



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

**OPERATING PROCEDURES FOR CITY COUNCIL RECOGNITION OF
DOWNTOWN COMMUNITY PLANNING COUNCIL (DCPC)
AS AN INDEPENDENT COMMUNITY PLANNING GROUP
PER CITY COUNCIL POLICY 600-24**

Preamble

The San Diego City Council adopted Policy 600-24 (“Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups”) on September 21, 2022. The purpose included, in part, “The Council intends to create a process to formally recognize Community Planning Groups (CPGs) by establishing the requirements of recognition that each CPG must follow to be formally recognized.” To assist in implementation, a document was issued entitled “Terms and Conditions for City Council Recognition of (CPGs) as an Independent Community Planning Group Per City Council Policy 600-24” (hereinafter, T&C). That document contains elements which must be incorporated into the DCPC CPG Operating Procedures in order to be certified by the San Diego city council as Community Planning (Downtown) Area CPG. Subsequent Planning Department guidance confirmed that additions may be made as local CPGs approved their Operating Procedures. Accordingly, these Operating Procedures are those of DCPC CPG. It is recognized that the City Council will periodically review and update Council Policy 600-24 as well as DCPC CPG compliance with the policy as updated.

Introduction and Background

Through this document, the Downtown Community Planning Council (DCPC) adopts Council Policy 600-24’s Terms and Conditions attachment. In the Terms and Conditions, the City established minimum standard procedures that the DCPC CPG will adhere to and designated services DCPC CPG will provide in order to obtain and maintain official recognition by the City pursuant to Council Policy 600-24 (Policy 600-24). DCPC CPG is an independent organization voluntarily created and operated by community members who are not City employees, City agents, or City representatives. DCPC CPG is not a city-controlled or managed organization. The City does not direct or recommend the election, appointment, or removal of DCPC CPG voting members, or delegate authority to DCPC CPG to act on its behalf.

DCPC, 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 Downtown community. DCPC 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. DCPC acknowledges that the City can revoke recognition of any CPG if the City, in its sole discretion, determines these standards are not being met.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

DPC will separately and independently maintain documentation related to the DCPC founding, operation, or organization as required by Council Policy 600-24.

In accordance with Council Policy 600-24, DCPC has included the following Exhibits with the Terms and Conditions / Operating Procedures:

- Exhibit A.1 – DCPC Adopted Ethical Standards
- Exhibit A.2 – DCPC Community Participation and Representation Plan
- Exhibit B – DCPC Community Planning Boundaries. (Per Council Policy 600-24 Exhibit B, will be updated to incorporate changes that may occur in the Community Planning Area and resulting changes to diverse resident and business representation in respective sub areas.)
- Exhibit C – DCPC Community Representation ((19) member board)



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

OPERATING PROCEDURES

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

1. Name and Geographical Boundaries

The name of this City recognized CPG shall be Downtown Community Planning Council (DCPC). The community planning boundaries of this CPG are the boundaries of the Downtown Community, as shown in Exhibit B.

2. Responsibilities

2.1 Collaboration with City Staff

As a recognized independent body, DCPC 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

DCPC may make advisory recommendations to the city and other governmental agencies on land use matters within DCPC's geographical boundaries or where outside matters directly impact those 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.

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

Only an official representative of the DCPC CPG shall provide recommendations to the city, following an official CPG vote. However, nothing herein prevents any individual from expressing their personal opinions, but such personal opinions should indicate they are personal and not the opinion of DCPC.

DCPC recognizes that City staff and development project applicants are not required by the city to present their project or application before DCPC 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, DCPC project review recommendations, if any, must be submitted to the city within seven calendar days of DCPC taking action or as otherwise permitted by the city.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

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

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

2.4 Adherence to California Legislative Code 54950.5 Brown Act

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

Rules of Parliamentary Procedure. (SDCC 600-24 II B)

DCPC CPG adopts Robert's Rules of Order that shall be used as a procedural guide when this Policy and CPG requirements do not address an area of concern or interest. These rules of procedure provide a uniform means to facilitate public meetings, conduct public business, and resolve disputes.

DCPC shall follow the Robert's Rules of Order procedures for setting times for agenda items to be considered and to adhere to a meeting schedule that has a standard start and end time for meetings as a courtesy to CPG voting members, the public, applicants, and others who may be in attendance.

The City may monitor CPG agendas to determine whether City staff should attend a CPG hearing. DCPC CPG shall prioritize agenda items in a manner that is respectful of the time of City staff, all elected officials, speakers, guests and members in attendance.

2.5 Maintenance of Open Records

DCPC shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, evidence of completion of annual trainings, and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request. In addition, each recognized CPG must submit its advisory recommendations and any Open and Public records requested by the City to the City within ten business days of preparation so that the City may make the information publicly available.

Questions regarding scope, media and timeliness of responding to public requests and establishment of reimbursement therefore will be referred to the assigned City Planning



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

Department contact.

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

Section 2.5 duties are the responsibility of DCPC's Chairperson or his/her designee, unless otherwise designated by the city or majority vote of non-vacant seats of the Board members.

2.6 Independent Entity

DCPC is an independent entity from the City and retain the ability to continue to operate as such. The City may provide assistance to DCPC at the discretion of the City Manager and subject to the availability of City resources. In addition, CPGs may be allocated funds by the City when such funding is approved by the City Council. DCPC's treasurer, or if none, its designated representative, who may or may not be a Board member, should keep record(s) of all incoming and outgoing DCPC moneys, as may be required by the city or if no direction from the city, by DCPC.

3. Community Participation and Representation

3.1 Membership on Board

DCPC will ensure that 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. This goal applies to good faith efforts to seek out Board candidates and to considerations by elected Board members after being elected.

