

OPERATING PROCEDURES FOR CITY COUNCIL RECOGNITION
OF THE
Old Town San Diego Community Planning Group
AS AN INDEPENDENT COMMUNITY PLANNING GROUP PER
CITY COUNCIL POLICY 600-24

Introduction and Background

Through this document, the **Old Town San Diego Community Planning Group** (the “OTSDCPG”) adopts Council Policy 600-24’s Terms and Conditions attachment. In the Terms and Conditions, the City established minimum standard procedures that the planning group will adhere to and designated services the planning group will provide in order to obtain and maintain official recognition by the City pursuant to [Council Policy 600-24](#). Planning groups are independent organizations voluntarily created and operated by community members who are not City employees, City agents, or City representatives. The planning group is not City-controlled or managed organization. The City does not direct or recommend the election, appointment, or removal of planning group voting members, or delegate authority to planning groups to act on its behalf.

The planning group, in adopting these Operating Procedures, 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 planning group 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 planning group in the City of San Diego. The planning group acknowledges that the City can revoke recognition of any planning group if the City, in its sole discretion, determines these standards are not being met.

The planning group 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 planning group’s founding, operation, or organization.

The planning group will also include with these Operating Procedures, a Community Participation and Representation Plan and Ethical Standards (if not already incorporated in this document) as Exhibit A and maintain these documents in accordance with sections 2.5 and 7.2 herein.

In consideration of [Council Policy 600-24](#) and its attached Terms and Conditions, the planning group hereby agrees to abide by the following as part of their Operating Procedures:

1. Name and Geographical Boundaries

The name of this City-recognized planning group is the **Old Town San Diego Community Planning Group**. The community planning boundaries of this planning group are the boundaries of the Old Town San Diego Community, as shown in Exhibit A.

2. Responsibilities

2.1 Collaboration with City Staff

As a recognized independent body, the planning group 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 Planning Group Review

The planning group may make advisory recommendations to the City and other governmental agencies on land use matters within the planning group'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 planning group may, upon City request, make recommendations, or participate in, additional efforts such as identifying CIP infrastructure needs or additional City matters.

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

2.3 Timely Submittal of Planning Group Recommendations to the City

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

In addition, the planning group shall submit its recommendation and any conditions to the project proposed by the planning group, using a [Bulletin 620 Distribution Form](#), or a reasonable facsimile of that document (e.g. letter or memo from the chair) indicating the following information: project name/number, community/planning group name, the date of meeting which the project was heard by the planning group, vote results, the planning group's conditions/recommendation, name and signature of chair or designated representative.

The planning group shall follow a uniform mandatory process for recording planning group project review recommendations through the use of an Annual Report that includes all project recommendations which shall be part of the planning group's official records.

2.4 Adherence to Ralph M. Brown Act

The planning group 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 in a publicly accessible location 72 hours in advance of the meeting, and in compliance with each of the Brown Act provisions. Failure of the planning group to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the planning group to lose its Council recognition and may subject the planning group and planning group voting members to a loss of indemnification by the City.

2.5 Maintenance of Open Records

The planning group 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 (5) 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 planning group by individuals wishing to serve as voting members, and records of election results, are considered official records and will be maintained by the planning group in accordance with [Council Policy 600-24](#). The planning group will submit to the City the Annual Roster of planning group voting members by May 1 of each year and will also submit to the City any changes to rosters as a result of planning group elections.

2.6 Independent Entity

The planning group is an independent entity from the City and must be able to operate as such. The City may provide assistance to planning groups at the discretion of the City Manager and subject to the availability of City resources. In addition, planning groups 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 planning group will ensure that its voting members, 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 planning group and its voting members should routinely seek robust community participation in the planning group planning and implementation process to serve the best long-term interest of the community at large.

3.2 Community Outreach

The planning group and its voting members shall routinely seek community participation in the planning group 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 planning group shall gather demographic data of existing and new planning group voting members at the time of elections or other regular periods to measure inclusion and diversity on the planning group. 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. Planning Group Composition

4.1 Number of Voting Members

The OTSDCPG shall consist of: fifteen (15) elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

4.2 Voting Member Eligibility

Planning group members shall be elected by and from eligible community members. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as one of the following:

(1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or

(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 not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area (only one representative of a particular establishment may hold a seat on the OTSDCPG at one time), or

(4) representative of a community organization which is active in and has a physical presence in the community planning area. (Each eligible organization shall be limited to a single designee.)

