

**INTERIM STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES
FOR RECREATION COUNCILS
Effective January 1, 2018**

Pursuant to San Diego City Council Policy 700-42, the Parks and Recreation Department (DEPARTMENT) of the City of San Diego (CITY) has assumed the responsibility for the organization of recreation councils. The DEPARTMENT has adopted these “Interim Standard Operating Procedures and Responsibilities for Recreation Councils” (SOP) in order to govern the creation and operation of all recreation councils (COUNCILS) in the City after December 31, 2017. These interim operating procedures will be in place until a revision of Council Policy 700-42 is adopted by the City Council or these SOP are otherwise amended.

1. POLICY

1.1 COUNCIL shall adopt and operate under an official name, which shall include the respective community or site name followed by “Park and Recreation Council.” All COUNCIL activities shall be conducted in the COUNCIL’s official name.

2. PURPOSE OF THE COUNCIL

2.1 The purpose of the COUNCIL shall be to promote recreation programs in the community through planning, publicizing, and coordinating community programs. The COUNCIL will have limited jurisdiction over recreational activities at those CITY park facilities within the COUNCIL’s designated geographic area identified by the DEPARTMENT (AREA).

2.2 As provided in Council Policies, including Council Policy 600-33, the COUNCIL shall serve as the recognized conduit and sponsor for community input regarding park and recreation programs and facilities and park development projects. Accordingly, the COUNCIL shall provide input and make recommendations for all park development projects planned within the AREA. Additionally, the COUNCIL may also make recommendations to the DEPARTMENT, the Park and Recreation Board, and other park advisory committees on other matters related to park and recreation programs and facilities. Notwithstanding any of the foregoing, all such input and recommendations by the COUNCIL are advisory only, and are not binding on the CITY or any official or body thereof.

2.3 The COUNCIL and each member thereof (MEMBER) shall act in the best interests of the CITY at all times. No MEMBER shall identify affiliation with the COUNCIL in public communications unless that MEMBER is specifically authorized by the COUNCIL to act as its official representative. Public communications include, but are not limited to, written communications, public testimony and newspaper interviews.

3. COUNCIL OPERATION AND STRUCTURE

3.1 COUNCIL, and all of its committees and subcommittees, are subject to and shall comply with the Ralph M. Brown Act (California Government Code sections 54950-54963) (Brown Act). All meetings of COUNCIL, and of any of its committees and subcommittees, shall be

noticed and conducted in compliance with the Brown Act. Accordingly, for all such meetings an agenda containing the date, time and location of the meeting, and a general description of each item of business to be discussed or transacted, shall be posted in a place freely accessible to the public at least 72 hours prior to the meeting. At the time of the posting of the agenda, the agenda shall also be sent, by facsimile, via the United States Postal Service, or electronic mail, to every member of the public who has requested notification of the meetings. All COUNCIL recommendations, and official authorizations, positions, and opinions shall be obtained through broad community input by a public meeting of COUNCIL held in compliance with the Brown Act, DEPARTMENT policies, and the requirements of these SOP. All members of the public shall be given the opportunity to comment on items during COUNCIL meetings. Meetings and meeting facilities must be accessible to persons with disabilities, as required by the Brown Act.

3.2 COUNCIL will serve as the CITY's officially recognized recreation council for the AREA, as established by Council Policy 700-42, provided that COUNCIL's adopted bylaws (Bylaws) are in accordance with the terms and conditions these SOP. The COUNCIL's Bylaws shall be subject to review by the DEPARTMENT Director (DIRECTOR), in his or her sole discretion, for compliance with these SOP. Failure of the Bylaws to comply with applicable laws, these SOP, or any aspect thereof, shall be cause for CITY to not officially recognize the COUNCIL as the recreation council serving the AREA under Council Policy 700-42 and the CITY may suspend the COUNCIL's activities until such time the bylaws will comply with the above.

3.3 The Bylaws shall provide that in the event of a conflict between any provisions of the Bylaws and these SOP, the terms, conditions and obligations of these SOP shall control.

3.4 The COUNCIL may amend its Bylaws according to the process set forth in the Bylaws. Upon adoption of any amendments to COUNCIL's Bylaws, COUNCIL shall provide the DIRECTOR with a complete copy of the COUNCIL's amended Bylaws within ten (10) days of COUNCIL's adoption of the amendments. The DIRECTOR may review and, in his or her discretion, determine if the amended bylaws are consistent with these SOP and other requirements as stated above. In the event that the DIRECTOR does not feel the amended bylaws are consistent as indicated above, the DIRECTOR may require the COUNCIL to revise its Bylaws in order to conform to the terms and conditions these SOP. COUNCIL's failure to maintain its Bylaws in conformity with the provisions of these SOP shall be grounds for CITY to not officially recognize the COUNCIL as the recreation council serving the AREA under Council Policy 700-42 and the CITY may immediately suspend the COUNCIL's activities.

