda items and under a “Non-Agenda” public comment section at the start of the agenda. Time per person or topic on non-agenda public comment should be pre-set by the chair or included on the agenda.
- Adding an item to the agenda at the meeting requires a 2/3 vote of all voting members of the community planning group, or every member if less than 2/3 of the voting members are present. Items added to the agenda at the meeting may only be placed on the agenda if the need for action came to the attention of the community planning group subsequent to the agenda being posted.

# Situation

A community planning group secretary is preparing for the group's Wednesday evening meeting and wants to make sure adequate time is given for public notice. On the Monday evening prior to the Wednesday meeting, the secretary posts the meeting agenda for public notice, at the location of the meeting.

# Question

Has the group given sufficient time for public notice?

Yes

No

Please Select the Letter Choice  
Above

# Correct

**No**, there has not been sufficient time for public notice.



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# Incorrect

The correct answer is:

**No**, there has not been sufficient time for public notice.



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# Explanation of the Answer

- Council Policy 600-24 Article VI Section 2(a) states that an agenda must be posted at least 72 hours prior to the start of a regularly scheduled meeting. This is also a Brown Act requirement that has been incorporated into the Policy.
- Under this scenario, the group posted the notice in the proper location, however gave only 2 days of notice (48 hours) prior to the meeting, which constitutes a Brown Act violation. The agenda should have been posted no later than the Sunday evening prior to the meeting.
- If an agenda is posted with less than 72 hours of public notice prior to the regularly scheduled meeting, the entire agenda must be postponed to the next regular meeting of the community planning group, or the group may schedule a special meeting to conduct the business of the meeting that was not properly noticed.

# Consent Agenda

- A community planning group may allow items that have been considered by a subcommittee to be placed on a “Consent Agenda” at the meeting of the full group.
- There are several conditions for an item to be able to be considered on consent, and the community planning group must allow a member of the public to testify on the item [i.e., “pull it from consent”] if so requested.

# Quorum and Public Attendance

- A quorum of community planning group members must be in attendance to convene a meeting and take votes on projects or other actions.
- A quorum is defined as a majority of non-vacant seats of a community planning group (Half of the filled seats plus one).
- For purposes of establishing a majority of a quorum to vote on an action item, recusals do not count in the quorum, however abstentions do count in the number of members in the quorum who are eligible to vote.
- Public sign-in must be voluntary by members of the public, although many planning groups use sign-in sheets to qualify candidates' required attendance.

# Development Project Review

- When an action on a development project is placed on a community planning group's agenda, notice must be given to the project applicant and interested parties/neighbors, and participation in the discussion must be allowed for the applicant and other interested parties present at the meeting.
- A project applicant must be given advanced notice that a project will be on a community planning group's agenda and must be given the opportunity at the meeting to present the project.

# Action on Agenda Items

- Voting requirements for actions before the community planning group vary by type of action discussed in Article VI, Section 2(a)(viii) of Council Policy 600-24.
- Most voting situations require a majority or 2/3 **of the voting members** of the community planning group to be approved.
- Votes on development projects require a only a majority of those in attendance who are able to vote when a quorum is present (see Abstentions and Recusals)

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# Meeting Disruptions

- The Brown Act provides reasonable authority to the Chair of the community planning group to conduct a civil, respectful meeting.
- The Chair may take actions to control the conduct of the meeting, including removing a disruptive individual or temporarily clearing the room to dispel disorderly behavior that is making it infeasible to conduct the meeting of the community planning group.
- In extreme circumstances, the chair may adjourn the meeting temporarily or until a future date.
- Community planning group members and those attending the meeting are both subject to provisions restricting disorderly conduct.

# Abstentions and Recusals

- Abstentions and recusals are situations that community planning group members may find themselves in when a particular subject matter is before a planning group for action.
- Abstentions and recusals should be identified as early in the discussion of an item as possible. Recusal is a mandatory removal of a member from a group discussion; Abstention is a voluntary removal of oneself from the discussion.
- The Administrative Guidelines have detailed discussions about abstention and recusal situations.