DCPC and its voting members should routinely seek robust community participation in DCPC planning and implementation process to serve the best long-term interest of the community at large. The DCPC Community Participation and Representation Plan is included with DCPC application and will be maintained accordingly (see Exhibit A).

3.2 Community Outreach

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

3.3 Collection of Membership Data



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

To measure community representation, DCPC shall gather demographic data of existing and new CPG voting Board members at the conclusions of elections or other regular periods to measure inclusion and diversity on DCPC. 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 anonymously in a manner to ensure the privacy of responses and respondents. DCPC CPG Board Composition

4. CPG Composition

4.1 Number of Voting Members

The Downtown Community Planning Council shall consist of nineteen (19) total members elected 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. The elected member representation interest is provided in Exhibit C.

4.2 Voting Board Member Eligibility

DCPC voting Board members must meet the following minimum qualifications throughout their entire term of service (as well as satisfy the elements of section 4.3 below):

4.2.1 Minimum Age

Voting members will be a minimum of 18 years of age at the time of seating on the Board unless DCPC has an appointed voting youth representative.

4.2.2 Minimum Attendance Requirements

DCPC shall take attendance to ensure that each voting member attends at least eight of DCPC's regularly scheduled twelve 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. DCPC shall not establish attendance requirements for voting member attendance prior to their election or appointment as a voting member.

4.3 Community Representation as Candidate and Board Member

DCPC Chairperson or Elections Committee if appropriately established by DCPC will ensure that individuals who desire to serve on DCPC Board as voting members be affiliated as of the closing date for submission of candidacy for the election to serve as a voting Board member, 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



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

document.

4.3.1 Definitions

”Downtown community planning area” shall mean the area defined by the City of San Diego’s City Planning Department as the Downtown community planning area.

As illustrated in Exhibit B, “Neighborhoods” shall mean each of the seven (7) geographically distinct “Downtown Neighborhoods” within the Downtown community planning area as shown in Exhibit B attached hereto. The neighborhoods are (1) East Village North; (2) East Village South; (3) Cortez; (4) Little Italy; (5) Columbia; (6) Marina; (7) Gaslamp Quarter and Civic Core.

4.3.2 Allocation of Voting Seats. The voting member seats of DCPC are allocated as follows:

(1) Resident Seats (seven (7)): Each neighborhood, except as provided in paragraph (4.31), is allocated one resident seat.

(2) Businesses Seats (seven (7)): Each neighborhood, except as provided in paragraph (4.3.1), is allocated one business seat.

As noted above, seat allocation based upon shared representative interests: Gaslamp Quarter and Civic Core shall share allocation of one (1) Resident seat and one (1) business seat.

(3) At Large Seats (five (5)). There are five At Large Seats available to any resident, business, or community organization within the Downtown community planning area. Three of these seats are reserved for community organizations serving within the planning area.

DCPC shall take steps to confirm that DCPC Board membership is restricted:

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

If those bulleted restrictions are deemed by the chairperson or designee serving as chair at the time of the election to be violated, then the following shall apply to determine which of the competing persons shall serve on DCPC board:

If two or more persons in the same bulleted category have filed and are otherwise eligible to run for the Board, they shall be on the election ballot with notations that they are in the same specified category and that only the highest vote getter among them will be seated on the Board if otherwise eligible and a winning vote getter.

If there is a serving member on the Board and a winning candidate possesses the same restriction, then that winning candidate shall not serve and that election



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

candidate will be disqualified if a winner (unless the serving Board member within the same category resigns).

If anyone's eligibility to be a candidate in a general or special election is disputed or contested, the chairperson or designee shall make an initial preliminary determination and if considered not eligible or if otherwise contested, the process shall be governed by subsection 5.2.2, of these Operating Procedures.

4.4 Voting Member Terms and Term Limits

DCPC Terms for voting Board members elected by the community shall be two (2) years. In accordance with Council Policy 600-24, term limits 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

No person may serve on the DCPC CPG board for more than eight consecutive years. The eight-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 eight consecutive years shall again be eligible for election to the planning group.

4.4.2 Waivers of Maximum Time of Service

DCPC may only waive the maximum time of consecutive years service by vote of its non-vacant voting members if DCPC cannot find sufficient new voting members to fill vacant open seats after a good faith effort to do so as follows:

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

4.5 Appointed Seats

To ensure representation of unique stakeholder interests in the community planning area, DCPC may create appointed non-voting seats.

4.5.1 The addition of non-voting seats shall be approved by majority vote of the non-vacant seats of CPG Board members and may address and be designated as seats for such as but not limited to youth, business representative(s), residential residences of single or multiunit structures, underrepresented groups, local school representative(s), non-profit group(s), or other community stakeholders as approved by the Board, especially as the community changes.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

4.5.2 The maximum number of non-voting seats shall not exceed 20% (rounded downward) of the number of Board seats including any that are vacant, unless the Board approves a greater number by at least 2/3rds vote of all non-vacant seats of the Board.

4.5.3 The term of each non-voting seat shall be one year from appointment, with maximum duration of two continuous years without a one-year break in service.

4.5.4 If a general or special election is occurring for DCPC, no selection of an individual shall be made between and including the dates of announcement for candidate application and the close of the election. Following the seating of Board members after a general or special election, the majority of non-vacant Board members may select and appoint non-voting Board members.

4.5.5 Prior to filling any non-voting seat created by DCPC, the agenda for a prior regular Board meeting shall include at least an information item to seek applicants and may include at least a deadline for applications and a request for qualifications to serve, which qualifications shall include at least the same eligibility prerequisites for voting Board members, above, and verification of status as within the designated non-voting seat. At a future meeting supported by an agenda item the Board may vote to select among the applicants by majority vote of Board members present.

4.5.6 Once seated, each non-voting member shall have the rights and opportunities to receive agenda and documents and to speak as a member of the Board on all matters to which a voting member can speak.

