# RECREATION COUNCIL WORKING GROUP Tuesday, May 1, 2018 4:30 – 6:30 p.m. Santa Fe Room in the Balboa Park Club 2150 Pan American Road West, San Diego, CA 92101

# **AGENDA**

4:30 CALL TO ORDER

ROLL CALL

- 4:35 CO-CHAIRS' OPENING COMMENT
- 4:40 NON-AGENDA PUBLIC COMMENT

### 4:50 ACTION ITEM

**A01**. Approval of minutes for meeting of April 17, 2018

#### **INFORMATION ITEM**

4:55 I01. Report back from presentation to Council Committee and Park and Recreation Board

Presenter: Marcella Bothwell, Co-Chair, Recreation Council Working Group

**5:00 IO2**. **Calendar and process for review and approval of Draft Council Policy** Review of the proposed outline for the draft Council Policy using a Table of Contents format. Presenting a plan for the review process, dates for completion, and approval of policy.

Presenter: Marcella Bothwell, Co-Chair, Recreation Council Working Group

## **ACTION ITEM**

5:15 A01. Discussion and approval of Draft Council Policy 700-42 – Article 4: Conflicts of Interest, Article 5: Recreation Advisory Group Meeting Procedures, Article 7: Elections, Article 8: Officer Duties

Four articles will be reviewed and recommended for approval.

Presenter: Marcella Bothwell, Co-chair, Recreation Council Working Group

Supported by: Sarah Erazo, Area Manager II, Parks & Recreation

## WORKSHOP ITEM

## 5:45 W01. Input and small group discussion of sections 1-9 in Article: Recreation Advisory Group Operations

Input will be solicited regarding the sections containing the core responsibilities of the advisory group.

Presenter: Marcella Bothwell, Co-chair, Recreation Council Working Group

Supported by: Danell Scarborough, Facilitator

## 6:25 CO-CHAIRS' CLOSING COMMENT

### 6:30 ADJOURNMENT

Next Regular Meeting:	Tuesday, May 15, 2018 at 4:30 p.m.
	Santa Fe Room at the Balboa Park Club
	2150 Pan American Road West
	San Diego, CA 92101

### For further information:

Website: <u>https://www.sandiego.gov/park-and-recreation/general-info/reccouncilresources</u> Contact: Danell Scarborough, Facilitator <u>danell@danellscarborough.com</u>

**Access for People with Disabilities**: This information will be made available in alternative formats upon request, as required by the American with Disabilities Act (ADA), by contacting the department at (619) 236-6643. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available for the meeting, if requested at least forty-eight (48) hours prior to the meeting to ensure availability.

**Public Comment on Agenda Items:** If you wish to address the Recreation Council Working Group on an item on today's agenda, complete a speaker form before the agenda item is called. You will be called when the item is heard. Individual comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item.

**Public Comment on Non-Agenda Items:** This portion of the agenda provides an opportunity for members of the public to speak on items of interest within the jurisdiction of the Recreation Council Working Group. Comments are limited to no more than three minutes per speaker. Submit requests to speak prior to the start of the meeting. Comments relating to items on today's Agenda are to be taken at the time the item is heard. Pursuant to the Ralph M. Brown Act, the

Recreation Council Working Group shall take no discussion or action, other than a referral on any issue brought forth under "Non-Agenda Comment".

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## ARTICLE IV OFFICER ELECTIONS