An individual who has filed an application for membership with the group secretary, will become an eligible community member of the community, if the person meets the criteria set out above.

4.2.1 Minimum Age

To be an eligible community member an individual must be at least 18 years of age,.

4.2.2 Minimum Attendance Requirements

An individual may become an eligible community member for the purpose of becoming a candidate for an OTSDCPG elected seat by demonstrating the above qualifications to be an eligible community member, as well as documented attendance at two (2) meetings of the OTSDCPG's last twelve (12) meetings, by the February regular meeting preceding the election, to the planning group's Secretary, or Nominations and Elections Committee.

4.3 Community Representation

The planning group 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.

4.3.1 Appointed Seats

N/A

4.3.2 Youth Seats

N/A

4.4 Voting Member Term Limits

The planning group 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

Members of the OTSDCPG shall be elected to serve for fixed terms of three (3) years, with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than nine (9) consecutive years. The nine (9) year limit refers to total maximum consecutive years of service time, not to individual seats held. After a one-year break in service as a planning group member, an individual who had served for nine (9) consecutive years shall again be eligible for election to the planning group. If an elected member resigns during his/her ninth (9th) consecutive year, said person cannot be elected until said person had at least one (1) full year break in service. The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for nine (9) consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

4.4.2 Waivers of Maximum Time of Service

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for nine (9) consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

5. Open and Public Elections

5.1 Equal Participation

The planning group shall develop election procedures to encourage equal participation by all members of the public of a community, including term limits which voting members of a recognized planning group can serve.

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

- Only one elected planning group voting member per business tax certificate
- Only one elected planning group 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.

5.2 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 planning groups 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.

5.3 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 planning group boundaries. These requirements should be construed liberally by planning groups and any doubt resolved in favor of allowing a community business owner to vote in the election.

5.4 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 address within the planning group boundaries. These requirements should be construed liberally by planning groups and any doubt resolved in favor of allowing a community member to vote in the election.

5.5 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 planning groups and any doubt resolved in favor of allowing a community member to vote in the election.

5.6 Transparency and Inclusion in Operations

The planning group will adopt provisions within its Operating Procedures that will govern the election or appointment of voting members of the planning group, 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 planning group operations.

Planning group operating procedures in this section will address the following election procedures:

General elections of OTSDCPG members shall be held during the month of March in accordance with the elections procedures found in Article VIII, Section 1(e) of these bylaws.

The OTSDCPG's general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be prior to or at the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Nominations and Elections Committee shall be established no later than November in the year prior to the March election and shall begin soliciting eligible community members to become candidates. In February, the Nominations and Elections Committee 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 immediately before the March elections.

In order to be a candidate in the March election, an eligible community member must have documented attendance at two (2) meetings of the OTSDCPG's last twelve (12) meetings prior to the February regular meeting preceding the election.

The OTSDCPG 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 nine (9) consecutive years to leave the group for at least one year.

The OTSDCPG holds its election on the date of March OTSDCPG meeting, prior to the start of the OTSDCPG meeting.

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

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 two-thirds (2/3) majority of the vote due to service beyond nine consecutive years of service.

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

Voting to elect new OTSDCPG members at the March elections 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.

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

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

Cut-off date for candidates to submit nominations, which generally should be a planning group's regular February meeting before an annual March election.

5.7 Election Timing

The planning group will endeavor to host its elections during the month of March each year to be consistent with other planning groups.

6. Conduct of Meetings

6.1 Professional Conduct

The planning group and its voting members will conduct themselves reasonably and professionally and refrain from disrupting the public process as set forth on the planning group's agenda.

6.2 Rules of Procedure

The planning group shall adopt rules of procedure for its meetings, such as [Robert's Rules of Order](#) to provide a uniform means for the planning group to facilitate public meetings, conduct public business, and resolve disputes.

6.3 Transparency in Operations

The planning group will maintain transparency in its operating procedures as outlined herein and in [Council Policy 600-24](#) to ensure open meetings with appropriate public notice to invite community participation in planning group meetings.

6.4 Planning group operating procedures in this section will address the following duties, operations and procedures:

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

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.

PUBLIC COMMENT - Any 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.

ADJOURNMENTS AND CONTINUANCES – If the OTSDCPG 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.

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.

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

A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,

All members of the public were given an opportunity to address the subcommittee, and

The item has not substantially changed since the subcommittee's consideration.

