

# Midway-Pacific Highway Community Planning Group

## TERMS AND CONDITIONS FOR CITY COUNCIL RECOGNITION OF MIDWAY-PACIFIC HIGHWAY 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 MIDWAY-PACIFIC HIGHWAY 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 7.2 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 MIDWAY-PACIFIC HIGHWAY COMMUNITY PLANNING GROUP.

The community planning boundaries of this CPG are the boundaries of the Midway-Pacific Highway Community, as shown in Exhibit B.

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## 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 the 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.

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

The CPG recognizes that the City does not require City staff and development project applicants 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 an annual report that includes all project recommendations, which shall be part of the CPG's official records.

### 2.4 Adherence to the Ralph M. Brown Act

The CPG must comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth in 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,

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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 1<sup>st</sup> of each year and will also submit to the City any changes to rosters as a result of CPG elections.

Annual should be submitted to the City within 14 days of the approval of March minutes and include a summary list of accomplishments, and major actions on large projects and policy matters covering a calendar year from April through the following month of March.

## 2.6 Independent Entity

The CPG is an independent entity from the City and must be able to operate as such. The City may assist 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 the City Council approves such funding.

Meetings of the **Midway-Pacific Highway Community Planning Group** shall be held within these boundaries, except that when the **Midway-Pacific Highway Community Planning Group** does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

The official positions and opinions of the **Midway-Pacific Highway Community Planning Group** shall not be established or determined by any organization other than the planning group nor by any individual member of the planning group other than one authorized to do so by the planning group.

The **Midway-Pacific Highway Community Planning Group** may propose amendments to these bylaws by a two-thirds vote of the voting members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President, who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

## **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, diverse age groups, and representatives of

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property owners and business owners.

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 in 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 conducted to ensure the privacy of responses and respondents.

## **4. CPG Composition**

### 4.1 Number of Voting Members

The CPG will have 15 voting members representing the various community interests set forth in these Terms and Conditions.

### 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 unless the CPG has an appointed youth representative.

#### 4.2.2 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 are 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; (

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- (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.

## 4.3.1 Distribution of Representation

To ensure continued representation of all unique stakeholders, the CPG voting membership shall reserve one-third (1/3) of the voting member seats for each of the three representation groups identified in Section 4.3 above. Therefore:

- 5 of the voting member seats are reserved for residents,
- 5 of the voting member seats are reserved for business owners, including non-profits,
- and 5 of the voting member seats are reserved for property owners.

In the event a reserved seat in a representation group becomes vacant, and after a diligent effort to fill such vacancy with a member of the representative group, the CPG may appoint a representative from another group to fill the vacancy until the term expires.

## 4.3.2 Appointed Seats

The CPG may create appointed non-voting seats to ensure representation of unique stakeholder interests in the community planning area.

## 4.4 Voting Member Term Limits

Midway-Pacific Highway Community Planning Group members shall be elected to serve for fixed terms of 3 years with expiration dates during alternate years to provide continuity.

Five seats shall be elected each year.

### 4.4.1 Maximum Time of Service

CPG voting members will not serve their service time for more than nine consecutive years. 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 may develop procedures for waiving the maximum time of service by a vote of its voting members if the CPG cannot find sufficient new voting members to fill vacant open seats after a good faith effort to do so. Should a CPG choose to exercise this waiver, it will use the following guidelines:

- (1) Waivers of Maximum Time of Service shall not be granted unless necessary to ensure at least 12 voting members (See Section 4.1).
- (2) Waiver of Maximum Time of Service to ensure there are at least 12 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

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beyond the required break in service as required by this section.

## 4.4.3. Maintenance of Eligibility

A Midway-Pacific Highway Community Planning Group member must retain eligibility during the entire term of service.

## **5. Open and Public Elections**

### 5.1. Equal Participation

The following election procedures are designed to encourage equal participation by all members of the Midway-Pacific Highway Community, including the term limits that 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
- Further, only one elected CPG voting member per property and business per location is eligible.

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 should be 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:

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- 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 election 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 address within the CPG boundaries. These requirements should be construed liberally by CPGs, and any doubt should be 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 a copy of their founding documents or a related document showing an associated address within the CPG boundaries. 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

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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 has adopted the provisions below within its operating procedures that will 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.

## 5.3 Election Procedures

The Midway-Pacific Highway Community Planning Group shall hold elections every year.

The deadline to qualify for candidacy in the March general election shall be before 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.

## 5.4 Election Timing

The CPG will endeavor to host its elections during March each year to be consistent with other CPGs.

The **Midway-Pacific Highway Community Planning Group's** policy related to write-in candidates is that write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

## 5.5 Ballots

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.

