

## COUNCIL POLICY

DRAFT

**SUBJECT:** STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF RECOGNIZED RECREATION ADVISORY GROUPS

**POLICY NO.:** 700-42

**EFFECTIVE DATE:** [Clerk: Upon adoption, please insert effective date of this amendment]

### BACKGROUND:

This Policy provides a framework for Recreation Advisory Groups (Advisory Groups or Groups) to replace recreation councils previously governed by this Council Policy. The City created recreation councils to serve in an advisory role in the 1950s. Over time, their role expanded, including providing services and financial management for recreation classes and events for their communities. Prior versions of this Council Policy 700-42 formalized the City's relationship with recreation councils.

By adoption of this Policy, the City Council no longer recognizes recreation councils in any official capacity and establishes Advisory Groups operating in conformance with this Policy to take their place. The role of Advisory Groups is to make recommendations to City Council, the Parks and Recreation Department (Department), and its various boards with respect to recreation programs in the community and to provide recommendations on the expenditure of Recreation Center Funds. The City shall be responsible for financial management for City parks and recreation facilities.

### PURPOSE:

The purpose of this Policy is to identify responsibilities and establish minimum operating procedures governing the conduct of Advisory Groups when they operate in their official capacity.

### POLICY:

It is the policy of the City Council to require each Advisory 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," to the Department. These bylaws must contain, at a minimum, all the provisions addressed in this Policy and the standardized bylaws adopted by the Department. Advisory Groups may adopt options within the standardized bylaws and may also expand on provisions in this Policy to better meet the needs of their diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy. In the event of a conflict between the Advisory Group's adopted bylaws and this Policy, the Policy shall control.

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

DRAFT

City staff shall prepare and maintain Administrative Guidelines to more fully explain this Policy's minimum standard operating procedures and the responsibilities of Advisory Groups. The latest version of Robert's Rules of Order (Robert's Rules) should be used when this Policy and the Advisory Group's bylaws are silent on operations or other areas of concern and interest. Failure of an Advisory Group to comply with the approved operating procedures and responsibilities may be cause for the Department to withdraw the Group's official recognition.

As this Policy and the Administrative Guidelines are amended from time to time, the Department shall state whether the Advisory Group bylaws must be updated to conform and whether a Group's community-specific deviations to the Advisory Group's bylaws shall govern.

To be recognized by the City, Advisory Groups must adhere to this Council Policy 700-42, the Administrative Guidelines, and their City-approved bylaws. The City does not direct or recommend the election of specific individual members following the initial recognition of the Advisory Group, nor does the City appoint members to Groups, or recommend removal of individual members of a Group. The City does not delegate legal authority to Advisory Groups to act on behalf of the City. Advisory Groups are voluntarily created and maintained by members of communities within the City.

Advisory Groups are subject to California's Open Meeting Law, the Ralph M. Brown Act, California Government Code sections 54950 through 54963 (Brown Act).

**ARTICLE I**  
**NAME AND RECREATION FACILITIES**

Section 1. Official Name. Advisory Groups shall adopt and operate under an official name, which shall include the respective community or site name followed by "Parks and Recreation Advisory Group." All activities of the Advisory Group shall be conducted under its official name. Advisory Group names are subject to approval by the Department Director or designee (Director) to ensure names are clear and not misleading.

Section 2. Recreation Facilities. The Department shall assign, or reassign when needed, recreation facilities to Advisory Groups based on logical man-made boundaries or geographic boundaries. Advisory Groups shall have an advisory role for City-owned recreational facilities, parks, open space, and City park development projects, as assigned. The Department shall try to assign at least one recreation center for each Advisory Group unless the Advisory Group is intended to advise only on City-owned open space. For newly established parks, the Advisory Group may be assigned an anticipated recreation center. Joint use facilities operated by the City under a joint use agreement with

## COUNCIL POLICY

DRAFT

another public entity may be assigned to the closest Advisory Group, preferably within the same Council District.

