

MEETING MINUTES FOR THE OCTOBER 01, 2024 (6:00 to 8:20 PM) PUBLIC MEETING, UpCDP

Location: Joyce Beers Community Center @ the HUB, 3900 Vermont St.

I Board Meeting: Parliamentary Items

Member quorum verification (quorum 9 out of 15 needed) Mike Singleton (Interim Chair), Sophia Alexander, Benny Cartwright, Tami Ratliffe, John Barney, Matthew Driver, Stu McGraw, Mary Brown, Patty Ducey Brooks, Daniel Mullen, Issac Warner (seated mid-meeting), Mike Calloway, Alberto Guardado, Ben Nicholls, and Margit Whitlock (**quorum met**). Members of the public recorded: Christopher Gris (Assembly District 78), Carol Emerick, Romec Holsanson, Gerry Trussell, Scott Case, Sharon Gehl, Tom Mullaney, Lorenzo Burton, Dawn Burton), Omer P., Gail Levin, and Emily Davis (Father Joes Villages).

1. **Introductions / Roll Call:** Introductions occurred with board members talking about what they like and don't like about Uptown and what they would most want to change.
2. **Agenda Discussion:** The Interim Chair discussed if there were any changes to the agenda. Ben Nicholls discussed the order of the coin toss and Mike Singleton requested that the coin toss occur at the beginning of the agenda to seat the Board Member from Middletown by flipping the coin. An informal affirmative vote was made to allow for the coin toss. The coin was tossed, and Daniel Mullen was seated as the owner representative of Middletown.
3. **Adoption of Agenda and Rules of Order.**
 - o **Motion:** (B. Nicholls/ B. Cartwright) "Adopt the agenda".
 - o **Motion passed** 14/0/1 (M. Singleton abstaining).

II Organization Items: Interim Chair Report

1. **Board member training and responsibilities**
 - Mike Singleton provided instructions to new Board Members and responsibilities to review the following: General City Instructions for CPGs and Council Policy 600-24; California Open Meeting Law (Brown Act); Roberts Rules of Engagement; Planning group member training requirements by Oct. 30th
 - Chair needs to compile list of compliance and comments are requested for Operational Procedures changes
 - Chair did a quick overview of projects and events awaiting the Board's review.

III- Non-agenda Public Comment

There were a number of unrecorded comments from two members of the public (the recording of the meeting was not discernable).

IV- Representatives of Elected Officials, Agencies, and Institutions

There were several unrecorded comments from one public representative (the recording of the meeting was not discernable).

V- Consent Agenda Items (none)

VI- Agenda Action Items

1. Overview of the 8 Challenges: Topics covering the 14 individual challenges (from 5 public members, with many similar between those that submitted a challenge that fit into 8 topics) The Interim Chair provided overview statements, evaluation criteria and review of the findings from the Challenge Report.

MEETING MINUTES FOR THE OCTOBER 01, 2024 (6:00 to 8:20 PM) PUBLIC MEETING, UpCDP**2. Action Item #1: Challenges to the Election #1 and #2 Against the Election Committee**