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

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.

DEVELOPMENT PROJECT REVIEW - The OTSDCPG 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.

ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the elected members of the OTSDCPG, or every member if less than two-thirds of the elected members of the OTSDCPG 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 elected members of the OTSDCPG is required to remove an elected planning group member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the elected members of the OTSDCPG 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 elected members of the OTSDCPG.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the elected members of the OTSDCPG.

All other OTSDCPG actions, including subcommittee votes, only require a simple majority of the elected members of the group in attendance when a quorum is present.

The OTSDCPG's Chairperson fully participates in the 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.

COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the OTSDCPG 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.

SPECIAL MEETINGS - The chair of the OTSDCPG, 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.

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 OTSDCPG and are prohibited under these bylaws.

RIGHT TO RECORD - Any person attending a meeting of the OTSDCPG 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.

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.

6.5 Planning Group Officers

The officers of the OTSDCPG shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Treasurer and Secretary.

The officers of the OTSDCPG shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Treasurer and Secretary. The length of an officer's term shall be one year except that no person may serve in the same planning group office for more than eight or nine consecutive 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. The Officers shall be elected at the April meeting, as first item of business, after a quorum has been established.

Chairperson: The Chairperson shall be the principal officer of the recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group; set the agenda of the monthly meetings; be the point of contact for development applicants and attend any further duties as requested by the planning group.

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 OTSDCPG.

Vice Chairperson: In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson and any further duties as requested by the planning group.

Treasurer: The Treasurer shall collect record and maintain any and all financial records on behalf of the planning group and report the status of such in the form of a Treasurer's report at each meeting and shall be recorded in the minutes. The Treasurer shall announce at each meeting that the donation is strictly a voluntary donation, that will be used for help defray the cost of meeting notice, election material and make periodic donations to the Whaley House for their allowing the planning group to use their facilities for their monthly meetings.

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 is also responsible for maintaining the planning group's roster, including tracking the term start date and end date for each OTSDCPG seat. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

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.

The OTSDCPG officers and representative 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.

Other Officers

The planning group may identify additional officers responsible for the effective operation of the planning group.

Additional planning group Officer Responsibilities

The OTSDCPG 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.

7. Additional Planning Group Responsibilities

Commitment to Non-Discriminatory Practices

The planning group, 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.

Records Retention

The planning group will maintain its official records, including its rosters, annual reports, meeting agendas, and meeting minutes, for a minimum of five (5) 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.

Ethical Standards

The planning group will commit to ethical standards to guard against potential conflicts of interest and undue influence on any recommendation. These standards include how planning group voting members can recuse themselves or abstain from voting on decisions when such a conflict exists. The planning group shall submit its adopted ethical standards (see Exhibit A) or incorporate their ethical standards within this section of their Operating Procedures. The planning group should use the [City's Ethics Ordinance](#) as a guide in drafting its ethical standards. **[THE FOLLOWING ARE EXAMPLES OF ACCEPTABLE PLANNING GROUP ETHICAL STANDARDS:]**

Direct Economic Interest

Planning group voting members with a potential conflict of interest shall recuse themselves 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.

Exceptions to Conflicts of Interest

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

Abstentions for Potential Conflicts of Interest

Planning group 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 planning group'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.

Political Actions

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

Donations

Neither the planning group nor its voting members shall accept donations on behalf of any individual running for office.

Equal Time for Candidates or Ballot Measures

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

Professional Conduct

The planning group voting members shall treat each other, applicants, city staff and the public with courtesy and respect at all times.

Voting Member Training

Each planning group voting member shall complete the formal education program in- person or on-line offered by the City.

The planning group will require voting members to complete the training each year within sixty (60) days of being initially elected or appointed to the planning group, and by no later than June 1 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 planning group's official records. Failure of voting members to complete the specified training each year will make the member ineligible to serve.

Collaboration with City Staff

Planning group 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 planning group.

8. Planning Group Rights and Liabilities

Indemnification

Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the planning group 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 planning group 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 [Council Policy 600-24](#) and these Operating Procedures, 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 planning group or one of its individual voting members is found to be out of compliance with the provisions of [Council Policy 600-24](#), or with these Operating Procedures, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.

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 planning group will ensure good faith, voluntary compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void planning group actions. Individual voting members of the recognized planning group, 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 planning group and may in some cases include payment of court costs and attorney’s fees.

