

Attachment to CP 600-24 – Terms and Conditions

TERMS AND CONDITIONS FOR CITY COUNCIL RECOGNITION OF
SOUTHEASTERN SAN DIEGO COMMUNITY PLANNING GROUP
AS AN INDEPENDENT COMMUNITY PLANNING GROUP
PER CITY COUNCIL POLICY 600-24

Introduction and Background

With the Terms and Conditions established herein, the City desires to establish minimum standards the Southeastern San Diego Community Planning Group (the CPG) will adhere to and designated services the CPG will provide in order to obtain and maintain official recognition by the City pursuant to Council Policy 600-24 (Policy 600-24). CPGs are independent organizations voluntarily created and operated by community members who are not City employees, City agents, or City representatives. CPGs are not City-controlled or managed organizations. The City does not direct or recommend the election, appointment, or removal of CPG voting members, or delegate authority to CPGs to act on its behalf.

The CPG, in adopting these Terms and Conditions, commits to meeting these minimum standards and to operating in a manner that abides by and conforms with the Brown Act, is transparent to the public, is accessible to and inclusive of all community members, and reflects the diversity of the communities where they operate. The CPG acknowledges that meeting the standards of this document is necessary to be formally recognized, and continue to be recognized, by the City Council (Council) as a CPG in the City of San Diego. The CPG acknowledges that the City can revoke recognition of any CPG if the City, in its sole discretion, determines these standards are not being met.

The CPG will separately and independently maintain any legally required corporate documents, including articles of incorporation and corporate bylaws, or any other legally required documents related to the CPG's founding, operation, or organization.

The CPG will submit the documents listed in Exhibit A of these Terms and Conditions with its application for Council recognition and maintain these documents in accordance with sections 2.5 and 9.2 herein.

In consideration of Policy 600-24 and the Terms and Conditions established herein, the CPG hereby agrees to abide by the following:

1. Name and Geographical Boundaries

The name of this City recognized CPG shall be Southeastern San Diego Community Planning Group. The community planning boundaries of this CPG are the boundaries of the Southeastern San Diego Community Plan, as shown in Exhibit B. The CPG covers the area south of the Dr.

Martin Luther King, Jr. Freeway (Highway 94), east of Interstate 5, north of the border of National City, and west of Interstate 805; and includes the communities of Sherman Heights, Logan Heights, Grant Hill, Memorial, Stockton, Mount Hope, Mountain View, Southcrest, and Shelltown.

2. Responsibilities

2.1 Collaboration with City Staff

As a recognized independent body, the CPG may work with City staff throughout the City's planning process when requested by the City, including during the formation of long-range community goals, objectives, and proposals or revisions for inclusion in a General or Community Plan.

2.2 Advisory CPG Review

The CPG may make advisory recommendations to the City and other governmental agencies on land use matters within the CPG's geographical boundaries or related matters associated with implementation of its community plan as shown in Exhibit B, including the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to its boundaries.

The CPG may, upon City request, make recommendations, or participate in, additional efforts such as identifying CIP infrastructure needs or additional City matters.

The CPG recognizes that City staff and development project applicants are not required by the City to present their project or application before the CPG although the City encourages applicants to conduct robust engagement with all CPGs, the community, and project neighbors.

2.3 Timely Submittal of CPG Recommendations to the City

In order to be considered as part of the City's development review process, CPG project review recommendations, if any, must be submitted to the City within seven calendar days of the CPG taking action.

In addition, the CPG shall submit its recommendation and any conditions to the project proposed by the CPG, using Bulletin 620 Distribution Form, or reasonable facsimile.

The CPG will follow a uniform mandatory process for recording CPG project review recommendations through the use of an annual report that includes all project recommendations which shall be part of the CPG's official records.

2.4 Adherence to Ralph M. Brown Act

The CPG must comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act), by conducting meetings that are open to the public, properly noticed, and in compliance with each of the Brown Act provisions. Failure of the CPG to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the CPG to lose its Council recognition and may subject the CPG and CPG voting members to a loss of indemnification by the City.

2.5 Maintenance of Open Records

The CPG shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, evidence of completion of annual trainings, and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.