- Section 3. Existing Advisory Groups. The Department shall allow certain Advisory Groups to assume the advisory role of previously existing recreation councils, committees, or local advisory groups identified in the Administrative Guidelines.
- Section 4. Director Authority. When this Policy calls for the approval or confirmation of the Director, the Director may act, in each instance, in his or her sole discretion subject to all applicable laws.

### ARTICLE II PURPOSE OF RECREATION ADVISORY GROUPS

- Section 1. Purpose of the Recreation Advisory Group. The purpose of Advisory Groups is to advise the City on recreation programs and activities at its assigned recreation facilities, to provide input on proposed annual budgets for Recreation Center Funds, and to participate in the park planning process established in Council Policy 600-33.
- Section 2. Input and Recommendations. Advisory Groups shall serve as the recognized conduit for community input regarding recreation programs, facilities, and park development projects planned at its assigned recreation facilities. Additionally, Advisory Groups may make recommendations to the Department, the Park and Recreation Board, and other park advisory committees on matters related to recreation programs and facilities.

### ARTICLE III RECREATION ADVISORY GROUP OPERATIONS

- Section 1. Public Outreach. The Advisory Group shall assist Department staff with outreach to the community to further community-wide understanding of and participation in Advisory Group duties, activities, and decisions. The Advisory Group shall give due consideration to all responsible community positions in order to identify what is in the best long-term interest of the community at large.
- Section 2. Recreation Center Fund Budget. Funds collected into a City Recreation Center Fund shall be used for park-related purposes, including promoting and conducting community recreation programs and events; purchasing equipment, supplies, and furnishings; and maintenance projects, repairs and Capital Improvement Projects. The Department will establish a process for Advisory Groups to make recommendations on the City's allocation of

## COUNCIL POLICY

DRAFT

Recreation Center Funds. If an Advisory Group fails to timely submit recommendations to the Director when requested, the budget provided by the Department shall move forward for City approval without the Advisory Group's recommendation.

Section 3. Role of Recreation Advisory Groups on Facility Use. Advisory Groups shall assist the Department by providing advice for coordinating the use of parks and recreation facilities under their purview.

Section 4. Role of Recreation Advisory Groups on Recreation Programs. Advisory Groups shall provide recommendations for recreation programs and events at City parks and recreation facilities under their purview.

### ARTICLE IV BYLAWS

Section 1. Bylaws. Advisory Groups shall only be recognized by the City and be allowed to serve as the Department's officially recognized Advisory Group if they comply with this Policy and operate under adopted bylaws in accordance with the terms and conditions of this Policy and the Administrative Guidelines. The Director shall review each Advisory Group's bylaws and any adopted amendments to a Group's bylaws for compliance with this Policy.

If an Advisory Group fails to cause its bylaws to comply with applicable laws or this Policy within 120 days of written notification by the City of such violation, the City may withdraw recognition of the Advisory Group under this Policy and the Director may suspend the Advisory Group's activities under this Policy until the bylaws comply.

Section 2. Council Policy Shall Control. The bylaws shall provide that in the event of a conflict between any provisions of the bylaws and this Policy, the terms, conditions, and obligations of this Policy shall control.

Section 3. Public Meetings. Advisory Groups are subject to the Brown Act. The intent of the Brown Act is that the actions of public bodies "be taken openly and that their deliberations be conducted openly." This is consistent with the goals of the City and Advisory Groups operating pursuant to this Policy. Accordingly, Advisory Groups shall ensure that all meetings are open to the public, properly noticed, and conducted in compliance with all applicable Brown Act provisions.

### ARTICLE V MEMBERSHIP

## COUNCIL POLICY

DRAFT

Section 1. Number of Members. Advisory Groups shall consist of not less than five members, nor more than 15 members. However, the Director may approve a larger membership for an Advisory Group when such membership would give better representation to a community.

If an Advisory Group's membership becomes less than five, the Director may allow the Group 120 days to reach minimum membership or the Advisory Group shall be disbanded and merged with the nearest Advisory Group. The Director may extend the time period to reach minimum membership.

Section 2. Membership Eligibility. To the extent possible, members of an Advisory Group shall be representative of the areas served by the recreation facilities under the purview of the Advisory Group. Members must be willing to accept and perform responsibilities of the Advisory Group. The Administrative Guidelines establish eligibility requirements, which may be further defined in the bylaws.