4.5.7 Conflict of interest and ethical standards, attendance requirements for indemnification under O-19883 NS and removal procedures shall apply.

5. Open and Public Elections.

All general and special elections in which the public may vote shall be open and public.

However, prohibited are:

- Any prerequisites for voting other than as stated in these Operating Procedures or Council Policy,
- Write-in candidates, and
- Methods of voting when not physically present at the voting location(s) such as voting by absentee ballot, proxy, mail-in balloting or electronic means.

5.1 Equal Participation

DCPC election procedures are intended to encourage equal participation by all members of the public of the Downtown community and no voter shall possess super voting ability such as being counted as more than one vote. Any otherwise qualified voter who needs



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

assistance due to a disability or need for translation, should be provided assistance with that person's vote remaining secret as much as practical.

- All members of the public affiliated with the community within the geographical boundary of DCPC will be allowed to vote in CPG elections, so long as they meet minimum conditions for eligibility per these Operating Procedures.
- 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.
- If anyone's ability to cast a vote in a CPG election is disputed or contested, a conditional ballot shall be allowed and processed as per these Operating Procedures.

5.1.1 Voter Identification for Voter Eligibility

DCPC will require proof of identity and eligibility from those seeking to vote in general or special elections for Board members. Consistent with state and federal law, proof of residency or identity should consist of presenting an original or true copy of any of the documents described below in either paragraph (1) or (2). These requirements should be construed liberally, 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;



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

- (D) government paycheck;
- (E) document issued by a governmental agency;
- (F) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity;
- (G) voter notification card issued by a governmental agency;
- (H) public housing identification card issued by a governmental agency;
- (I) lease or rental statement or agreement issued by a governmental agency;
- (J) student identification card issued by a governmental agency;
- (K) tuition statement or bill issued by a governmental agency;
- (L) insurance plan card or drug discount card issued by a governmental agency;
- (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter;
- (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency;
- (O) identification documents issued by governmental disability agencies;
- (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities;
- (Q) drug prescription issued by a government doctor or other governmental health care provider;
- (R) property tax statement issued by a governmental agency;
- (S) vehicle registration issued by a governmental agency; or
- (T) vehicle certificate of ownership issued by a governmental agency.

5.1.2 Voter Identification for Community Business Owners

Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business address within DCPC boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community business owner to vote in the election.

5.1.3 Voter Identification for Community Non-Profits

Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated address



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

within the DCPC CPG boundaries. These requirements should be construed liberally, and any doubt resolved in favor of allowing a community member to vote in the election.

5.1.4 Voter Identification for Community Non-Resident Property Owners

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

5.1.5 Disputed Ballots.

If there is a dispute or question about qualifications to vote, then that elector may provide a secret conditional ballot in a sealed envelope. If the outcome for any seat depends on counting the vote(s) of the conditional ballots, then qualifications as an elector shall be ruled upon by DCPC chair (with that elector having the option to timely and confidentially present reasons why (s)he is a qualified elector) and counted if approved as a qualified voter.

5.2 Transparency and Inclusion in Operations

DCPC provisions that will govern the election or appointment of voting members of DCPC, their removal if necessary, and the process to fill vacancies, which 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 include the following:

5.2.1 Cut-off and deadline date and time for the submission of nominations by candidates or others for voting Board member positions shall, unless otherwise determined by DCPC for a particular election, be actual receipt “in hand” or electronically no later than 5:30 p.m. of DCPC regular February meeting before an annual March election, or if a special election is called, then 5:30 p.m. on the date of the regular or special meeting immediately preceding the election. If such a meeting is not held, for example by reason of lack of a quorum, the deadline shall remain that date and time as if a meeting had been held. Nominations may be via email or in hard copy using the form developed by the DCPC or its ad hoc elections committee or any other form which contains the same conceptual information.

5.2.2 Verification of candidate eligibility prior to printing a ballot *shall be performed and verified preliminarily by the elections committee chairperson or his or*



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

her designee prior to the printing of ballots. If the initial preliminary determination is considered not eligible, or if otherwise contested eligibility is challenged, the potential candidate's name shall remain on the ballot unless voluntarily withdrawn, and if that candidate received sufficient votes to be elected, then the Board members by majority vote of those present at that or another meeting with a proper agenda item, shall rule upon that candidate's eligibility after that candidate and those in support have been given the option to present to the existing Board, for no more than 15 total minutes, why that candidate is eligible. Those supporting and those opposing the candidate's eligibility shall be provided with equal total time of presentations. The eligibility requirements should be construed liberally, and any doubt resolved in favor of allowing the candidate to run for office. Consideration shall not include political beliefs or adversely consider any protected status such as but not limited to ethnicity, gender identification, or whether a property owner, business owner or other such status, unless such consideration is to improve diversity. Upon conclusion of the presentations, the existing Board members who are present and were present throughout the presentations shall decide at that meeting, by majority vote, upon each challenged candidate's eligibility.

5.2.3 Creation of a ballot shall include all candidates identified by name. All candidates shall be listed by name. Random listing, secretly selected, should occur. If the duration(s) of seats are not equal and the ballot does not differentiate who would win the shorter duration Board seats, then the successful candidate(s) running for more than one seat wins the seat with the longest duration, and so forth for the shorter duration seats. If seats are listed separately per duration, one candidate may apply and run for multiple seats, but if winning any seat, the shorter duration seat's vote for that candidate shall not count. If a candidate is running for multiple seats, that explanation should be included on the ballot. }

If the election seats at the first election following certification of DCPC are staggered, then the winning candidates in the subsequent elections, which also should stagger the seats, shall be as selected as per the above.

If a candidate is running who if elected will have served beyond the maximum duration, the ballot shall contain a narrative explaining that circumstance and the prerequisite(s) for being elected under those circumstances.