Written applications submitted to the CPG by individuals wishing to serve as voting members, and records of election results, are considered official records and will be maintained by the CPG in accordance with Policy 600-24. The CPG will submit to the City the rosters of CPG voting members by May 1st of each year and will also submit to the City any changes to rosters as a result of CPG elections.

2.6 Independent Entity

The CPG is an independent entity from the City and must be able to operate as such. The City may provide assistance to CPGs at the discretion of the City Manager and subject to the availability of City resources. In addition, CPGs may be allocated funds by the City when such funding is approved by the City Council.

3. Community Participation and Representation

3.1 Membership

The CPG will ensure that voting members of recognized CPGs, to the greatest extent possible, represent the entire community and community interests, including homeowners, renters, individuals with and without school age children, and diverse age groups.

The CPG and its voting members should routinely seek robust community participation in the CPG planning and implementation process to serve the best long-term interest of the community at large. The CPG shall submit a detailed written Community Participation and Representation Plan to the City Council along with its application for recognition (see Exhibit A).

3.2 Community Outreach

The CPG and its voting members shall routinely seek community participation in the CPG planning and implementation process to serve the best long-term interest of the community at large.

3.3 Collection of Membership Data

To measure community representation, the CPG shall gather demographic data of existing and new CPG voting members at the time of elections or other regular periods to measure inclusion and diversity on the CPG. This data should be submitted to the City along with the annual rosters required by Section 2.5. Participation in this type of survey will be voluntary and will be conducted in a manner to ensure the privacy of responses and respondents.

4. CPG Composition

4.1 Number of Voting Members

The CPG will have no fewer than 10 and no more than 20 voting members, respectively, representing the various community interests set forth in these Terms and Conditions. The Council may recognize a CPG with more than 20 voting members if the larger membership is necessary to give better representation to a community.

4.2 Voting Member Eligibility

The CPG will ensure that voting members meet the following minimum qualifications throughout their entire term of service:

4.2.1 Minimum Age

Voting members will be a minimum of 18 years of age, with the exception of an optional youth representative.

4.2.2 Youth Representative

Youth representatives are between 16 and 24 years of age, chosen among the youth who live in the community, and serve a maximum term of 2 years. Youth members may rejoin the CPG as a non-youth member after their youth seat term. Youth seat members have the same rights, privileges, duties, and responsibilities as their adult colleagues. They may serve on subcommittees, including the election subcommittee. They may participate in Committee discussions and in voting on matters being heard by the Committee. Their votes shall be tallied as part of the community voting procedure. Prior to beginning their term, youth members that are under the age of 18 shall provide written permission from their legal guardian to serve on the Committee, which shall include the legal guardian's assumption of responsibility for making any request for indemnification by the City.

4.2.3 Minimum Attendance Requirements

The CPG shall take attendance to ensure that each voting member attends at least two-thirds of the CPG's regularly scheduled meetings in any 12-month period throughout their term as a voting member. Failure to meet minimum attendance shall be grounds for disqualification of the voting member. No attendance requirements for voting member attendance prior to their election or appointment as a voting member are allowed.

4.3 Community Representation

The CPG will ensure that voting members be affiliated with the community as either a: (1) property owner, who is an individual identified as the sole or partial owner of record, or their employee, of a real property (either developed or undeveloped), within the community planning area; (2) resident, who is an individual whose primary address of residence is an address in the community planning area; or (3) local business person, who is a local business or non-profit owner, operator, or designee at a non-residential real property address in the community planning area as evidenced by a business tax certificate or other official document. Board Members shall, to the extent possible, be representative of the various geographic sections of the community.

4.3.3 Appointed Seats

To ensure representation of unique stakeholder interests in the community planning area, the CPG may create appointed non-voting seats. These appointed non-voting seats must be described in this document.

4.4 Voting Member Term Limits

The CPG shall establish term limits for its voting members to ensure that the membership is not dominated over time by individual voting members or groups within the community. These term limits will conform with the following guidelines:

4.4.1 Maximum Time of Service

CPG voting members will not serve their service time for more than eight consecutive years if elected to two- or four-year terms, or nine consecutive years if voting members are elected to three-year terms. CPG voting members who accumulate this maximum service time can be eligible to serve again after a one-year break in service.