# Abstentions and Recusals (cont)

## Recusal:

- A recusal occurs when a community planning group member has a financial stake in a land use project that is coming before their community planning group (and its subcommittee).
- The member is then precluded from participating in the discussion of or voting on the item as a community planning group member. The member must remove all appearances that he/she is participating in a discussion as a group member.
- Recusals are most often determined prior to a group's discussion of an item. Staff can be consulted to help determine a particular recusal situation if there is a question or disagreement.
- A member who must recuse is not counted toward the quorum that is present to determine a majority vote for that particular agenda item.

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# Abstentions and Recusals (cont)

## Abstention:

- An abstention occurs when a community planning group member chooses not to participate in discussion or vote on an item before the group when they have a legitimate, non-financial reason.
- Reasons may include an undetermined but possible financial interest; a belief that he/she may be perceived to have a financial interest but does not; or personal knowledge of, or relationship with, a project applicant that may be perceived by others as prejudicial for or against a project. An abstention may be claimed if the member feels they do not have enough information to participate in a vote for or against an item.
- A member who abstains does count toward the attendance quorum for the agenda item and is recorded in a 3-part “x-x-x” vote (For-Against-Abstentions).

# Situation

An action item on a development project is on the properly-noticed agenda of a community planning group. A development project is the type of action that requires only a majority of the voting members present to approve the item. There are twenty seats on the community planning group, including one vacancy. Eighteen members are present at the meeting. Two members must recuse and one member abstains. A motion is made to recommend approval of the project.

# Question

How many votes are required in order for the motion to pass?

- A. Ten
- B. Nine
- C. Eight

Please Select the Letter Choice  
Above

# Correct

**B.** Nine



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# Incorrect

The correct answer is:

**B. Nine**



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# Explanation of the Answer

- The action on a development project is one which requires only a majority vote of the voting members who are present as long they constitute a quorum.
- The two recusals do not count in the quorum, thus reducing the eligible voting members to 16 present.
- The one abstention does count in the quorum, thus leaving the eligible voting members at 16.
- A majority of 16 members is 9.
- This is one of just a few voting situations that may be decided by a majority of the quorum present at a meeting (vs 2/3 or a majority of the voting members of the community planning group).

# Meeting Documents and Records

- Agendas and meeting materials must be provided to the public upon request. This includes materials distributed to the community planning group prior to or at the noticed meeting.
- All materials that the community planning group is using to discuss an agenda item at a meeting must be available at the meeting for public review.
- Any record collected by the City about community planning group membership or operations is public information under the California Public Records Act. The information becomes a City record and is subject to an established Records Retention Schedule developed by the city.

# Minutes

- Minutes of community planning group meetings must be provided to the City within 14 days of their adoption in final format.
- If a community planning group maintains a website, the adopted minutes must also be posted there within 14 days of final approval.
- Minutes must include votes taken on action items and must list the names of individual community planning group members present who voted for, against, or abstained on any non-unanimous vote.

# Situation

A member of the public has shown interest in a particular project within a community planning group's boundaries. This person appears at the meeting where the item is being discussed and requests all information that the group has collected associated with the project.

# Question

Upon request for project information from the member of the public, the community planning group should do which of the following?

- A. Inform the member of the public that the information is now property of the community planning group and will not be distributed.
- B. Tell the public member to consult the project applicant for information.
- C. Make all information that the group has used to make its decision available to the public member.

Please Select the Letter Choice  
Above

# Correct

- C. Make all information that the group has used to make its decision available to the public member.



# Incorrect

The correct answer is:

- C.** Make all information that the group has used to make its decision available to the public member.



# Explanation of the Answer

- Council Policy 600-24 Article VI Section 2(d) states “...any written documentation, prepared or provided by City staff, applicants, or community planning group members that are distributed at a community planning group meeting shall be made available upon request for public inspection without delay.”
- The policy is also applicable to materials made available prior to a meeting that a community planning group is using to make a decision.
- In addition, the Brown Act requires that the information be made available for review.
- NOTE: Community Planning Groups do not need to retain every document they receive to prepare them to take an action on an agenda item. Some documents do not qualify as records to be retained, while others become City records. Permanent retention of documents used by the group to make a decision is also not required. See the Administrative Guidelines for a full discussion.