- Section 1. Elections of ADVISORY GROUP officers shall be held in accordance with the Bylaws. Voting on the election of officers shall be by written ballot. No secret ballot shall be permitted. Ballots shall be available at the noticed ADVISORY GROUP meeting at which the election will be held. ADVISORY GROUP shall retain completed ballots and make them available to the public, upon request, at a publically-accessible area at the location where the ADVISORY GROUP regularly conducts its meetings and official business, for a minimum of thirty (30) calendar days from the related election. The results of the election shall be reported in the ADVISORY GROUP meeting and contained in the minutes as set forth in these SOP.
- Section 2. The ADVISORY GROUP 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 the previous regular meeting of the ADVISORY GROUP. Officer positions shall be set forth in the Bylaws; however, the ADVISORY GROUP shall have at least the following officers: Chairperson; Vice Chairperson; Secretary. The Bylaws may create additional officers. The Bylaws shall set forth the length of each officer's term; however, no term shall exceed two (2) years. No person may serve in the same office of the ADVISORY GROUP for more than four (4) consecutive years, unless authorized by the DIRECTOR in his or her sole discretion.
- Section 3. The Bylaws shall set forth a written procedure for disciplinary action of and removal of ADVISORY GROUP officers and shall create an appropriate appeals process.

### ARTICLE V OFFICER DUTIES

- Section 1. The duties of all ADVISORY GROUP officers shall be stated in the Bylaws.
- Section 2. The officers of an ADVISORY GROUP shall be elected from and by the MEMBERS of the group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary, and an ADVISORY GROUP Bylaws may include such other officers as the group may deem necessary. Further duties of the officers may be defined in the Bylaws.
- Section 3. Chairperson. The Chairperson shall be the principal officer of the ADVISORY GROUP, preside over the ADVISORY GROUP meetings, sign

approved minutes for all meetings he or she attended, and review annual recreation center fund financial reports. The ADVISORY GROUP agenda for each meeting shall be prepared in accordance with the desires and priorities expressed by the Chairperson.

Appeals of discretionary decisions to the DEPARTMENT shall be made by the Chairperson or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the ADVISORY GROUP

- Section 4. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.
- Section 5. Secretary. The Secretary shall be responsible for the ADVISORY GROUP's correspondence, attendance records, and minutes and actions (including identification of those group members who constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons), and shall assure that MEMBERS and members of the public have access to this information. Secretary shall sign all approved minutes from ADVISORY GROUP meetings.

Upon request by an ADVISORY GROUP, the DIRECTOR may appoint a DEPARTMENT representative to assist the ADVISORY GROUP as a recording secretary. Said DEPARTMENT representative may:

- (a) maintain an attendance record and membership roster;
- (b) report on the attendance record and membership roster at each ADVISORY GROUP meeting;
- (c) record, prepare, and maintain minutes of the RECREATION ADVISORY GROUP meetings;
- (d) make minutes available to the ADVISORY GROUP and general public; and
- (e) compile and post ADVISORY GROUP meeting agendas.

The appointed DEPARTMENT representative shall not fulfill any other duties that are to be performed by the Secretary. Notwithstanding the foregoing, both the Secretary and Chairperson shall sign the approved minutes of ADVISORY GROUP meetings as required in this Policy.

Section 5. It shall be the duty of the officers of ADVISORY GROUP to promptly disseminate to all MEMBERS any pertinent information that is received by the ADVISORY GROUP regarding its official business.

## ARTICLE VII CONFLICTS OF INTEREST

- Section 1. All MEMBERS of ADVISORY GROUP performing the obligations and duties under this Policy, as individuals, and an ADVISORY GROUP as a whole, must remain free from financial or economic interest relating to their participation in ADVISORY GROUP. DEPARTMENT retains the right to refuse any proposed expenditure of funds in ADVISORY GROUP's budget if the expenditure will result in a financial or economic interest of any MEMBER or ADVISORY GROUP personnel.
- Section 2. All MEMBERS of ADVISORY GROUP performing the obligations and duties under this Policy, as individuals, and an ADVISORY GROUP as a whole, shall at all times comply with all applicable laws regarding conflicts of interest. Unless permitted by applicable laws, no MEMBER shall vote or otherwise participate in any ADVISORY GROUP action or project if that MEMBER has a direct or indirect economic interest in the action or project.