5.2.4 Write In candidates shall not be allowed in any election.

5.2.5 Handling of a candidate's absence from a scheduled candidates' forum for a regular or special election: If a candidates' forum is held, it should be included on an agenda and posted per the Brown Act, included on DCPC website, and a copy provided to each known candidate, with the forum scheduled to be held no later than 72 hours prior to before the first date of voting. In the absence of a candidate's forum, or should a candidate be absent from a candidates' forum, then all candidates



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

may timely submit a written statement, via the DCPC secretary, no longer than 200 words, which shall be posted on the DCPC website, or if no website exists, then provided to the city planning department with a request the notice be posted on the city's planning department's website. The candidates should be given as much prior notice as practical for this option of a written statement, but no less than 24 hours, via email, telephone, or other means to their previously provided contact information. DCPC may implement this process of written statements from the candidates with or without a candidates' forum.

5.2.6 Location(s) of polls, including managing multiple concurrent polling locations, if allowed shall include at least the location of the DCPC meeting at which the ballots are counted and any other location(s) decided upon by a majority vote of members present of the existing Board as may be recommended by an election ad hoc or other subcommittee.

5.2.7 Management of the polls shall occur by the officers of DCPC or their designees, or as may be recommended by an election ad hoc or other subcommittee and be sufficient in number throughout the voting process that at least one person is distributing ballots after (s)he verifies each voter's eligibility and at least one person is at the ballot box to protect the integrity and secrecy and maintain the ballots. Upon closure of the voting each voting segment or day, the person managing the ballot box shall seal the ballot box and provide that sealed ballot box to the chairperson or chairperson's designee. For example, sign near the drop location on the ballot box and seal over that signature and the drop opening with transparent tape.

5.2.8 Verification of voter eligibility is as referenced above in Sections 5.1.1 - 5.1.5 in these Operating Procedures.

5.2.9 Ballot construction & content for general or special elections of Board members shall be as per section 5.2.3 above and as may be set forth in the governing documents. The preparation and copying of the ballot shall be coordinated by the chairperson or the chairperson's designee.

5.2.10 Setting election date(s) and locations for voting on each date shall be suggested by the chairperson or chairperson's designee or an ad hoc or other subcommittee but approved by the majority of Board members present at any regular or special meeting which should occur no later than during the meeting on the date of the deadline for applications by Board candidates.

5.2.11 Setting voting time(s) should occur in conjunction with the determination of the dates of voting, above in section 5.2.10, provided however that the duration for voting must include a minimum of two hours of voting at the time and place of a



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

DCPC meeting.

5.2.12 Mail-in ballot procedures may be requested and authorized only to accommodate individual disability that did not permit in person voting. Absentee ballots, proxy voting, and electronic voting are not permitted. Only in-person voting is permitted.

5.2.13 Closing the polls should be preceded by at least one announcement that the polls are closing, “in approximately 5 minutes” before the balloting is closed for that session of voting.

5.2.14 The counting of ballots shall be completed by the ad hoc committee chairperson and witnessed by at least one other ad hoc committee member, so that at least two persons witness the counting. The results shall be announced in an open session of the Board. All hard copy ballots shall be delivered to the DCPC Chairperson at the open meeting and be available for recount, if requested by a candidate or an existing board member. If a successful candidate would be serving beyond the maximum continuous duration, that circumstance should be resolved and explained publicly at the meeting in which successful candidates are announced.

5.2.15 Clarifying whether a plurality voting system is being used, or if a majority is required for a seat to have a declared winner. In any general or special election, the candidate(s) receiving the highest number of votes shall be the winning candidates. Winning candidates for any other voting circumstance shall be as specified within these Operating Procedures. If any candidate has received a winning number of votes but is disqualified per these Operating Procedures or if for whatever reason does not present in person and serve as a Board member within 31 calendar days after being announced as a winner, such as resigning or losing eligibility, then the candidate with the next highest number of votes shall be the winning candidate and serve in that candidate’s slot.

5.2.16 Ballot record keeping Ballots cast in general or special elections shall be preserved by DCPC’s secretary or designee until the close of the second regular meeting from the announcement of who were the successful candidates, unless otherwise required by law or the city.

5.2.17 Tie-breaking procedures Breaking of any tie for selection of any voting Board member or, if applicable, any non-voting Board member, or selection of officers, shall occur at the meeting at which the voting ends or the successful Board candidate(s) are announced, whichever is later. The chairperson or designee shall supervise the breaking of the tie(s). Ties shall be resolved by flipping a coin.

5.2.18 Election challenge procedures. Any challenge to a general or special election for a voting or, if any, non-voting Board member must be submitted at and



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

during the meeting at which the voting ends or the successful candidate(s) are to be announced, whichever is later. The challenge(s) may be made verbally by the contesting voter or candidate and shall state in open session in detail all the bases for the challenge. Any interested person or any Board member may speak to support or oppose the challenge. The procedures for deciding the challenge(s) shall be the same as per subsection 5.2.14, above. Upon conclusion of the presentations, the existing Board members who are present shall decide at that meeting, by majority vote, upon each challenge.

5.2.19 Timing of installation of newly elected voting members. Newly elected voting Board members shall be seated at the April DCPC meeting for regular elections or immediately at the same meeting of the announcement of the winning candidates for special elections or regular meeting following the announcement of winning candidates, with the newly elected Board members being counted toward the existence of a quorum.

5.2.20 Maintaining confidentiality of secret written ballots. Ballots which are cast shall not require any identification of the voter. All ballots shall be maintained as confidential during the voting and counting process. If there is any conditional ballot(s), efforts should be attempted to maintain as much as practical the confidentiality of how any conditional elector voted.