# Community Planning Group Roster

- A community planning group's roster must contain the following information for elected and appointed members: name, date of term expiration [including date of initiation of or expiration of continuous service], and eligibility category.
- In addition, the City collects a roster from the community planning group containing members name, address, telephone number, fax address, and email address – to be used only for City contact with members about City events, community planning group events or information distribution related to group roles and responsibilities.
- If a roster with personal information is the only roster submitted to the City, it is a disclosable document under the California Public Records Act, and personal information must be given out upon request.

# Article VII

- Article VII discusses the role of Community Planning Group officers.



Example of Mixed-Use Development (Little Italy)

# Officers

- Council Policy 600-24 states that community planning group's officers shall be a Chair, Vice-Chair, and Secretary. However, groups' adopted bylaws may specify other officers as the planning group may deem necessary (e.g., Parliamentarian).
- A community planning group's bylaws will determine the length of an officer's term, except that no person may serve in the same planning group office for more than 8 or 9 years.
- After a break of one year, that person may be eligible to serve as an officer again.

# Officers

- Officer positions and a brief description of their duties are as follows:

## Chairperson

- The Chairperson is the principal officer of the community planning group and will preside over the group's meetings.
- The Chair will also be the group's representative to the Community Planners Committee (CPC) unless the Community Planning Group designates another member.
- The Chair represents the group's positions to decision-makers unless unable due to absence or direct economic interest.

## Vice-Chair

- The Vice-Chair performs all of the duties and responsibilities of the Chair in his or her absence.

## Secretary

- The Secretary is responsible for the group's correspondence, attendance records, minutes/actions, and shall ensure that the public has access to this information.

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# Officers

- It shall be the duty of the officers of the planning group and the CPC representative to promptly disseminate to all elected community planning group members pertinent information that is received by the planning group regarding its official business.

# Situation

During the election of officers at the April community planning group meeting, no member has volunteered to serve as Secretary of the group.

# Question

In order to continue meeting, the community planning group should handle the situation in the following manner:

- A. As the principal officer, the Chair must delegate the responsibilities of the Secretary to another member until such time a Secretary can be elected.
- B. A member of the community planning group should offer his personal secretary to fill the role.
- C. Beginning with the newest community planning group member, each member must serve one year as Secretary.

Please Select the Letter Choice  
Above

# Correct

- A.** As the principal officer, the Chair must delegate the responsibilities of the Secretary to another member until such time a Secretary can be elected.



# Incorrect

The correct answer is:

- A.** As the principal officer, the Chair must delegate the responsibilities of the Secretary to another member until such time a Secretary can be elected.



# Explanation of the Answer

- The Chair is ultimately responsible for delegating the responsibilities of the Secretary in instances where the position of Secretary position has not been filled.
- Individuals who are not community planning group members may not be used to fulfill the responsibilities of the community planning group's Secretary position.
- The responsibilities of the Secretary are time-consuming and require attention to detailed information, such as voting on an agenda item. It may be that the group chooses to split responsibilities among several group members to ease the amount of work required every month from the Secretary.

## Article VIII

- Article VIII outlines topics that are to be addressed in each Community Planning Group's bylaws.



Multi-Use Path (Mission Bay Park)

# Policies and Procedures

- Each community planning group's bylaws should include policies or procedures relating to: community participation, planning group composition, conduct of meetings, member and community planning group responsibilities, and elections in this Article if more information is desired beyond the standard language and options presented in the bylaws shell.
- Some groups choose to place their Elections procedures into Article V with the information required in the bylaws shell.

# Article IX

- Article IX addresses the rights and liabilities of recognized Community Planning Groups.