4.4.2 Waivers of Maximum Time of Service

The CPG will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats, the CPG may waive the maximum time of service by vote of the Board Members should CPG be unable to find sufficient new Board Members. A Waiver of Maximum Time of Service should be determined with the use of the following guidelines:

- 1) Waivers of Maximum Time of Service shall not be granted unless necessary to ensure there are at least 10 voting members (See Section 4.1).
- 2) Waiver of Maximum Time of Service to ensure there are at least 10 voting members shall be ratified by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election; and
- 3) The term of a voting member elected by a two-thirds vote serving beyond the Maximum Time of Service should count as time served beyond the required break in service as required by this section.

4.5 Authorized Number of Board Members

The CPG shall consist of 14 elected members to represent the community. The number of seats authorized on the CPG Board shall be no fewer than ten (10) and no more than twenty (20) Board Members at any given time; the exact authorized number is to be fixed, within these limits, by resolution of the Board Members. To the extent the Board Members deem it necessary to increase the maximum number of appointees to the CPG Board as set forth in this section to represent the community within the CPG Boundary adequately, it shall obtain prior approval from the City Council prior to amending this section to effectuate a larger maximum number of Board Members.

4.6 Vacancies

A vacancy of Board Members shall be deemed to exist in the event of the following: (i) the death, resignation, or removal of any Board Members; (ii) whenever the number of authorized Board

Members is increased; or (iii) the failure of the Community Members, at any meeting at which any Board Member or Board Members are to be elected, to elect the full authorized number of Board Members.

4.7 Disciplinary Action

Any Board Member found to be in violation of the Bylaws or any provision of the Terms and Conditions entered into between this CPG and the City shall be subject to discipline, up to and including removal, at a scheduled meeting of the Board. Any proposed discipline shall be advertised on the agenda as an action item and the investigation or complaint shall be reported to the City within sixty (60) days of the allegation so as to ensure a fair and public process.

4.8 Removals

4.8.1 Basis for Removal

A Board Member may be removed by a majority vote of then-appointed Board Members with or without cause. Cause for removal shall exist in the following instances:

- 1) Failure to meet the qualifications as set forth in Section 4.2 above at any time during their tenure;
- 2) Failure to attend at least two-thirds (2/3) of this CPG's Board Member meetings in any twelve (12) month period throughout their tenure.
- 3) Failure to adhere to any term imposed under these Bylaws or the Terms and Conditions entered into by the CPG with the City.
- 4) Failure to recuse oneself from a vote involving a Conflict of Interest; and
- 5) Failure to timely disclosure a Conflict of Interest.

4.9 Procedures for Removal

Prior to effecting any removal of a Board Member, fair written notice shall be provided to the affected Board Member no less than fifteen (15) calendar days prior to the proposed meeting that such removal will be subject to a vote by the Board Members. Notice of removal shall contain the general grounds for removal and sufficient documentation to support such grounds. The affected Board Member shall be afforded an opportunity to be heard prior to any vote on the affected Board Member's removal. Any proposed removal shall be advertised on the agenda as an action item and the investigation or complaint shall be reported to the City within sixty (60) days of the removal so as to ensure a fair and public process.

4.10 Resignations

Any Board Member may resign by giving written notice to the Board Members. Such a written resignation will be effective on the later of (i) the date it is delivered or (ii) the time specified in the written notice that the resignation is to become effective.

5. **Open and Public Elections**

5.1. Equal Participation

The CPG has developed election procedures to encourage equal participation by all members of the public of a community, including term limits which voting members of a recognized CPG can serve.

All members of the public affiliated with the community within the geographical boundary of the CPG will be allowed to vote in CPG elections, so long as they meet minimum conditions for eligibility per Section 4.2 of these Terms and Conditions and comply with the following:

- Only one elected CPG voting member per business tax certificate
- Only one elected CPG voting member per property tax billing

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code or Section 5.1.1.

5.1.1 Voter Identification for Resident Community Members

Consistent with state and federal law, proof of residency or identity, should consist of presenting an original or copy of any of the documents described below in either paragraph (1) or (2). These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

(1) Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents: (A) driver's license or identification card of any state; (B) passport; (C) employee identification card; (D) identification card provided by a commercial establishment; (E) credit or debit card; (F) military identification card; (G) student identification card; (H) health club identification card; (I) insurance plan identification card; or (J) public housing identification card.