5.2.21 Discouragement of electioneering. Individuals actively trying to convince voters to vote for a specific candidate at the time and place of the election shall remain at least 100 feet from both the locations of voter check-in and the ballot box. If violated, then the persons managing the voting should inform the violator(s) of the general terms of this subsection 5.2.21 and/or may post a note or sign or verbalize to potential voters the prohibition of this subsection or take similar action.

5.2.22 Next steps if a seat remains unfilled due to lack of, or ineligibility of a candidate, or as a result of a successful election challenge or if resignation(s) occur: If there were not sufficient candidates to fill any vacancy for a voting or, if any, non-voting Board member position, the Board members may decide to hold another election as a special election or to fill the vacancy(ies) using the same non-voting Board members procedures for Board appointment of voting Board members, above, in subsection 4.5.4 above.

If a vacancy by way of resignation or otherwise of a voting Board member occurs: Within two weeks before or after an election, the Board may appoint to the Board as a voting Board member the candidate(s) with the next highest number of votes.

If for any reason a voting or non-voting position becomes vacant, any replacement shall serve the remainder of the person's term of which they are



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

replacing and if reelected, that duration shall count toward any maximum *time of continuous service*.

5.3 Election Timing

DCPC will endeavor to host its general elections for voting Board members during the month of March each year as relevant and applicable to be consistent with other CPGs. Special elections for voting Board members may be held at any time, such as to fill a position created by resignation, with procedures as per these Operating Procedures for general elections or as may be determined by a subcommittee and approved by DCPC. Timing of the selection of non-voting Board members, if any, shall occur as per these Operating Procedures or as otherwise timely warranted, using those procedures.

5.4 Election of Officers

The DCPC CPG shall have at least the following officers, with at least the following duties. Elections are to be annual and after any new voting Board members are seated. There is no maximum duration for being reelected as an officer. Self-nominations are permitted, and a second is not necessary. The vote shall be by the majority of the Board members present and voting. Nominees may vote for the position as to which they are running. If an officer resigns from the position or the office otherwise becomes vacant, then the vacant officer's position shall be voted upon at the next meeting following that vacancy, supported by an agenda item.

5.4.1 Chairperson. The Chairperson:

- (1) shall be the principal officer of the DCPC and may participate in discussions and voting as any other Board member, provided however, that the chairperson should attempt to be the last speaker and should not make a motion or a second unless (s)he believes no other Board member will do so;
- (2) shall develop proposed agenda with consult of the Executive Committee comprised of elected officers if established by board vote, and preside over all CPG regular and special meetings organized by DCPC;
- (3) shall tally the votes and announce publicly how each member voted or abstained, or announce that the vote was unanimous in the affirmative or negative.
- (4) may appoint subcommittee Chairs subject to the ratification by the majority of present and voting Board members;
- (5) is responsible for all committee appointments subject to ratification by a majority of present and voting Board members;
- (6) should sign official communications although such can be signed by the chairperson's designee or as otherwise determined by a vote of DCPC on a



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

case-by-case basis. Appeals of discretionary decisions to the City shall be made by the President or, if necessary, because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of DCPC;

(7) shall be the official public speaker and representative on behalf of CPG matters. If any Board member speaks publicly on CPG matters, they may do so but only as an individual and should identify their comments as from an individual and not on behalf of DCPC, unless expressly decided otherwise by DCPC upon a particular issue or matter;

(8) shall be the recognized representative of this CPG to the Community Planners Committee ("CPC"); however, by vote of Board members present and voting, a Board member other than the Chairperson may be selected as the official representative to CPC with the same voting rights and privileges as the Chair;

(9) shall perform the duties assigned to the Chairperson within these Operating Procedures;

(10) should perform other duties as assigned by DCPC or as deemed necessary or appropriate within urgent circumstances.]

5.4.2 Vice chairperson. The vice chairperson shall, in *the* absence of the chairperson or failure or refusal to perform the duties of the chairperson or as otherwise designated by the chairperson or DCPC CPG, perform any or all the duties and responsibilities of the President.

5.4.3 Secretary. The secretary or the chairperson's or secretary's designee shall be responsible for the DCPC CPG's correspondence, attendance records, minutes and actions including noting if a quorum exists or is lost during a regular or special meeting, noting in the minutes those Board members who voted on an action item and whether each voted in the affirmative or negative and those who abstained or recused and the reasons, coordinate the maintenance of CPG records as required by the city and these Operating Procedures, and assure that DCPC Board members and members of the public have access to that information. Other duties and responsibilities may be assigned by the chairperson.

5.4.4 Treasurer. If the Officer position of Treasurer is established by DCPC, the treasurer shall maintain the financial records and oversee and record income, donations received, and expenditures, file as relevant for reimbursements from the city, and perform other tasks as set forth in these Operating Procedures or as necessary, or as directed by a city representative. In the absence of a Treasurer the Chairperson shall perform Treasurer functions.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

5.4.5 **Parliamentarian.** A parliamentarian may be elected as a non-officer for a one year officer term or for special meetings, with duties to include at least ruling upon parliamentarian issues, keeping tract and enforcing any applicable time limits for speakers or agenda items, maintaining order among the public, maintaining order among the Board members, and other duties as may be assigned by the chairperson. If the parliamentarian is unable to perform these duties, such as being absent or temporarily out of the meeting room, the chairperson may assume these duties or appoint a designee to act as temporary parliamentarian.

6. Conduct of Meetings

6.1 Professional Conduct

The DCPC CPG and its voting members will conduct themselves reasonably and professionally and refrain from disrupting the public process as set forth on DCPC's agenda. Board members should conduct themselves in accordance with the "Golden Rule" by treating others as they would have others treat them. Board members should treat each other, applicants, city staff, and the public with courtesy and respect at all times, even if disagreement exists. Board members should allow other Board members and members of the public to speak without interruption and without intimidation and allow the presiding officer to conduct the meeting in the best interests of the community. Parliamentary interruptions should be allowed unless clearly intended to disrupt the public meeting, as determined by the presiding officer.