## 5.6 Write-In Candidates

The Midway-Pacific Highway Community Planning Group's policy related to write-in candidates is that write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

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



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time to resolve the issue.

## 5.7 Voting Procedures:

The **Midway-Pacific Highway Community Planning Group'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.

**Election Subcommittee** – An Election Committee will be formed each year by a majority vote of the planning group to facilitate all facets of the election process. This subcommittee will comprise two to three planning group members who are not running for seats in the election. The detailed procedures for the elections, including time and location of polls and candidate package, shall be established by the Election Subcommittee and subsequently approved by the Board no less than 30 days before the election, and copies of said procedures shall be available upon request to the public.

During the voting process, the Election Subcommittee will primarily be in charge of validating the qualifications of potential voters. Additionally, the Election Subcommittee will be charged with managing the polling area and for the safekeeping of the ballot box. The Subcommittee will assist the Chairperson in counting the ballots, validating the election results, and reporting the results to the Chair of the planning group.

Chairperson of the Election Subcommittee – The Chairperson of the Election Subcommittee will be the Secretary or whomever the Board selects to fill this position. The Chairperson of the Election Subcommittee will open and close the polling area and supervise the counting and reporting of the votes.

Write-in Candidate – If a Write-in Candidate is the apparent winner of the election but the eligibility of the Candidate cannot be verified, the next valid candidate with the following highest number of votes will be determined the winner. If there are no other candidates, the seat will remain vacant.

## **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.

### 6.2 Rules of Procedure

The CPG shall adopt rules of procedure for its meetings, such as Robert's Rules of Order or

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Rosenberg's Rules of Order, to provide a uniform means for the CPG to facilitate public meetings, conduct public business, and resolve disputes.

## 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.

## **7. Meeting Procedures**

### 7.1.1 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 meeting's date, time, and location. 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 agenda item listing shall include the planning group's intended action regarding that item [e.g., information item, action item].

The agenda shall be offered to the City for posting on the City's website.

### 7.1.2 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 within the planning group's scope of authority. 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.

### 7.1.3 Quorum and Public Attendance

A quorum, defined as a majority of nonvacant seats of a planning group, must be present to conduct business, vote on projects, and take action 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.

### 7.1.4 ACTION ON AGENDA ITEMS

An item not noticed on the agenda may be added if either two-thirds of the voting members of the community planning group or every member if less than two-thirds of the voting members of the community planning group are present, determine by a vote that there is a need to take an

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immediate action, but only if the need for action came to the attention of the planning group after the agenda being posted.

A two-thirds vote of the voting members of the community planning group is required to remove an elected community planning group member.

Removing a member due to ineligibility requires a majority vote of the voting members of the community planning group to ratify the findings presented by the Secretary to the group.

Amendments to adopted bylaws require a two-thirds vote of the voting members of the community planning group.

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

All other community planning group 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 **Midway-Pacific Highway Community Planning Group** planning group'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 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.

## 7.1.3 Special Meetings –

The Midway-Pacific Highway Community Planning Group chair 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 planning group member shall receive the written notice of the meeting at least 24 hours before the meeting as specified in the notice unless the member files a written waiver of notice with the planning group secretary at or before 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.

## 7.1.6 Emergency Meetings

Emergency meetings, requiring no public notice, are called for public health and safety matters.

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These matters are outside of the purview of the Midway-Pacific Highway Community Planning Group and are prohibited under these bylaws.

## 7.1.7 Right To Record

Any person attending a meeting of the Midway-Pacific Highway Community Planning Group 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, persistent disruption of the meeting.

## 7.2 Subcommittees

The Midway-Pacific Highway Community Planning Group may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

### 7.2.1 Standing Subcommittees –

The planning group has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter (such as the Elections subcommittee).

### 7.2.2 Ad Hoc Subcommittees

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

### 7.2.3 Subcommittee Composition

Subcommittees shall contain a majority of 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.

### 7.2.4 Recommendations

Subcommittee recommendations must be brought forth to the full planning group for a 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.

## **8. Planning Group Officers**

The officers of the Midway-Pacific Highway Community Planning Group shall be elected from and by the planning group members. Said officers shall consist of a Chairperson, Vice Chairperson, and Secretary.

### 8.1. Chairperson

The Chairperson shall be the principal officer of a recognized community planning group and preside over all planning group and communitywide meetings organized by the planning group. Further duties of the chair would include setting the agenda, point of contact for new applicants,

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and appointing members to subcommittees.

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.

## 8.2 Vice Chairperson

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

## 8.3. 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. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

## 8.4 CPC Representation

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 of the CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative and the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC before the extension of voting rights and member attendance.