## ARTICLE VIII RECREATION ADVISORY GROUP MEETING PROCEDURES

Section 1. ADVISORY GROUPS and their MEMBERS shall conduct official business in a public setting in a facility that is accessible to persons with disabilities. All ADVISORY GROUP recommendations, and official authorizations, positions, and opinions shall be obtained through broad community input by a public meeting of ADVISORY GROUP held in compliance with the Brown Act, DEPARTMENT policies, and the requirements of this Policy. It is recognized that the 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 the noticed ADVISORY GROUP meetings.

It shall be the duty of an ADVISORY GROUP as a whole, and of each individual MEMBER, to refrain from conduct that is detrimental to the group or its purposes under this Policy. No MEMBER shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the ADVISORY GROUP's agenda.

Section 2. 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 Council Policy 700-42 shall control.

- Section 3. ADVISORY GROUP shall maintain a current, up-to-date roster of the names of each and every MEMBER and whether each MEMBER is an at-large member or an organization member. The roster shall be provided by the ADVISORY GROUP to the DEPARTMENT promptly, but no later than within thirty (30) days, upon any change.
- Section 4. ADVISORY GROUPS and their MEMBERS are responsible for assuring compliance of meeting procedures and meeting records requirements under this Policy.

### (a) Meeting Procedures

It shall be the duty of each MEMBER to attend all ADVISORY GROUP meetings.

(1) **Regular Agenda Posting.** In accordance with Brown Act section 54954.2(a), at least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time, and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made. At the time of the posting of the agenda, the agenda shall also be sent via the United States Postal Service or electronic mail to every member of the public who has requested notification of the meetings.

The listing of an agenda item shall include the intended action of the ADVISORY GROUP regarding that item, for example, stating that the item is an information item only or it is an action item.

At the time of the posting of the agenda, the agenda shall also be sent, via the United States Postal Service, or electronic mail, to every member of the public who has requested notification of the meetings.

## (2) **Public Comment**

- a. Agenda Items: Any interested member of the public may comment on agenda items during regular or special ADVISORY GROUP meetings. (Brown Act section 54954.3(a))
- b. Non-Agenda Items: Each agenda for a regular ADVISORY GROUP meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda, but that are within the scope of the group. (Brown Act section 54954.3(a)) MEMBERS may respond by asking for more factual information, or by asking a question to clarify, and also may schedule the item for a future agenda. However, no discussion, debate, or action may be taken on such items. (Brown Act section 59454.2).
- c. An ADVISORY GROUP may adopt time limits for individual items and for individual speakers to ensure operational efficiencies but such time limits must be reasonable and give competing interests equal time. (Brown Act section 54954.3(b))
- (3) **Adjournments and Continuances.** In accordance with Brown Act section 54955, ADVISORY GROUP meetings may be adjourned to a future date. Within 24 hours, a notice of adjournment must be clearly posted on or near the door of the place where the original meeting was to be held.

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

In accordance with Brown Act section 54954.2, if a subsequent meeting is held more than 5 days from the original meeting, a new regular meeting agenda must be prepared; otherwise if shorter, the original meeting agenda is adequate.

(4) Continued Items. In accordance with Brown Act section

54955.1, if an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

- (5) **Consent Agenda.** For items to be considered for a "Consent Agenda" all of the following are required:
  - a. A subcommittee of the ADVISORY GROUP has discussed the item at a noticed subcommittee meeting,
  - b. All interested members of the public were given an opportunity to address the subcommittee, and
  - c. The item has not substantially changed since the subcommittee's consideration.

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

(6) **Quorum and Public Attendance.** It shall be the duty of each MEMBER to attend all ADVISORY GROUP meetings. The minimal amount of MEMBERS in attendance at each ADVISORY GROUP meeting in order to constitute a quorum shall be stated in the Bylaws, but such quorum shall not be less than the greater of either twenty-five percent (25%) or three (3) MEMBERS. In accordance with Brown Act section 54952.2, a quorum must be present in order to conduct business, to vote on projects, and to take actions at regular or special group meetings.