(2) Any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (A) utility bill; (B) bank statement; (C) government check; (D) government paycheck; (E) document issued by a governmental agency; (F) sample ballot or other official elections document issued by a governmental agency dated for the election in which the individual is providing it as proof, of residency or identity; (G) voter notification card issued by a governmental agency; (H) public housing identification card issued by a governmental agency; (I) lease or rental statement or agreement issued by a governmental agency; (J) student identification card issued by a governmental agency; (K) tuition statement or bill issued by a governmental agency; (L) insurance plan card or drug discount card issued by a governmental agency; (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency; (O) identification documents issued by governmental disability agencies; (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities; (Q) drug prescription issued by a government doctor or other governmental health care provider; (R) property tax statement issued by a governmental agency; (S) vehicle registration issued by a governmental agency; or (T) vehicle certificate of ownership issued by a governmental agency.

5.1.2 Voter Identification for Community Business Owners

Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business non-residential real property address within the CPG boundaries as evidenced by the business tax certificate or other official document. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community business owner to vote in the election.

5.1.3 Voter Identification for Community Non-Profits

Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated non-residential real property address within the CPG boundaries as evidenced the official document. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.1.4 Voter Identification for Community Non-Resident Property Owners

Non-residents who own property within the community should present documents similar to those described in 5.1.1 above, however at least one of these documents should show the address of the property in the community owned by the non-resident and be sufficient to prove ownership. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.2 Transparency and Inclusion in Operations

The CPG operating procedures govern the election or appointment of voting members of the CPG, their removal if necessary, and the process to fill vacancies, among other provisions. These provisions will provide for a fair and transparent process, intended to ensure broad outreach to the community, sufficient time for community members to participate in elections, and the principles of inclusion and diversity in CPG operations.

5.2.1 Election Process

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

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

The CPG holds its election on the same day and immediately prior to the March regular meeting.

The CPG will require proof of identity of those eligible community members who are seeking to vote in the election, in accordance with Section 5.1.1. The planning group shall ensure that voting is only by eligible members of the community.

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

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL

CURRENT

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

5.2.2 Voting

Voting to elect new CPG members shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed. Should a vote be tied, no action takes place and a new motion can be brought forth.

Should a candidate be absent from a scheduled forum, the candidate will be allowed to submit a written statement that should be no longer than 10 minutes in reading length, approximately 1300 words.

The subsequent meeting after an election has occurred is when the newly elected voting members will be seated on the board and eligible to vote.

5.2.3 Procedures

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

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

Voting will be held on the same day and location as the CPG's regular March meeting. The election shall be held immediately preceding the regular March meeting and voting will be open for a period of at least 30 minutes.

Voting is by secret ballot and is counted by one CPG member and one non- member, both of whom are chosen by the CPG Chairperson. One CPG is responsible for gathering information and creating the ballots.

The steps in the process of seating eligible candidates are:

- 1) Determine election date and time
- 2) Determine the number of available seats.
- 3) Place candidates with the highest number votes into vacancies, assigning the candidate with the highest number of votes first, until all open seats are filled or until all eligible candidates have been placed.
- 4) If vacant seats remain, determine if any candidate seeking to serve beyond eight years has met the criteria in Council Policy 600-24 to continue service and, if so, seat one or more candidates into vacant seats starting with the candidate with the highest number of votes.
- 5) Retain all important minutes and notes from elections

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL

CURRENT

5.3 Election Timing

The CPG will endeavor to host its elections during the month of March each year to be consistent with other CPGs. The CPG's general elections shall be held annually.

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

6. Conduct of Meetings

6.1 Professional Conduct

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

6.2 Rules of Procedure

All meetings of Community Members and CPG Board Members shall adhere to Robert's Rules of Order unless otherwise provided in these Bylaws. Where these Bylaws conflict with Robert's Rules of Order, these Bylaws shall govern.

6.3 Transparency in Operations

The CPG will maintain transparency in its operating procedures as outlined herein and in Policy 600-24 to ensure open meetings with appropriate public notice to invite community participation in CPG meetings.

6.4 Quorum and Action of the Board Members

6.4.1 Quorum

A majority of Board Members appointed shall constitute a quorum for the transaction of business. Every act taken or decision made by a vote of the majority of the Board Members present at a meeting duly held at which a quorum is present is the act of the Board Members. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of Board Members from the meeting, if any action taken is approved by at least a majority of the required quorum for that meeting.