6.2 Rules of Procedure

To provide a uniform means for DCPC CPG to facilitate public meetings and conduct public business and resolve disputes, Robert's Rules of is adopted and applies except as explicitly contradicted by San Diego city Council Policy 600-24, the Brown Act, or state or federal regulations or laws, as may be amended. If there is no guidance within those provisions, the presiding officer shall in his or her sole discretion apply a procedure which (s)he deems reasonable and in the best practical interest of the community and this CPG.

6.3 Transparency in Operations

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

6.4 Meeting Procedures

It shall be the duty of each member of the Downtown Community Planning Council to attend all planning group meetings.

6.4.1 Regular Agenda Posting – At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date,



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

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 and should be posted on the DCPC website at least 72 hours in advance of the meeting.

6.4.2 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 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.

6.4.3 Adjournments And Continuances – If the Downtown Community Planning Council 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 a special meeting.

6.4.4 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 a regular meeting; otherwise the original meeting agenda is adequate.

6.4.5 Consent Agenda – Any interested member of the public may comment on a consent agenda item. Any interested member of the public or member of the planning group may request that a consent agenda item be moved to the Action Agenda for discussion.

6.4.6 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



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

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.

6.4.7 Development Project Review – The Downtown Community Planning Council 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.

6.4.8 Action On Agenda Items – An item not noticed on the agenda may be added if either two-thirds of the voting members of a 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 immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

A two-thirds vote of the voting members of the DCPC is required to remove an elected community 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 voting members of the DCPC for the purpose of ratifying the findings presented by the Secretary to the group.

Amendments to adopted bylaws require a two-thirds vote of the voting members of the DCPC.

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

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

The Downtown Community Planning Council 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



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

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.

6.4.9 Collective Concurrence – Any attempt to develop a collective concurrence of the members of the Downtown Community Planning Council 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.

6.4.10 Special Meetings – The chair of the Downtown Community Planning Council, 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.

6.4.11 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 Downtown Community Planning Council and are prohibited under these bylaws.

6.4.12 Right To Record – Any person attending a meeting of the Downtown Community Planning Council 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.

6.4.13 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.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

6.4.14 Subcommittees

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

- (1) Standing Subcommittees – Pursuant to the purpose of the Downtown Community Planning Council as identified in Article II, Section 1, the planning group shall have the authority to, and may, establish subcommittees as necessary.
- (2) Ad Hoc Subcommittees – Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.
- (3) Subcommittee Composition – Each subcommittee shall be composed of not more than thirteen (13) members of the Downtown Community Planning Council. Subcommittee meetings at which there is a possibility of attendance by a quorum of the Downtown Community Planning Council must be noticed as a meeting of the Downtown Community Planning Council. Subcommittees shall contain a majority of members who are members of the planning group. Members on a subcommittee shall be appointed by the Chairperson with the approval 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.

- (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.
- (5) Subcommittee Chair Meeting Summaries – Within 7 days following a subcommittee meeting, the chair will submit a written report summarizing the meeting to the Secretary for inclusion in the next DCPC docket packet.

Abstentions and Recusals

6.5 Recusals – Any member of the Downtown Community Planning Council with a direct economic interest in any project that comes before the planning group, or its



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

subcommittees must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

6.6 Abstentions – Planning group members may abstain from either voting on an action item, or from participating and voting on an action item, but must state the reason for doing so prior to a vote being taken. The reason is to be included in the meeting minutes.

6.7 Meeting Documents and Records

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

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

6.7.3 Minutes – For each planning group meeting, a report of Downtown Community Planning Council member attendance and a copy of approved minutes shall be retained by the planning group and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the group’s next regularly scheduled meeting. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group, then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

the approved minutes shall be submitted to the City or its designated agents within 14 days after approval by the planning group.

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

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

7. Additional DCPC CPG Responsibilities

7.1 Commitment to Non-Discriminatory Practices

All activities of DCPC shall be nonpartisan and nonsectarian. DCPC, in conducting its responsibilities, will not discriminate against any person or persons by reason of race, color, sex, gender identification, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability, or any other status protected by federal, state or local law.

7.2 Records Retention

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

These responsibilities will be coordinated by DCPC's secretary or designee, unless otherwise designated.

7.3 Ethical Standards

The DCPC CPG adopted Ethical Standards are provided as Exhibit A. to this Terms and Conditions document.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

7.4 Voting Member Training

All DCPC CPG voting members are required to complete the formal education program in-person or on-line offered by the City.

Attendance by all community planning group members at a Community Planning Group Orientation Workshop is required by City Council Policy 600-24. In order to meet the criteria for indemnification, this training must be completed within 60 days of being elected, or as soon as it is scheduled.

The workshop is typically offered once a year in the spring following annual elections in March and typically includes review of Council Policy 600-24 and the development project review process.

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

7.5 Collaboration with City Staff

DCPC 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 DCPC.

8. DCPC CPG Rights and Liabilities

8.1 Indemnification

Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the DCPC 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 DCPC 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 DCPC or one of its individual voting members is found to be out of compliance with the provisions of Policy 600-24, or with these Terms and Conditions, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

8.2 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 DCPC 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 DCPC, and may in some cases include payment of court costs and attorney's fees.

Individual voting members of DCPC 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. DCPC, 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 DCPC to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney's Criminal Division. DCPC, 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.

8.3 Violations of Membership Eligibility

Any DCPC 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 and these Terms and Conditions.