## 8.5 Information

The Midway-Pacific Highway Community Planning Group officers and representatives to the CPC shall promptly disseminate pertinent information that the planning group receives regarding its official business to all elected planning group members.

## **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 any member of the public upon request.

### 9.3 Ethical Standards

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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 affect 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 a 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 online offered by the City.

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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 1<sup>st</sup> 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.

## **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 the 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

# Midway-Pacific Highway Community Planning Group

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 its 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 risk the loss of defense and indemnification pursuant to current San Diego ordinances and any future amendments.

In the case of a CPG voting member's alleged violation of these Terms and Conditions, 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 a 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 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



# Midway-Pacific Highway Community Planning Group

## 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 instances of disciplinary action to the City in writing 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 the 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, 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.

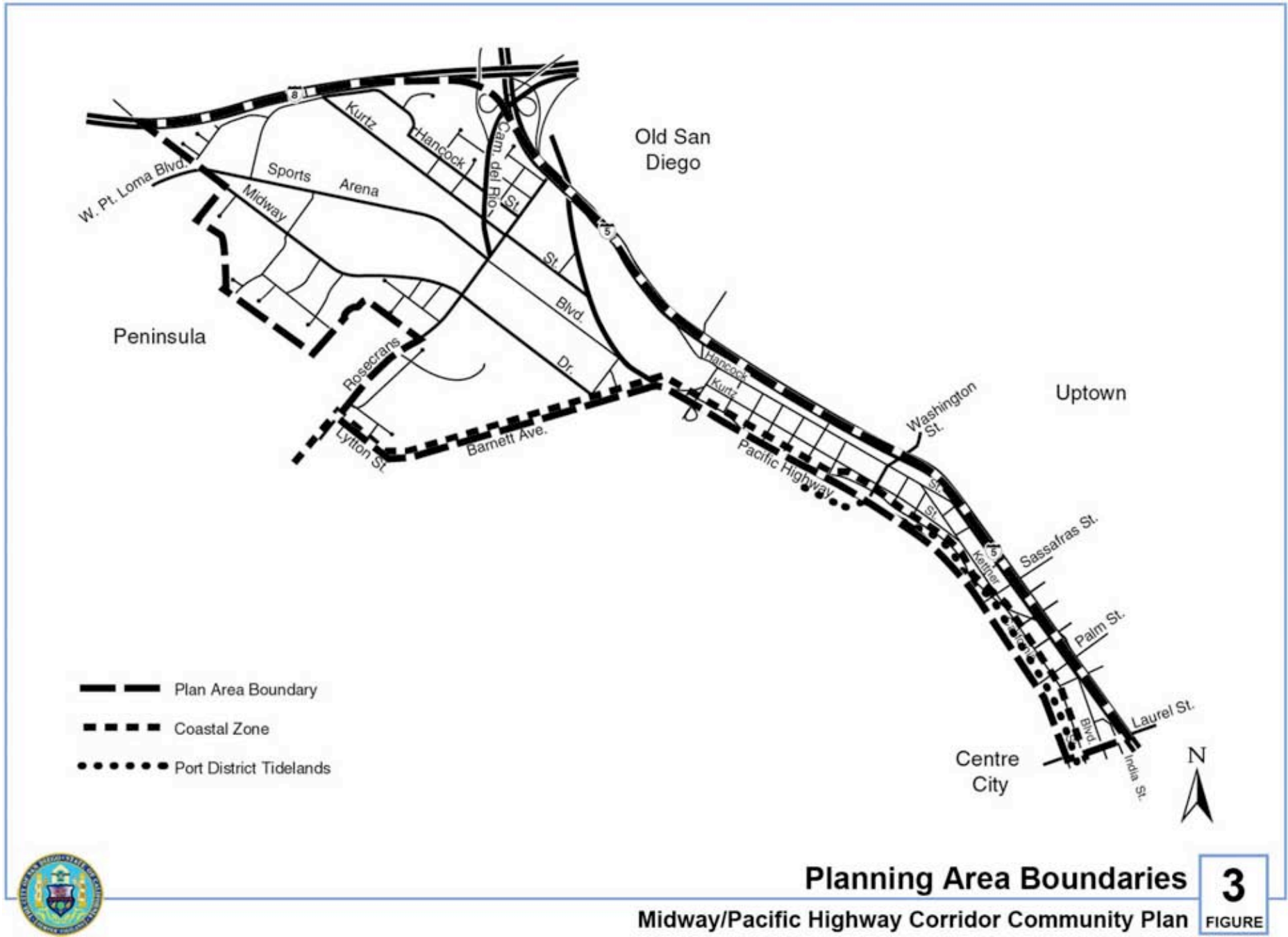
Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Amendments to the Operating Procedures are not valid until approved by the City.