In accordance with Brown Act section 54953.3, no member of the public shall be required, as a condition of attendance at any meeting of an ADVISORY GROUP, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public shall be charged a fee for admittance.

Development Project Review. When considering proposed for ADVISORY development projects GROUP park recommendation, ADVISORY GROUP shall allow participation of all members of the public, including those from other areas as directed by the DEPARTMENT, and with special emphasis on obtaining participation from property owners, residents, and business establishments in proximity to the proposed development. The ADVISORY GROUP shall inform the project applicant or representative each time such review by the ADVISORY GROUP will take place, and provide the applicant with an opportunity to present the project.

## (7) Action on Agenda Items.

- a. In accordance with Brown Act section 54954.2(b)(2), an item not noticed on the agenda may be added if either two- thirds of the voting members of an ADVISORY GROUP, or every MEMBER if less than twothirds of the voting MEMBERS of an ADVISORY GROUP are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the ADVISORY GROUP subsequent to the agenda being posted.
- b. Voting requirements vary by subject of the action:
  - i. Removing an elected or appointed MEMBER in accordance with Article III of this Policy requires a two-thirds vote of the voting MEMBERS. An ADVISORY GROUP may adopt into its bylaws a substitute method to remove an appointed member.
  - ii. Approving an amendment to adopted bylaws requires a two-thirds vote of the voting MEMBERS.
  - A ratifying vote to remove a MEMBER due to ineligibility in accordance with Article III, Section 5 of this Policy requires a majority vote of the voting MEMBERS.

iv. All other group actions, including subcommittee votes, only require a simple majority of the voting MEMBERS in attendance when a quorum is present.

In accordance with Brown Act section 54953(c), ADVISORY GROUPS shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

In accordance with the Brown Act section 54953(c), all actions taken by ADVISORY GROUPS, including votes, must be taken in public.

Positions on agenda items shall be established only by the votes taken by the voting MEMBERS as identified in Article III, Section 1 of this Policy.

- (8) Collective Concurrence. In accordance with Brown Act section 54952.2, any attempt to develop a collective concurrence of the MEMBERS as to action to be taken on an item by MEMBERS of the group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.
- (9) **Special Meetings.** In accordance with Brown Act section 54956, the chair of an ADVISORY GROUP, or a majority of the MEMBERS, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each MEMBER shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the MEMBER files with the group secretary a written waiver of notice at, or prior to the time of, the meeting.

The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting.

Public testimony on agenda items must be allowed; however, the non- agenda public comment period may be waived.

- (10) Emergency Meetings. Brown Act section 54956 describes emergency meetings for matters related to public health and safety. These matters are outside of the purview of ADVISORY GROUPS and are prohibited under this Policy.
- (11) **Right To Record.** In accordance with Brown Act sections 54953.5 and 54953.6, any person attending a meeting of an ADVISORY GROUP must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
- (12) **Disorderly Conduct.** In accordance with Brown Act section 54957.9, in the event that any ADVISORY GROUP meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the group may first cause removal of the individual or individuals.

If that is unsuccessful then the ADVISORY GROUP may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The ADVISORY GROUP may also readmit an individual or individuals who were not responsible for the disruption.

### (b) Subcommittees

ADVISORY GROUPS are encouraged to establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular group meetings.

(1) **Standing Committees.** Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas. In accordance with Brown Act section 54952(b), all standing subcommittees of an ADVISORY GROUP are subject to Brown Act public noticing and meeting requirements as set forth in Article VIII, Section 4(a) of this Policy.