6.4.2 Minimum Vote Requirements for Valid Board Member Action

Every act taken or decision made by a vote of the majority of the Board Members present at a meeting duly held at which a quorum is present is the act of the Board Members. A meeting at

which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of Board Members from the meeting, if any action taken is approved by at least a majority of the required quorum for that meeting.

6.4.3 Deadlock

Any action subject to deadlock shall be set for a re-vote at a meeting duly notice and held no later than ten (10) days following the deadlock. Failure to reach a decision of the Board Members after a re-vote shall be cast to the Community Members for consideration and vote, passing with a majority approval of Community Members present.

6.5 Additional Procedures

6.5.1 Posting of Agendas

Agendas are posted at the meeting location at least 72 hours prior to the CPG meeting and are sent to the City to be posted on the City's website. In addition, they are electronically sent to the CPG's e-mail list of interested parties. Also, on the Notice of Public Hearing regarding specific projects, CPG meeting and contact information is provided.

6.5.2 Meeting Operations

Public comments are accepted on items not on the agenda at the beginning of each CPG meeting. Comments are limited to two minutes. Consent Items are limited to those items that are submitted by the City (e.g., Traffic Engineering, Waste Water [sewer installations], etc.) or those projects that the Projects Subcommittee recommends be put on consent. Projects by non-City applicants are never put on the Consent Agenda

6.5.3 Contents of the Meeting

The CPG meetings may include the following:

- Roll Call and self-introductions
- Approval of the agenda
- Public comments on items not already on the agenda
- Reports from Staff (City Planning, City Council Districts, representatives from State or Federal elected officials), Civic San Diego, and any other agencies that serve CPG's planning area
- Consent Items
- Action Items
- Information Items
- CPG Member Comments (reports of activities of the CPC or activities in the communities)
- Adjournment

6.5.4 Input on Projects

Elected members of the CPG may comment on the project and ask the applicant questions related to the project in turn, as recognized by the Chair. After the elected members of the CPG have had the opportunity to comment, members of the public are allowed to comment and ask questions on projects in turn, as recognized by the Chair.

6.5.5 Projects Subcommittee Membership

Project Subcommittee members and other interested parties are welcome to attend.

7. Community Planning Group Duties

7.1 General

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

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

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

7.2 Meeting Procedures

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

7.2.1 Regular Agenda Posting

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

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

The agenda shall be offered to the City for posting on the City's website at least 72 hours in advance of the meeting.

7.2.3 Public Comment

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

7.2.4 Adjournments and Continuances

If the CPG does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

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

7.2.5 Continued Items

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

7.2.6 Consent Agenda

For items to be considered for a "Consent Agenda" all of the following are required:

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

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

7.2.7 Quorum and Public Attendance

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

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

7.2.8 Development Project Review

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

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

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

7.2.9 Action on Agenda Items

An item not noticed on the agenda may be added if either two-thirds of the voting members of the CPG, or every member if less than two-thirds of the voting members of the CPG are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

A two-thirds vote of the voting members of the CPG is required to remove an elected community planning group member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Section 4.2 requires a majority vote of the voting members of the community planning group for the purpose of ratifying the findings presented by the Secretary to the group. Amendments to adopted bylaws require a two-thirds vote of the voting members of the CPG.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of a community planning group.

All other CPG actions, including subcommittee votes, only require a simple majority of the voting members of the community planning group in attendance when a quorum is present. The CPG's chair fully participates in planning group discussions and votes on all action items.

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

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

7.2.10 Collective Concurrence

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

7.2.11 Special Meetings

The chair of the CPG, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting.

Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station

requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

7.2.12 Emergency Meetings - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the CPG and are prohibited under these bylaws.

7.2.13 Right to Record - Any person attending a meeting of the CPG must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

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

7.3 Subcommittees

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

7.3.1 Standing Subcommittees

Pursuant to the purpose of the CPG ~~as identified in Article II, Section 1~~, the planning group has established the Projects Subcommittee:

The Projects Subcommittee reviews projects and submits recommendations to the full planning group. The membership is limited to a range of two to six members of the CPG who are chosen by the CPG Chairperson.