Recreation along the MLK Promenade (Centre City)

# Indemnification and Representation

- Community planning groups are afforded protections for activities conducted within the scope of their responsibility and in compliance with Council Policy 600-24 and the Brown Act.

# Brown Act Remedies and Penalties

- The Brown Act contains provisions for civil remedies and criminal penalties for non-compliance.
- Further specifics relating to the Brown Act are discussed in Section Three of this training.

# Council Policy 600-24 Violations and Remedies

- Individual alleged violations of the Council Policy by a member of a community planning group will be investigated by the community planning group, following specific procedures included in their bylaws.
- The community planning group will seek remedies that allow the member to remain on the planning group.
- However, there is a provision that the member may be removed by a 2/3 vote of the voting members of the community planning group.
- Alleged violations by a community planning group as a whole will be investigated by the Mayor's Office.
- The City will attempt to resolve the issue or dispute with the community planning group.
- If the violation is proven and the community planning group does not take corrective action, it may forfeit its rights as a City Council-recognized community planning group.

# Situation

An elected community planning group member has recently appeared at a public hearing and represented the group's position on an item that the group had voted upon. In addition, this member sent an email to other members of the group promoting their position on an agenda item that was scheduled for the next meeting of the community planning group.

# Question

What action should the community planning group chair take when confronted by another group member about these situations?

- A. The Chair should explain to the member reporting the behaviors that there will be no action because the member in question is a positive contributor to discussions at the group meetings.
- B. The Chair should schedule an item on the next agenda to ask the community planning group to remove the member by a 2/3 vote of the voting members of the group since the offending member violated several provisions of the group's bylaws and Council Policy 600-24.
- C. The Chair should confirm the information given by the reporting member, confer with group officers, and speak to the member in question about the reported incidents.

Please Select the Letter Choice  
Above

# Correct

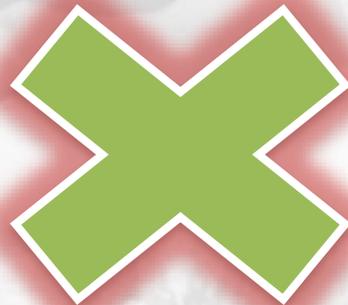
- C. The Chair should confirm the information given by the reporting member, confer with group officers, and speak to the member in question about the reported incidents. See Explanation to understand how B. could be the correct answer.



# Incorrect

The correct answer is:

- C. The Chair should confirm the information given by the reporting member, confer with group officers, and speak to the member in question about the reported incidents. See Explanation to understand how B. could be the correct answer.



# Explanation of the Answer

- If this is a newly-arisen or newly-disclosed situation, the correct answer is C. If the member has been made aware of how their behavior violated Council Policy 600-24, the Brown Act, or the community planning group's bylaws previously, following proper procedures outlined in Article IX for dealing with proven violations should be followed.
- This situation implies that the offending member has just recently represented the community planning group's position to decision-makers without authority to do so, and has just sent an email about a project the member opposes to fellow group members to be sure they were aware of their concerns.
- There are two violations of the group's adopted bylaws and Council Policy 600-24: a community planning group member may not represent the group's position on an item unless authorized to do so (the Chair is the presumed representative of the group to decision-makers); the Brown Act prohibits members of the group from trying to develop a collective concurrence about an item scheduled on a community planning group agenda outside of that meeting.

# Explanation of the Answer (cont)

- If this is the offending member's first violation, the Policy encourages remedying the situation if feasible. The Chair should confirm the facts as presented, discuss with officers of the group or with staff, and speak with the individual to determine if the member can understand the bylaws and Policy's authority over the member's role as a group member. If so, the member can be put 'on warning' to not engage in similar behavior in the future.
- If there have been previous instances of the offending member violating adopted bylaws or the Policy, and they have been warned before (or the instances were known but ignored) then the Chair can follow the procedures in Article IX of the Council Policy which would result in scheduling an item on the community planning group agenda to remove the member by a 2/3 vote of the voting members of the group.