# **Midway-Pacific Highway Community Planning Group**

Attachments:

EXHIBIT A: COMMUNITY PARTICIPATION AND REPRESENTATION PLAN

EXHIBIT B: MAP OF THE MIDWAY-PACIFIC HIGHWAY COMMUNITY PLANNING  
GROUP BOUNDARIES



**The Midway-Pacific Highway Community Planning Group –  
Community Participation & Representation Plan  
As required for Planning Group Recognition by Terms and Conditions,  
Exhibit A of Council Policy 600-24**

The Midway-Pacific Highway Community Planning Group (“Planning Group”) is committed to engaging a broad and diverse cross-section of our community members in monthly meetings and to electing Planning Group members who are representative of the community and community interests, including, but not limited to renters, youth, people with disabilities, and intergenerational households. Soliciting and obtaining broad input on projects and initiatives is critical to the success of our Planning Group to serve as a recognized advisory body to the City.

This participation and representation plan aims to communicate our PLANNING GROUP’s goals, guiding principles for outreach and communication, and a strategy for meaningful, ongoing engagement.

Our plan is crafted to reflect our community's unique demographics and characteristics.

**Overarching Goal**

- Educate community members about our Planning Group's role and involvement opportunities.
- Establish partnerships with non-profits, community organizations, businesses, schools/universities, and government organizations to build relationships and trust with the community.
- Increase and diversify participation in monthly Planning Group meetings and decision-making.
- Communicate about our CPG’s work and goals in simple, easy-to-understand language that is accessible to anyone regardless of their background in or knowledge of community planning.
- Obtain meaningful input from a broad range of community members on land use matters (e.g., General Plan and Community Plan Amendments, Community Plan Updates, project reviews, and other land use matters referred to them by the City).
- Be proactive in listening to community needs and effectively communicating these to the City.

**Guiding Principles for Public Participation**

- Provide all meeting information necessary to encourage community members to participate in a simple and accessible manner.
- Communicate in ways that are inclusive, transparent, and respectful.
- Consistently share information with community members using a variety of methods
- Make meeting materials available in the languages spoken within the community
- Ensure a safe, accessible meeting space.

**MPHCPG Code of Conduct (Adapted from American Bar Association)**

One of the hallmarks of a democracy is its citizens' willingness to express, defend, and

perhaps reexamine their own opinions while being respectful of the views of others. To ensure a civil conversation:

- Show respect for the views expressed by others, even if you strongly disagree.
- Be brief in your comments so that all who wish to speak can express their views.
- Direct your comments to the group as a whole rather than to any one individual.
- Don't let disagreements or conflicting views become personal. Name-calling and shouting are not acceptable ways of conversing with others.
- Let others express their views without interruption. Your Dialogue leader will try to allow everyone to speak or respond to someone else's comments.
- Remember that a frank exchange of views can be fruitful so long as you observe the rules of civil conversation.

### **Strategies for Community Involvement**

MPHCPG is a unique community with no public facilities such as libraries, community meeting rooms, or transit hubs. As such, there are currently no accessible community facilities to post public notices. As new facilities are developed, MPHCPG will post timely notifications.

- MPHCPG will create a simple Planning Group flyer to advertise in community hubs with meeting information included to help educate the community on the role of the CPG, how to get involved, and the benefits of serving on a Planning Group
- Share meeting information in digital formats, including social media pages and its dedicated CPG website, MPHCPG.com.
- Build relationships with other city advisory boards to cross-pollinate messaging.
- Set up informal meetings or calls with local non-profit organizations to introduce and discuss the Planning Group's role and to build relationships.
- Post notifications to Nextdoor and Facebook through its CPG accounts.
- Host informal periodic events outside of Planning Group meetings to invite the public to learn about the Planning Group and how to participate in monthly meetings.
- Organize informal town hall events to solicit feedback on community needs. Select a time/ day, location, and format of the events and town halls that maximize the opportunity for people not already engaged with the Planning Group to attend.
- Work with the council office and the Mayor's Office to amplify outreach.

### **Measuring Success**

- Monitor month-over-month and year-over-year meeting attendance, number of voters in elections, social media metrics as applicable, type and frequency of outreach efforts, events attendance lists, change in composition of voting members as evidenced in annual surveys, etc.
- Success should also be qualitatively measured by the intentional efforts to bring in community members who have historically faced barriers to participation in Planning Groups. Document information in the annual report and submit it to the City via email: [SDPlanningGroups@sandiego.gov](mailto:SDPlanningGroups@sandiego.gov) within 14 days of approving the March minutes.