The Projects Subcommittee reviews each project that has been submitted to the City for a discretionary land use permit under the General Plan and the Southeastern San Diego Community Plan. In order to ensure the health and safety and enhance the quality of life of the community, the Projects Subcommittee thoroughly reviews all the documents the applicant submitted to the City, including the San Diego Police Department's (SDPD's) review.

7.3.2 Ad Hoc Subcommittees

Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

7.3.3 Subcommittee Composition

Subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

7.3.4 Recommendations

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

7.4 Abstentions and Recusals

7.4.1 Recusals

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

7.4.2 Abstentions

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

7.5 Meeting Documents and Records

7.5.1 Agenda by Mail

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

7.5.2 Agenda at Meeting

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

7.5.3 Minutes

For each planning group meeting, a report of CPG member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later

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

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

7.5.4 Records Retention

CPG records must be retained for public review. Community planning group records are meeting agendas and any other writings that are distributed to at least a majority of the group members in connection with a matter subject to consideration at an open meeting of the group. Community planning group records do not include writings that are required to be submitted to the City in accordance with Council Policy 600-24 to substantiate and document the CPG operation and compliance. The CPG also receives materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community planning group records, and non-records.

7.6 Community Participation

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

7.7 Roster

It shall be the duty of the CPG to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City an annual report of accomplishments for the past 12 months and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

7.8 Financial Contributions

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

7.9 Mandatory Training

Each elected CPG member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-19883 NS, and any future amendments thereto. If it is not possible for a new member to attend the training session as required, or if a new member is seated through a special election or in a month other than March, then the member shall successfully complete the online orientation training.

As required by O-19883 NS, newly seated planning group members must complete a basic orientation training session within 60 days of being elected or appointed to a planning group or the member will be ineligible to serve. The basic orientation training session will be scheduled within 60 days of the last day of March each year to meet this ordinance requirement.

8. **Planning Group Officers**

8.1 Officers

The officers of the CPG shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary, and Treasurer. The length of an officer's term shall be two years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

8.2 Chairperson

The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. The Chairperson's additional duties include: setting the agenda, being the point of contact for development applicants, appointing a chairperson for the Projects Subcommittee, ~~and~~ convening Special Meetings, and being the authorized representative having the authority to sign official documents on behalf of the CPG, unless otherwise designated by the CPG.

Appeals of discretionary decisions to the City 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 planning group.

8.3 Vice Chairperson

In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

8.4 Secretary

The Secretary shall be responsible for the planning group's correspondence, attendance records, ~~and~~ minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], ~~and~~ shall assure that planning group members and members of the public have access to this information, and shall lead annual/biennial processes as needed including CPG annual reporting and biennial review of these Operating Procedures. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

8.5 Treasurer

The Treasurer shall be responsible for the general management and oversight of any and all funds

used for the purpose of executing CPG functions, disburse funds upon authorization of the CPG, keep an accurate record of all receipts and disbursements, and report at regular meetings upon request.

Community Planners Committee (CPC) Representative

The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

8.6 Official Business

The CPG officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

9. **Additional CPG Responsibilities**

9.1 Commitment to Non-Discriminatory Practices

The CPG, in conducting its responsibilities, will not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability.

9.2 Records Retention

The CPG will maintain its official records, including its rosters, annual reports, meeting agendas, and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.

9.3 Ethical Standards

The CPG will outline and adopt ethical standards for all CPG voting members to guard against potential conflicts of interest and undue influence on any recommendation. These standards should include how CPG voting members can recuse themselves or abstain from voting on decisions when such a conflict exists. The CPG shall submit its adopted ethical standards to the City Council in its application for recognition by the City Council (see Exhibit A). The CPG should use the City's Ethics Ordinance as a guide in drafting its ethical standards. The following are examples of acceptable CPG ethical standards:

9.3.1 Example Standards of Conflicts of Interest

CPG voting members with a potential conflict of interest should recuse from participation in a recommendation if they have a direct economic interest. A direct economic interest includes, but is not limited to, investments in or positions with a business entity, interest in real property, source of income, source of gifts, and personal finances.

9.3.2 Example Exceptions to Conflicts of Interest

Exceptions to conflicts of interest may be granted by a CPG board to other CPG voting members who can show that the decision will not have an effect on their economic interest.