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# SECTION THREE

## The Brown Act



Rotary Pocket Park

# Purpose

- This section discussed the provisions of the Ralph M. Brown Act (Brown Act) as they apply to recognized community planning groups.
- The Brown Act has been part of the California Government Code (Sections 54950 – 54963) since 1953 and is intended to safeguard the public's right to participate in meetings and access records of governments, as well as those of groups created by government actions. When the Act is amended, there may be additional requirements placed into Council Policy 600-24 if they apply to the responsibilities and roles of community planning groups.
- The Brown Act applies to community planning groups because the groups are organizations created by a legislative body (the City Council).

# Purpose

- The Article VI discussion in Section Two of this training may have addressed some of the same operational issues as in this Section, however the discussion here emphasizes on Brown Act compliance.
- Information in this Section of the training is not a complete review of the Brown Act provisions as they apply to community planning groups.
- While community planning groups tend to rely on adopted bylaws for all written policies and procedures, Council Policy 600-24 cites particular paragraphs where the Brown Act is a contributing reason for requiring compliance.

# Intent of the Brown Act

- To ensure that deliberations and actions of community planning groups are open and accessible to the public.
- To ensure meaningful public participation in community planning group discussions and actions.
- To conduct meetings on a regular schedule adhering to a properly noticed agenda.
- To preclude secret votes on noticed items at regular or special community planning group meetings.
- To assure public access to community planning group meeting documents and records.

# Meetings

- What is a Meeting?
  - A meeting is a congregation of a majority of community planning group members at the same time and place to hear, discuss, or deliberate on, any item that is within the subject matter of the community planning group.

# Types of Meetings

- Meetings can either be a *regular meeting* to consider all items properly placed on its agenda or, in certain cases, may be a *special meeting* to consider an urgent matter.
- Community planning groups may not convene emergency meetings because they are prohibited by Council Policy 600-24 and community planning groups do not consider subject matter that the Brown Act allows at emergency meetings.
- Community planning group subcommittees that are standing subcommittees are subject to the same Brown Act provisions as regular meetings.
- Ad hoc subcommittees may be comprised either entirely of community planning group members or may include non-community planning group members.

# Meeting Notices

- Regular community planning group meetings, standing subcommittee meetings, and ad hoc subcommittee meetings with outside members require a notice to be posted at the location of the meeting at least 72 hours prior to the meeting.
- The posting must be accessible 24 hours a day.
- Both standing subcommittee meetings and ad hoc subcommittee meetings of planning groups require noticing and access by the public, however, ad hoc subcommittees comprised only of community planning group members may provide a less formal notice. This type of ad hoc subcommittee is subject only to Council Policy 600-24 noticing, not to Brown Act noticing.
- Special meetings require a 24 hour advanced notice.
- Internet postings of agendas are supplemental to the Brown Act-required posting at the meeting location, although the Policy does require agendas to be submitted to the City and posted to the City's website.

# Meeting Location

- Community planning group meetings may be held at any facility within the boundary of the community planning group's area or, if none are available within the planning area, the closest facility adjacent to the planning area.
- Meeting locations must be accessible under the Americans with Disabilities Act of 1990.

# Agendas

- A community planning group agenda must include the date, time and location of the meeting, as well as a brief description of each item and the intended action on the item.

# Public Comment

- Each agenda of a regular community planning group meeting must include a time for non-agenda public comment.
- Time may be limited for public comment.
- Non-agenda public comment items may not be debated by the community planning group, but may include questions or brief statements as well as identifying the need to place the item on a future agenda.
- Each agenda item must allow for public comment by any citizen in attendance before the community planning group votes on the item.

# Other Rights of the Public

- A member of the public may attend a community planning group meeting without providing identification on a sign-in sheet.
- A member of the public may record (audio or video) a community planning group meeting if it is done without disrupting the meeting.
- A member of the public may not disrupt a meeting. Provisions of Council Policy 600-24 and the Brown Act allow removal of a disruptive individual or suspension of the community planning group meeting.
- A member of the public must have access at the meeting to any materials being used by the community planning group in its consideration of an agenda item.