Section 3. Membership Selection. Advisory Groups shall select members by an election process or by a confirmation process as set forth in the bylaws.

Section 4. Removal of Members. In the case of a member's alleged violation of this Policy or the Advisory Group's bylaws, the Advisory Group shall follow the process in Article IX, Section 2. The Administrative Guidelines establish a process to remove a member due to death, incapacity, or multiple absences.

Section 5. Filling a Vacancy. A vacancy exists upon the Advisory Group's receipt of a written resignation from a member or upon removal of a member pursuant to this Policy and the bylaws. In the event of a vacancy, new members shall be added as provided in this Policy and the bylaws.

Section 6. Membership Dues Prohibited. No membership dues shall be required.

Section 7. Member Term Limits. Members shall serve for fixed terms established in the Advisory Group's bylaws. The Administrative Guidelines provide additional guidance on member term limits.

### ARTICLE VI ADVISORY GROUP OFFICERS

Section 1. Officer Election Process. Elections of Advisory Group officers shall be held in accordance with the bylaws. Voting on the election of officers shall be by a show of hands and shall be documented in the minutes. No secret ballot or proxy votes shall be permitted.

## COUNCIL POLICY

DRAFT

Section 2. Officer Positions. The Advisory Group's officers shall be members of the Advisory Group. Officers shall be elected by a majority vote of the members present at the meeting, and only after notice of the election was announced and posted at a regular meeting of the Advisory Group prior to the election.

Officer positions shall be identified in the bylaws and shall include at least the following: Chairperson, Vice Chairperson, and Secretary. The bylaws shall establish the length of each officer's term.

Section 3. Removal of Officers. In the case of an officer's alleged violation of this Policy or an Advisory Group's adopted bylaws, the Advisory Group shall follow the process in Article IX, Section 2.

Section 4. Duties Outlined in Bylaws. The duties of all Advisory Group officers shall be stated in the bylaws. The Administrative Guidelines provide guidance on officer duties.

Section 5. Disseminating Official Business. It shall be the duty of the Advisory Group's officers to promptly disseminate any pertinent information received by the Advisory Group regarding its official business to all members.

### ARTICLE VII CONFLICTS OF INTEREST

Section 1. Financial and Economic Interests. All members of an Advisory Group must disclose their economic interests and refrain from participating and voting on items of direct financial or economic interest before the Advisory Group. The Department may refuse any proposed expenditure of funds in a proposed Recreation Center Fund budget if any Advisory Group member has a financial or economic interest in the proposed expenditure.

### ARTICLE VIII RECREATION ADVISORY GROUP MEETING PROCEDURES

Section 1. Public Meetings. All Advisory Group recommendations and official authorizations, positions, and opinions shall be voted on in a public meeting of the Advisory Group where a quorum of the members are present. All Advisory Group meetings shall be held in compliance with the Brown Act, Department policies, and the requirements of this Policy with the opportunity for community input. Officers of an Advisory Group may oversee administrative business of the 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 publicly noticed Advisory Group meetings. The Administrative

## COUNCIL POLICY

DRAFT

Guidelines contain specific requirements for the noticing and conduct of Advisory Group meetings, including specific references to the relevant sections of the Brown Act.

It shall be the duty of an Advisory Group, and of each individual member, to refrain from conduct that is detrimental to the Advisory Group or its purposes under this Policy. No member shall disturb the public meeting or disrupt the public process as set forth on the Advisory Group's agenda.

- Section 2. Membership Rosters. The Advisory Group shall maintain and provide the Department with a current, up-to-date roster of the names of each member.

### ARTICLE IX

#### RALPH M. BROWN ACT AND COUNCIL POLICY 700-42 COMPLIANCE

- Section 1. Violations and Remedies of Brown Act. This Policy requires Advisory Groups to comply with the Brown Act. The Administrative Guidelines identifies specific requirements of the Brown Act.