9.3.3 Abstentions for Potential Conflicts of Interest

CPG voting members may voluntarily choose to abstain from voting when that member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, cast doubt on that member's ability to make a fair decision, or a where that voting member lacks sufficient information upon which to cast a vote. The CPG's record of the vote on the item will reflect an abstaining voting member in the vote and they are still counted in a community planning group quorum for that item, regardless of the point in time they declare their abstention.

9.3.4 Political Actions

Neither the CPG nor voting members in their capacity as such may use their title from or position on a CPG for political endorsements of individuals. The CPG may, however, upon majority vote, take a position on pending legislation that is within the CPG's purview.

9.3.5 Donations

Neither the CPG nor its voting members should accept donations on behalf of any individual running for office.

9.3.6 Equal Time for Candidates or Ballot Measures

The CPG will endeavor to grant equal time for candidates or ballot measures if docketed on the CPG agenda. Equal time does not apply to individuals speaking during non-agenda public comment.

9.4 Voting Member Training

The CPG will require all CPG voting members to complete the formal education program in-person or on-line offered by the City.

The CPG will require voting members to complete the training each year within 60 days of being initially elected or appointed to the CPG, and by no later than June 1st of each succeeding year for as long as the voting member is serving or re-elected.

Evidence of completion of annual training shall be part of the CPG's official records. Failure of voting members to complete the specified training each year will make the member ineligible to serve.

9.5 Collaboration with City Staff

CPG voting members will collaborate with the City on an ongoing basis and as requested by the City to increase its voting members' understanding of the role and responsibilities of the CPG.

9.6 Annual Report

The CPG Board shall submit to the City by May 1st of each year an annual report as required by the Terms and Conditions entered into between this CPG and the City and pursuant to CP 600-

24.

9.7 Presentations on Regulatory Items:

The CPG comments to City staff, departments, commissions, City Council or council committees on regulatory items such as alcohol Conditional Use Permits and Site Development Permits.

9.8 Procedure for Amending Bylaws:

CPG places proposed amendments to the bylaws on the agenda as a noticed item for public discussion. Once the amendment is drafted and is approved by 2/3 of the voting members of the CPG, it is submitted to City staff.

9.9 Voluntary Financial Contributions:

The CPG accepts financial contributions from individuals only, but does not solicit such donations. Financial donations from groups must be found to be free of conflicts of interest and accepted by a majority vote of the voting members.

9.10 Participation with Other Organizations

The CPG works with other community organizations such as the advisory committee to the Central Division of the San Diego Police Department (SDPD) or the local business organizations like the Central Commercial District Revitalization Corporation (CCDRC). Groups like these may give timely reports to the CPG on their activities and upcoming activities.

10. CPG Rights and Liabilities

10.1 Indemnification

Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the CPG or its individual voting members, acting in their capacity to the City, under the specified terms set forth in San Diego Ordinance No. O-19883 NS, adopted July 28, 2009, titled "An Ordinance Providing for Defense and Indemnification of Community Planning Groups," (Ordinance), which may be amended from time to time. Defense and indemnification cover any claim or action of civil wrongdoing against the CPG or its duly elected or appointed voting members resulting from their obligations to advise and assist the City and its agencies with land use matters as specified herein, so long as their conduct was in conformance with these Terms and Conditions, all of the findings specified in the Ordinance can be made, and the rights to defense and indemnification are consistent with state law. The right to defense and indemnification do not apply to allegations of criminal wrongdoing, including alleged criminal violation of the Brown Act.

When the CPG or one of its individual voting members is found to be out of compliance with the provisions of Policy 600-24, or with these Terms and Conditions, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.

10.2 Violations and Remedies Related to Provisions Citing the Brown Act

Pursuant to provisions required by the Brown Act, including civil remedies (California Government Code sections 54960 through 54960.5) and criminal penalties (Government Code section 54959) for violation of the provisions, the CPG will ensure good faith, voluntary

compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void CPG actions. Individual voting members of the recognized CPG, as well as the group as a whole, could be subject to civil remedies. Civil remedies may include relief to prevent or stop future or ongoing violations of the Brown Act, or to void past actions of the CPG, and may in some cases include payment of court costs and attorney's fees.

Individual voting members of the CPG may also potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, if the voting member intended to deprive the public of information to which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions. The CPG, or any of its individual voting members, may seek assistance, as well as training, from the City to better understand, implement, and comply with the Brown Act.