- (2) Ad Hoc Subcommittees. Ad hoc subcommittee meetings are established for a finite period of time to review more focused issue areas and are disbanded following their review. While the Brown Act does not impose requirements upon ad hoc subcommittees when made up entirely of members of the ADVISORY GROUP and constituting less than a quorum of the group (Brown Act section 54952), this Policy requires all subcommittee meetings be noticed and open to the public by inclusion of the meeting announcement on a regular meeting agenda, by an electronic notice, or by announcement at a regular ADVISORY GROUP meeting.
- (3) **Committee Composition.** The majority membership of any committee or subcommittee shall consist of elected or appointed MEMBERS. Any member of a committee or subcommittee who is not a member of the ADVISORY GROUP shall have completed formal training by the City in the duties and responsibilities of ADVISORY GROUPS before serving on any such committee or subcommittee.
- (4) **Recommendations.** All committee and subcommittee recommendations must be brought forward in writing for an ADVISORY GROUP vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the DEPARTMENT as the official recommendation of the ADVISORY GROUP without a vote taken at a scheduled group meeting.

#### (c) Abstentions and Recusals

- Recusals. Any MEMBER with a direct economic interest in any item that comes before the group or its committees or subcommittees must: (1) disclose to the group that economic interest, (2) must recuse himself or herself from voting, and (3) must not participate in any manner as a MEMBER of the group for that item on the agenda. Situations requiring recusals are described in the Administrative Guidelines.
- (2) **Abstentions.** In limited circumstances, from time to time, MEMBERS may abstain from either voting on an action item, or from participating and voting on an action item. The MEMBER must state, for the record, the reason for the abstention.

Situations allowing abstentions are described in the Administrative Guidelines.

### (d) Meeting Documents and Records

- (1) **Agenda by Mail.** In accordance with Brown Act section 54954.1, requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the MEMBERS, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year.
- (2) Agenda at Meeting. In accordance with Brown Act section 54957.5, any written documentation, prepared or provided by City staff or MEMBERS that is distributed at a group meeting shall be made available upon request for public inspection without delay. If such material is distributed at an ADVISORY GROUP meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff or MEMBERS, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. Further, the City may charge for the cost of reproduction of any materials requested by an individual or individuals.
- (3) **Minutes.** For each ADVISORY GROUP meeting, a report of member attendance and a copy of approved minutes shall be retained by the group, and shall be available for public inspection. The draft minutes shall be available to the public at a publicly-accessible area at the location where the ADVISORY GROUP regularly conducts its meetings as soon as reasonably possible, but no later than 72 hours prior to the next ADVISORY GROUP meeting. A copy of the draft minutes shall also be delivered to the DEPARTMENT designated representative by the same time.

The minutes of each ADVISORY GROUP's meetings shall include the MEMBERS who constituted a quorum at that meeting. In accordance with the Brown Act section 54953(c)(2), the votes taken on each action item shall include: MEMBERS who voted for, against or abstained on the item. In addition, for each action item the record should include the names of the speakers and the nature of the public testimony that appeared before the group.

Any changes to the draft minutes shall be discussed and adopted by a majority vote of the MEMBERS present at that next ADVISORY GROUP meeting.

Copies of approved minutes shall be available to the public within 72 hours of the next scheduled ADVISORY GROUP meeting, and shall be kept for a minimum of thirty (30) calendar days at the location where the ADVISORY GROUP regularly conducts its meetings.

ADVISORY GROUPS are not required to audio or videotape their meetings but if they do then, in accordance with Brown Act section 54953.6, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

- (4) **Records Retention.** In accordance with Brown Act section 54957.5, ADVISORY GROUP records, as described below, must be retained for public review. ADVISORY GROUP records are meeting agendas and any other writings that are distributed to at least a majority of the MEMBERS in connection with a matter subject to consideration at an open meeting of the ADVISORY GROUP. Records do not include writings that are required to be submitted to the City in accordance with this Policy to substantiate and document a group's operation and compliance. ADVISORY GROUPS also receive materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, ADVISORY GROUP records, and non-records.
- Section 5. ADVISORY GROUPS may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of a group to promote recreation activities. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any ADVISORY GROUP meeting. All contributions must be voluntarily made, and no official ADVISORY GROUP correspondence may be withheld based on any individual's desire to not make a voluntary contribution.