The Brown Act includes civil remedies (California Government Code sections 54960 through 54960.5) and criminal penalties (Government Code section 54959) for violation of its provisions. Advisory Groups are encouraged to proactively cure violations themselves to prevent legal action that could void their actions. Proactively curing violations also assures good faith compliance with the Brown Act.

While the Office of the City Attorney does not represent any Advisory Group or any of its members outside of the indemnification provided by the City pursuant to Ordinance No. O-\_\_\_\_\_, any Advisory Group, or any of its individual members, may seek assistance, as well as training, from the Office of the City Attorney to better understand, implement, and comply with the Brown Act.

- Section 2. Violations and Remedies of Council Policy 700-42. This Policy and the Administrative Guidelines provide various remedies for violation of their provisions in addition to those covered by the Brown Act. Where an Advisory Group does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the City.

- 2.1 Alleged Violations by a Member of a Recreation Advisory Group. In the case of a member's alleged violation of this Policy or an Advisory

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**DRAFT**

Group's adopted bylaws, the Group shall conduct an investigation consistent with the Administrative Guidelines and bylaws.

- a) If the Advisory Group, after a thorough investigation, determines that the member has violated a provision of this Policy or the Group's bylaws, the Group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the Group.
- b) If corrective action or measures are not feasible, the Group may remove a member by a two-thirds vote of the members.
- c) A member risks loss of indemnification pursuant to Ordinance No. O-\_\_\_\_\_ and any future amendment thereto for failure to comply with the non-Brown Act provisions of this Policy or those provisions in the Group's bylaws.

2.2 Alleged Violations by a Recreation Advisory Group. Any person alleging a violation of this Policy or bylaws by an Advisory Group or by multiple members of the Group shall forward the allegations, in writing, to the Director for investigation. The Director shall engage in a dialogue with the Advisory Group to determine the validity of the complaint and to seek resolution of the issue or dispute.

- a) If the Director finds a violation of this Policy or the Group's bylaws by an Advisory Group as a whole and the Group fails to take corrective action, the Group shall forfeit its rights as an Advisory Group recognized under this Policy. The Deputy Chief Operating Officer (DCOO) shall confirm any determination by the Director resulting in the forfeiture of a Group's rights and may also prescribe conditions under which recognition under this Policy will be reinstated.
- b) An Advisory Group risks loss of indemnification pursuant to Ordinance No. O-\_\_\_\_\_ and any future amendments thereto for failure to comply with the non-Brown Act provisions of this Policy or those provisions in the Group's bylaws.

**ARTICLE X**  
**DEFENSE AND INDEMNIFICATION**

Section 1. Indemnification. An Advisory Group and its duly elected or confirmed members have a right to representation by the City Attorney and a right to



## COUNCIL POLICY

DRAFT

indemnification by the City under Ordinance O-\_\_\_\_\_ and any future amendments if all of the following are true: the claim or action against them resulted from their obligation to advise and assist the City and its agencies with recreational matters as specified in Article II, Section 1 of this Policy; their conduct was in conformance with this Policy and the Advisory Group's bylaws; and all findings specified in the ordinance can be made.

### ARTICLE XI GENERAL PROVISIONS

- Section 1. No Charge. As long as an Advisory Group serves as a recognized Advisory Group in compliance with this Policy, the Group may conduct meetings at City park facilities without charge. All Advisory Group use of City park facilities under their purview shall be subject to the prior written approval of the Director in each instance.
- Section 2. No Discrimination. Advisory Groups shall not discriminate or permit discrimination in any manner against any person or class of persons on account of race, color, religion, gender, gender expression, gender identity, sexual orientation, medical status, national origin, ethnicity, age, marital status or disability, including without limitation in the provision of goods, services, facilities, privileges, advantages and accommodations, and the hiring and retention of employees and contractors.
- Section 3. Compliance with Law. Advisory Groups shall at all times comply with all applicable laws, rules, regulations, and directives of competent governmental authorities.
- Section 4. Political Activity. All Advisory Group activities shall be non-partisan and non-sectarian. Advisory Groups shall not officially or unofficially participate in, or lend its influence to the election of any candidate for public office. Advisory Group members shall not identify affiliation with their Group when endorsing candidates for public office.