# Situation

A member of the public attends a community planning group meeting to voice his concern over an action item on the group's agenda. Prior to allowing the member of the public to speak on the item, the chair of the community planning group informs the member that they must first sign in on the meeting attendance sheet.

# Question

Is the group chair correct in stating that the member of the public must provide identification on the sign-in sheet?

- A. Yes, since the chair is trying to get identification to retain accurate meeting minute information.
- B. Yes, the chair can legally require that identification be submitted.
- C. No, members of the public cannot be forced to provide identification on a sign-in sheet.

Please Select the Letter Choice  
Above

# Correct

- C.** No, members of the public cannot be forced to provide identification on a sign-in sheet.



# Incorrect

The correct answer is:

- C.** No, members of the public cannot be forced to provide identification on a sign-in sheet.



# Explanation of the Answer

- Community planning group meetings must be open to the public and cannot require that any person, outside of group members, provide personal information of any kind.
- Personal information can only be collected on a voluntary basis.
- Most community planning groups require attendance at a certain number of group meetings prior to an eligible member of the public being able to become a candidate. In that circumstance, the requirement to document their attendance to become a candidate will require someone to sign into the meeting, and that requirement must be clearly identified as being for that reason.
- Similarly, some community planning groups require that an individual demonstrate in writing prior to the election that they are an eligible member of the community in order to vote in an election.

# Situation

A member of the public attends a regularly-scheduled community planning group meeting and brings along a video camera and audio recording device to document the meeting. Upon noticing the person with the recording equipment, the group chair directs that the equipment be turned off or removed from the meeting location.

# Question

Has the chair violated the Brown Act?

- A. No, the group chair has the right to request that the meeting is not recorded in any circumstance.
- B. No, the member of the public did not ask permission to record the meeting so the chair may have the recording information removed.
- C. Yes, any meeting attendee may video and/or audio record group meetings.

Please Select the Letter Choice  
Above

# Correct

- C. Yes, any meeting attendee may video and/or audio record group meetings.



# Incorrect

The correct answer is:

- C.** Yes, any meeting attendee may video and/or audio record group meetings.



# Explanation of the Answer

- Any community planning group meeting attendee may video and/or audio record a meeting without prior approval. This includes a member of the group who is recording the meeting for stated personal reasons.
- Video and/or audio equipment may be requested to be removed if they cause undue meeting disruptions that cannot be relieved by other means.

# Collective Concurrence

- Any attempt by a community planning group member to work with one or more other members outside of a noticed public meeting to come to a position on a current or future agenda item is prohibited by the Brown Act. Use of an outside party to accomplish the same goal is also prohibited.
- However, communications by a planning group member with the responsibility to disseminate factual information from an outside party to other group members does not fall into this category.

# Collective Concurrence

- A majority of community planning group members cannot collectively concur about a project or action item before the meeting, including:
  - substantive conversations about an action item
  - advancing an understanding or clarifying an issue
  - facilitating agreement or compromise
  - circulating a draft motion for advanced review
  - debating or discussing the pros and cons
  - holding briefing or informational sessions

# Records Retention

- The Brown Act subjects community planning groups to provisions of the Public Records Act that require that groups retain various documents and records used in group operations or deliberations and make them available to the public for review upon request. The Public Records Act does not direct how long those records must be held.
- The City requires that certain community planning group items be submitted to the City to document the group's operation. Those documents become records that the City is required to retain for predetermined periods of time in accordance with a Records Retention Schedule.
- Some materials received by a community planning group do not constitute records.
- Refer to the Administrative Guidelines for a full discussion of which group materials are not records, which are, and recommended lengths of time for holding documents that the group either has used in developing positions on agenda items or been sent as formal communications with decision makers.

# Congratulations

- You have successfully completed the COW training!

(Warning: make sure you follow the link below, otherwise you will need to retake this training)

- When you are finished filling out the linked document please **click the email button in the top right-hand portion** to email the document back to the City of San Diego.



Click Here

[Download the Training Completion Form](#)