8.3.1 Removal of Ineligible DCPC Voting Board Members

The procedure for removal of voting Board member(s) for failure to retain eligibility, should provide affected voting members with fair notice and require ineligibility determinations to be supported by documentation include the following:

(A) If immediate action is required, such as determining a Board member's right to remain on this Board prior to a necessary, time dependent deadline-oriented vote taking place at the meeting, DCPC may vote per to add an agenda item per Brown Act prerequisites, with those items including for example "Determination of Board Member's eligibility on this Board" as an action item. If that agenda item is adopted, any accuser or person claiming that Board member's ineligibility shall present whatever verbal and documentary evidence which is available, followed by the Board member(s) and at issue



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

and any advocates being given at least the identical time for rebuttal. Board vote by those present shall be supported by at least a 2/3rds affirmative vote of non-vacant seats not counting the accused for removal, and removal shall be immediate. If removal remains contested by the accused, (s)he may cast a separate conditional vote on the substantive matter which shall not be counted unless otherwise determined as valid by final decision of the San Diego Director of the Planning Department rendered in writing no later than 5 business days from DCPC's meeting, or by a court of law.

(B) In the alternative, action may proceed pursuant to the disciplinary process of an elected Board member as contained in section 4.2 of these Operating Procedures.

8.4 Violations and Remedies

If the DCPC 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 DCPC itself risks loss of defense and indemnification pursuant to current San Diego ordinances and any future amendments.

In the case of an alleged violation of these Terms and Conditions [Operating Procedures] by a CPG voting member, DCPC 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. DCPC will respond to the City in a dialogue to determine the validity of the complaint and to seek resolution of the issue or dispute.

DCPC 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 DCPC, or may recommend to the City Council that DCPC's recognition be revoked.

DCPC 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 [Operating Procedures] or Policy 600-24 and DCPC has failed to take corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke DCPC's recognition under this Policy. The City Council may also prescribe conditions under which official recognition may be reinstated.

8.5 Disciplinary Actions of Individual Voting and non-voting Members in Violation of Terms and Conditions

The DCPC CPG acknowledges that any of its voting or non-voting members found to be in violation of these Terms and Conditions shall only be disciplined or removed by DCPC



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

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.

No complaint or decision regarding any complaint shall be discriminatory such as holding any protected status against any party, for example, that party's race, color, sex, gender, gender identification, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability, or any other status protected by federal, state or local law.

8.6 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, which may include expulsion from the board. DCPC will report in writing instances of disciplinary action to the city within 60 days of any allegation.

8.7 Violations and Remedies for Quorum and Attendance Requirements

If DCPC is unable to meet quorum and attendance requirements for three consecutive months, then City may place DCPC in a temporary inactive status, to allow DCPC to work through its membership issues to return to active status. If DCPC 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 DCPC's recognition be revoked.

8.8 Violations of City Requests for Input

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

9. Collective Action of the DCPC CPG

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

10. Term of the Terms and Conditions

These Terms and Conditions will be effective in perpetuity of the life of the DCPC CPG unless the 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



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

it may be amended. Proposed amendments shall be adopted by a 2/3rds vote of non-vacant seats and 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.1. DCPC Adopted Ethical Standards
- Exhibit A.2. DCPC Community Participation and Representation Plan
- Exhibit B. DCPC Community Planning Boundaries
- Exhibit C. DCPC Community Representation



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

DCPC Adopted Ethical Standards

This document describes the adopted ethical standards of the **Downtown Community Planning Council (DCPC)** Community Planning Group (CPG) Operating Agreement. The adopted Ethical Standards address the CP 600-24 requirements to be eligible for recognition by the San Diego City Council including the standards outlined based on the City's Ethics Ordinance: Chapter 2, Article 7, Division 35 of the City's Municipal Code.

1. Conflicts of Interest

DCPC CPG voting members with a potential or perceived conflict of interest should recuse themselves from a DCPC hearing on matter for which 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.

It is expected that DCPC members will act in good faith to fulfill their authorized duties. If a conflict is suspected, but it is not recognized or acknowledged by a member, the group may call for a vote about whether to determine whether a member should recuse and whether the group should discount that member's participation and vote on the item.

The vote should be 2/3 of the voting members of the planning group, or by a unanimous vote if less than 2/3 of the voting members of the group are present. The vote should be taken before the item is discussed.

If the member still refuses to recuse, the community planning group should make it a part of the public record that a vote of the group considered the member ineligible to participate. The participation of the member will be deemed void and the vote of the member not counted toward the planning group recommendation.

The refusal by a member to recuse from the community planning group discussion and vote may result in discipline of the member under CP 600-24,

2. Abstentions for Potential Conflicts of Interest

DCPC CPG voting members should 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 member lacks sufficient information upon which to cast a vote. The DCPC record of the vote on the item will reflect an abstaining member in the vote and they are still counted in a DCPC quorum for that item, regardless of the point in time they declare their abstention. Discomfort in publicly disclosing their position on a matter is not sufficient reason to abstain. At the time of the vote, a member shall disclose their reason for abstaining.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

3. Political Actions

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

4. Donations

Neither DCPC nor its voting members will accept donations on behalf of any individual running for public office.

5. Equal Time for Candidates or Ballot Measures

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

6. Professional Conduct

DCPC shall reinforce consistent standards, including Roberts Rules of Order (attached), for voting member professional conduct. DCPC voting members will be guided to treat each other, applicants, city staff, and the public with courtesy and respect at all times.

Roberts Rules of Order – Simplified

Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

How to do things:

You want to bring up a new idea before the group.

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

You want to change some of the wording in a motion under discussion.

After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

You want more study and/or investigation given to the idea being discussed.

Move to refer to a committee. Try to be specific as to the charge to the committee.

You want more time personally to study the proposal being discussed.

Move to postpone to a definite time or date.

You are tired of the current discussion.

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3rds vote.

You have heard enough discussion.

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3rds vote.