Individual voting members of the planning group 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 planning group, or any of its individual voting members, may seek assistance by contacting their assigned Community Planner or

emailing SDPlanningGroups@sandiego.gov, 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 planning group to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney's Criminal Division. The planning group, 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 Operating Procedures or [San Diego Ordinance O-19883](#).

Violations of Membership Eligibility

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

Removal of Ineligible Voting Members

Procedures for removal of voting members for failure to retain eligibility, shall include providing affected voting members with fair notice and require ineligibility determinations to be supported by documentation.

Violations and Remedies

If the planning group violates these Operating Procedures, it may forfeit its status as a recognized planning group and lose its right to indemnification and defense by the City. A planning group voting member and the planning group 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 Operating Procedures by a planning group voting member, the planning group will conduct an investigation consistent with [Council Policy 600-24](#).

In the case of an alleged violation of [Council Policy 600-24](#), the violation will be forwarded in writing to the City for review by the Mayor or their Designee. The planning group 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 planning group 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 planning group, or may recommend to the City Council that the planning group's recognition be revoked.

The planning group acknowledges that if the City Council determines through a recommendation from the Mayor or their Designee that a planning group has violated their Operating Procedures or [Council Policy 600-24](#) and the planning group has failed to take

corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke the planning group's recognition under this Policy. The City Council may also prescribe conditions under which official recognition may be reinstated.

Disciplinary Actions of Individual Voting Members in Violation of Operating Procedures

The planning group acknowledges that any of its voting members found to be in violation of these Operating Procedures shall only be disciplined or removed by the planning group at a scheduled planning group 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 sixty (60) days of the allegation so as to ensure a fair and public process.

Potential Conflicts of Interest

Planning group 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 planning group, which may include expulsion from the board. The planning group will report in writing instances of disciplinary action to the City within sixty (60) days of any allegation.

Violations and Remedies for Quorum and Attendance Requirements

If the planning group is unable to meet quorum and attendance requirements for three (3) consecutive months, then City may place the planning group in a temporary inactive status, to allow the planning group to work through its membership issues to return to active status. If the planning group remains unable to meet quorum and attendance requirements for six (6) consecutive months, then the Mayor or their Designee may recommend to the City Council that the planning group's recognition be revoked.

Violations of City Requests for Input

The planning group 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 [Council 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.

9. Collective Action of the Planning Group

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

10. Term of Operating Procedures

These Operating Procedures will be effective in perpetuity of the life of the planning group unless recognition of the planning group is revoked by the City as described in Section 8.4 or the Operating Procedures are updated to be consistent with [Council 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.

Attachments:

EXHIBIT A: COMMUNITY PARTICIPATION AND REPRESENTATION PLAN

EXHIBIT B: MAP OF PLANNING GROUP BOUNDARIES.

The OTSDCPG will represent the community of Old Town San Diego.

OLD TOWN SAN DIEGO COMMUNITY PLANNING GROUP

Community Participation and Representation Plan

The Old Town San Diego 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 Groups to serve as a recognized advisory body to the City.

The goal of this participation and representation plan is to communicate our PLANNING GROUP’s goals, guiding principles for outreach and communication, and a strategy for meaningful, ongoing engagement.

Overarching Goal

- Educate community members about the role of our Planning Group and opportunities for involvement.
- Establish partnerships with non-profits, community organizations, businesses, schools/universities and government organizations to build relationships and trust with the community.
- Communicate about our CPG’s work and goals in simple, easy-to-understand language that is accessible for anyone regardless of their background in or knowledge of community planning.
- 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
- Be respectful of people's opinions and time. Consider establishing ground rules for dialogue or codes of conduct like those from the American Bar Association and the National Conflict Resolution Center.
- Ensure a safe, accessible meeting space.

Strategies for Community Involvement

- 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.
- Consistently post printed monthly meeting information at local places including, but not limited to:
 - Public transit hubs
 - Local businesses
 - Meeting location
 - Community information centers
- Advertise monthly meetings and elections in local community paper(s)/newsletter(s)/social media.
- Reach out to cultural/historic organizations that are active in the community, such as BOOT (Boosters of Old Town), and Descendants of Old Town.
- Work with the council office and the Mayor's Office to amplify outreach.

Measuring Success

- The Planning Group will strive to 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.
- The Planning Group will make an intentional effort to bring in community members that have historically faced barriers to participation in Planning Groups and qualitatively report on these efforts as part the annual report.



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