- a. The coin toss occurred as agenda Item I-2
- b. A broad discussion occurred concerning challenges 1 and 2 among board members and the public. Public comments and board member comments ranged from strongly in support of and strongly opposed to the action item. Dan Mullen felt that he had won the tie for his position based on the coin toss, and that he should not be required to be part of a revote since the coin toss remedied their race. However, since the two candidates switched leads, they should be subject to the same process and rationale that Isaac and Mat Wahlstrom are under. Therefore, both sets of candidates should go through the revote. Other comments included the community sentiment that this was not a fair voting process, that it was rigged, that a preponderance of issues have been perceived to have driven favoritism. This discussion included whether an active or passive circulation of the August 22 voting period status occurred. Other board discussions were based on if this revote was necessary and if so, how would it be accomplished. Was it really needed to address this issue? Should Dan Mullen and Adrian Kwiatkowski be required to go through this revote? It was also a common topic to make sure that this Board learns from some of the issues and mistakes that were made when initiating our next election cycle that will need to start in February. Both sides generally agreed that lessons learned need to be a part of actions so that the public can have their confidence in the process increased.
- c. The Interim Chair recommended a revote for the top two vote getters. The action taken by the Election Committee to address the failure of the software that stopped voting on the last day of the vote, included a decision on the extension of the voting period. By itself, this action did not create the problem and was a reasonable approach given the circumstances. However, since the extended voting period also came with the intentional or unintentional release of the status of the votes, the issue was magnified. This status of results was not distributed to all candidates. It is possible that some individuals obtained an unfair advantage by knowing that they were behind in the first segment of the voting. In any race if a person was behind in the race based on the first voting segment, and they managed to increase their position in the races to win it overall, it could potentially be a result of some communication that resulted in the knowledge of someone being behind. When combined with the extended election timeframe, an individual would have the ability to focus their efforts to gain and pass their competitor. There is no proof that anyone from the election committee took any efforts to point out the status of the election when the software stopped working and summarized the results.
- d. The interim chair indicated, to address this perception, that in the two races (consisting of Mat Wahlstrom and Isaac Warner for the Hillcrest Renter and Dan Mullen and Adrian Kwiatkowski for the Middletown Owner) be rerun in January. Further the Interim Chair suggested that only those that had registered to vote in Hillcrest (for Mat and Isaac) and those that had registered to vote in Middletown (for Dan and Adrian) be contacted for the revote.
 - **Motion** (B. Nicholls/ S. Alexander): “Seat both Issac Waner and Dan Mullen and prioritize their elections in the March 2025 election.”
 - **Friendly amendment** (M. Driver): “Seat both Issac Waner and Dan Mullen and hold a run-off election for Dan Mullen and Adrian Kwiatkowski for the Middletown owner position and Issac Warner and Mat Wahlstrom for the Hillcrest renter position in January 2025”. **Amendment accepted.**
 - Motion passed (8/7/0) T. Ratliffe, M. Driver, S. McGraw, M. Brown, P. Ducey-Brooks, D. Mullen, and M. Calloway in opposition. M. Singleton broke the tie.

MEETING MINUTES FOR THE OCTOBER 01, 2024 (6:00 to 8:20 PM) PUBLIC MEETING, UpCDP**3. Action Item #2 / Challenge to the Election# 3 and #4 Against the Election Committee**

- a. Discussion on the Challenge that the Election Committee did not have the authority to extend the election since the agreement with the City Council required the Election Committee to seat a new board within 90 days of the City Council approval for the UpCPG to take over from the Uptown Planners. Challenge 3 focused on the decision to extend the voting period, and Challenge 4 questioned if the Election Committee had the authorization to do this given the 90-day period required to seat a new board. The City Council acted on September 17th at a Council meeting to reconfirm their support for the UpCPG and their verification that the Election Committee and Mid-level staff acted with full support of the City Council.
- b. A wide ranging and contentious discussion occurred concerning challenges 3 and 4 among the board members and including members of the public.
 - **Motion:** (B. Nicholls/ M. Driver) “Dismiss the challenges”.
 - **Motion passed** (9/5/1). T. Ratliffe, S. McGraw, M. Brown, P. Ducey-Brooks, and D. Mullen opposed. M. Singleton abstained.
 - **Motion:** Extend the meeting by 15 minutes (Unrecorded).
Motion passed (unrecorded). M. Singleton abstained.

4. Action Item #3 / Challenge to the Election #5 Against BikeSD

- a. M. Singleton introduced Challenge #5 which questioned the validity of Bike SD being seated on the board claiming that their nonprofit status wasn't in order.
- b. A wide-ranging conversation occurred regarding the validity of Bike SD's 501(c) 3 organization versus their 501(c) 4 organization, and which were being represented and when their status was valid with which regulatory agency. Members of the public participated.
- c. M. Singleton reported that he had found documentation that BikeSD was a non-profit in good standing with the State under their BikeSD 501 (c) 3 non-profit certification at the time of candidate registration.
 - Motion: Extend the meeting by 15 minutes (Unrecorded). **Motion passed** (unrecorded). M. Singleton abstained.
 - **Motion** (M. Driver/ M. Brown): “Decertify Bike SD and remove A. Salayev from the board and allow them to run in a special election in January.” **Motion fails** (5/9/1). T. Ratliffe, M. Driver, S. McGraw, and M. Brown voted in favor. M. Singleton abstained.
 - **Motion:** Extend the meeting by 5 minutes (Unrecorded). There was no second for the motion and it **failed**.

5. Adjourn: The meeting concluded due to time expiring at 8:20 PM

Draft and unapproved 10-30-24 BN/MS, Modified 11-09-24 MS, Final Approved 11/19/24