You want to postpone a motion until some later time.

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3rds vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.
 "Call for orders of the day."

You want to take a short break.
 Move to recess for a set period of time.

You want to end the meeting.
 Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.
 Without being recognized, call for a "division of the house." A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.
 Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.
 Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.
 Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3^{rds} vote is required.

Unanimous Consent:

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only:**
 - to get information about business –point of information to get information about rules– parliamentary inquiry
 - if you can't hear, safety reasons, comfort, etc. –question of privilege
 - if you see a breach of the rules –point of order
 - if you disagree with the president of the board's ruling –appeal
 - if you disagree with a call for Unanimous Consent –object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3 ^{rds}	√
Close Discussion	√			2/3 ^{rds}	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	
Postpone Indefinitely	√	√	√	Majority	√



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

DCPC Community Participation and Representation Plan

This document is the Community Participation and Representation Plan of the **Downtown Community Planning Council (DCPC)** Community Planning Group's (CPG) as required by Council Policy 600-24. The Community Participation and Representation Plan incorporates the CP 600-24 requirements to be eligible for recognition by the San Diego City Council

The Downtown Community Planning Council (DCPC) Community Planning Group (CPG) is committed to engaging a broad and diverse cross section of our community members in monthly meetings and to electing DCPC 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 DCPC to serve as a recognized advisory body to the City.

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

DCPC plan is crafted to reflect the unique demographics and characteristics of our community.

Overarching Goals

- Educate community members about the role of DCPC 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
- Increase and diversify participation in monthly DCPC meetings and decision making
- Communicate about DCPC'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. Obtain meaningful input from a broad range of community members
- 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 residents to participate in a simple and accessible manner
- Communicate in ways that are inclusive, transparent and respectful



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

- Consistently share information with community members using digital, meeting room video monitor agendas and presentations, printed materials as an aide to better understanding
- Make meeting materials available in the languages spoken within the community
- Facilitate use of accessibility devices for those hard of hearing.
- Be respectful of people's opinions and time
- Ensure a safe, accessible meeting space

Strategies for Community Involvement

- Create a simple DCPC fact sheet 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 CPG
- Share meeting agendas in digital formats including social media pages, San Diego Planning Dept website, and a dedicated DCPC website
- Consistently post printed monthly meeting information providing digital, phone and mail contacts for recurring monthly meetings, committee meetings and notices for special meetings at local places that provide public notification bulletin boards including, but not limited to:
 - Main Public Library
 - Park and Rec Building(s)
 - Public transit hubs
 - Condominiums
 - Grocery stores
 - Coffee shops
 - Schools
 - Apartments
- 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 CPG's role, build relationships, and encourage board membership on seats reserved for community nonprofits
- Advertise monthly meetings and elections in local community paper(s)/newsletter(s)
- Host informal events outside of DCPC meetings associated with elections and the annual meeting to invite the public to learn about the DCPC and how to participate in monthly meetings
- Organize informal town hall events associated with DCPC subcommittee meetings to solicit feedback on community needs. Select a time/day, location and format of the events and town halls that maximizes the opportunity for people not already engaged with the DCPC to attend
- Work with the council office and the Mayor's office to amplify outreach
- Make online interactive activities, such as surveys, to seek input on community needs and other DCPC initiatives



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

Reimbursement of DCPC Operating Expenses

- DCPC shall manage and document expenses relevant to Public Participation in accordance with Council Policy 600-24
- Authorized expenses are anticipated to include Website and media development, maintenance and subscriptions, printing, unique services required to support Council Policy 600-24. Member time and minor incidental expenses are not anticipated to be authorized.
- Total authorized expenses shall be limited to the ceiling established by Council Policy as may be adjusted.
- Reimbursement of expenses above and beyond those authorized by Council Policy 600-24 may result from authorized fund raising and donations. Reimbursement of Member time and minor incidental expenses are not authorized.
- Reimbursement requests shall be filed in accordance with Council Policy and the attached reimbursement expense form, appropriately executed and as may be amended.

Measuring Success

- Monitor monthly and annual 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.
- DCPC successful representation will also be qualitatively measured and documented in annual report to City Council, highlighting the intentional efforts made to bring in community members that have historically faced DCPC participation barriers.



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

Downtown Community Planning Area & Neighborhoods



Commented [BL1]: MP: City Planning may choose to recreate this map so all the maps are uniform and details (e.g., streets are clearer).

Commented [BL2]: Manny updated map
 Corte E to 11th
 Core E 6th to 10th
 S B to E
 EVN - notch out Bdwy to E, 6th to 10th
 Gaslamp W 6th to 7th
 EVN notch out 6th to 7th, E to Market
 EVS notch out 6th to 7th, Market to Comml
 Marina - Move convention Center S of N. Harbor to Marina (except)
 EVS - Move Convention Ctr Park to Sigsbee, Newton to S. Harbor to EVS



Downtown Community Planning Council San Diego
Planning a Vibrant Downtown for All

Exhibit^[BL1]_[BL2] C:

Downtown Community Planning Council Membership Categories and District Distribution

DCPC- DISTRICT MEMBER SEATS – (19 TOTAL)

DCPC members are elected by DCPC eligible voters as defined in Article III.

<u>District</u>	<u>Members in District</u>	<u>Categories in Each District</u>
East Village – North	2	1 resident, 1 business entity
East Village – South	2	1 resident, 1 business entity
Cortez	2	1 resident, 1 business entity
Little Italy	2	1 resident, 1 business entity
Columbia	2	1 resident, 1 business entity
Marina	2	1 resident, 1 business entity
Core & Gaslamp (Shared)	2	1 resident, 1 business entity
Community Organization	3	3
At Large	2	2
TOTAL MEMBERS	19	7 Residents 7 Business entities 3 Community Organizations 2 At Large