Any member of the public may refer alleged violations of the Brown Act by the CPG to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney's Criminal Division. The CPG, or any of its individual voting members, accused of criminal violations of the Brown Act does not have the right to legal protection or representation under these Terms and Conditions or San Diego Ordinance O-19883.

10.3 Violations of Membership Eligibility

Any CPG voting member who violates membership eligibility as defined in Section 4.2, may be removed by the remaining CPG voting members as outlined in Section 5.2

10.3.1 Removal of Ineligible Voting Members

A CPG shall include in their Operating Procedures a procedure for removal of voting members for failure to retain eligibility, which should provide affected voting members with fair notice and require ineligibility determinations to be supported by documentation.

10.4 Violations and Remedies

If the CPG violates these Terms and Conditions, it may forfeit its status as a recognized CPG and lose its right to indemnification and defense by the City. A CPG voting member and the CPG itself risks loss of defense and indemnification pursuant to current San Diego ordinances and any future amendments.

In the case of an alleged violation of these Terms and Conditions by a CPG voting member, the CPG will conduct an investigation consistent with Policy 600-24.

In the case of an alleged violation of Policy 600-24, the violation will be forwarded in writing to the City for review by the Mayor or their Designee. The CPG will respond to the City in a dialogue to determine the validity of the complaint and to seek resolution of the issue or dispute.

The CPG acknowledges that if the Mayor or their Designee is unable to resolve a dispute or determines that there has been a violation, the Mayor or their Designee may seek to resolve the dispute or violation informally, with the cooperation of the CPG, or may recommend to the City

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL

CURRENT

Council that the CPG's recognition be revoked.

The CPG acknowledges that if the City Council determines through a recommendation from the Mayor or their Designee that a CPG has violated their Terms and Conditions or Policy 600-24 and the CPG has failed to take corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke the CPG's recognition under this Policy. The City Council may also prescribe conditions under which official recognition may be reinstated.

10.5 Disciplinary Actions of Individual Voting Members in Violation of Terms and Conditions

The CPG acknowledges that any of its voting members found to be in violation of these Terms and Conditions shall only be disciplined or removed by the CPG at a scheduled CPG meeting. This discipline or removal will be advertised on the agenda as an action item and the investigation or complaint will be reported to the City within 60 days of the allegation so as to ensure a fair and public process.

10.6 Potential Conflicts of Interest

CPG voting members found to have a conflict of interest who did not recuse from a vote may be subject to disciplinary action by the officers of the CPG, which may include expulsion from the board. The CPG will report in writing instances of disciplinary action to the City within 60 days of any allegation.

10.7 Violations and Remedies for Quorum and Attendance Requirements

If the CPG is unable to meet quorum and attendance requirements for three consecutive months, then City may place the CPG in a temporary inactive status, to allow the CPG to work through its membership issues to return to active status. If the CPG remains unable to meet quorum and attendance requirements for six consecutive months, then the Mayor or their Designee may recommend to the City Council that the CPG's recognition be revoked.

10.8 Violations of City Requests for Input

The CPG acknowledges that a consistent failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to the General Plan or a community, precise, or specific plans may result in revocation of recognition as referenced in Policy 600-24. Consistent failure to provide input on private development applications or public infrastructure projects may result in revocation of recognition. Further, that such a determination resulting in the forfeiture of rights to represent its community for these purposes will be made by the Council upon the recommendation of the Mayor or his/her Designee.

11. Collective Action of the CPG

The official positions and opinions of the CPG will not be established or determined by any organization other than the recognized CPG, nor by any individual voting member or subcommittee of the CPG.

12. Term of the Terms and Conditions

These Terms and Conditions will be effective in perpetuity of the life of the CPG unless recognition of the CPG is revoked by the City as described in Section 8.4 or the Terms and Conditions are updated to be consistent with Policy 600-24 as it may be amended.

Attachments:

EXHIBIT A: REQUIRED COMMUNITY PLANNING GROUP DOCUMENTS FOR AN
APPLICATION FOR CITY COUNCIL RECOGNITION (Guidelines for CPG
Ethical Standards, Community Participation & Representation Plan)

EXHIBIT B: Boundary Map of Southeastern San Diego Community Planning Group