3.5 It shall be the duty of each MEMBER to attend all COUNCIL meetings. The minimal amount of MEMBERS in attendance at each COUNCIL meeting in order to constitute a quorum shall be stated in the Bylaws, but such quorum shall not be less than the greater of either twenty-five percent (25%) or three (3) MEMBERS. A quorum must be present in order to conduct business and/or to vote on projects or actions at regular COUNCIL meetings.

Proxy or phone votes are strictly prohibited.

3.6 After every COUNCIL meeting, COUNCIL shall prepare a report of attendance and a copy of the draft minutes. The draft minutes shall include final voting results on each matter acted upon at the meeting, including the number of yea, nay, and abstention votes. The draft minutes shall be available to the public at a publicly-accessible area at the location where the COUNCIL regularly conducts its meetings as soon as reasonably possible, and at least 72 hours prior to the next COUNCIL meeting. A copy of the draft minutes shall also be delivered to the DEPARTMENT-designated representative by the same time. Any changes to the draft minutes shall be discussed and adopted by a majority vote of the MEMBERS present at that next COUNCIL meeting. Once approved, copies of approved minutes shall be available to the public within 72 hours of the next scheduled COUNCIL meeting, and shall be kept for a minimum of thirty (30) calendar days at the location where the COUNCIL regularly conducts its meetings.

3.7 COUNCIL shall maintain a current, up-to-date roster of the names of each and every MEMBER and whether each MEMBER is an at-large member or an organization member. The roster shall be provided by the COUNCIL to the DEPARTMENT promptly, but no later than within thirty (30) days, upon any change.

3.8 It shall be the duty of the COUNCIL to periodically outreach to its community through such methods as local newspapers or community events to further community-wide understanding of and participation in COUNCIL duties, activities, and decisions. The COUNCIL shall give due consideration to all responsible community input in order to identify what is in the best long-term interest of the community at large.

3.9 When considering proposed park development projects for COUNCIL recommendation, COUNCIL shall allow participation of all members of the public, including those from other areas as directed by the DEPARTMENT, and with special emphasis on obtaining participation from property owners, residents, and business establishments in proximity to the proposed development. The COUNCIL shall inform the project applicant or representative each time such review by the COUNCIL will take place, and provide the applicant with an opportunity to present the project.

4. MEMBERSHIP

4.1 The COUNCIL shall consist of not less than five (5) current MEMBERS, nor more than fifteen (15) current MEMBERS. The DIRECTOR may, in his or her discretion, approve a larger membership for the COUNCIL, when such membership would give better representation to a community.

4.2 The membership of a COUNCIL may consist of at-large and organization MEMBERS. The Bylaws shall state the total number of MEMBERS and the percentage, if any, of at-large MEMBERS of the COUNCIL. An at-large MEMBER shall mean any individual who lives, works, or owns property in the AREA. An organization MEMBER shall mean an individual who represents an organized or special interest community service or athletic group that conducts primary operations within the AREA. Organization members and at-large MEMBERS shall be elected or otherwise confirmed as a MEMBER in compliance with the Bylaws.

4.3 To be eligible as a MEMBER an individual must be at least eighteen (18) years of age. MEMBERS shall be, to the extent possible, representative of the AREA. MEMBERS must be willing to accept and perform responsibilities delegated by the COUNCIL. Eligibility may be further defined in the Bylaws, but may not alter the eligibility requirements set forth in these SOP.

4.4 COUNCIL shall select MEMBERS as set forth in the Bylaws, which may be determined by an AREA-wide election process or by a confirmation process. If the Bylaws authorize MEMBER selection by the confirmation process, the Bylaws shall require the potential MEMBER to attend three (3) consecutive meetings prior to submitting a letter of intent to the DEPARTMENT representative for the COUNCIL.

4.5 Any MEMBER found by the COUNCIL, by a preponderance of evidence, to be in violation of the Bylaws, the COUNCIL's corporate governance documents or these SOP, may be removed from the COUNCIL by two-thirds vote of the COUNCIL and confirmation by the DIRECTOR. A MEMBER may also be removed, pursuant to a two-thirds vote of the COUNCIL and confirmation by the DIRECTOR, after three consecutive unexcused absences or four total unexcused absences in the prior twelve (12) months from the COUNCIL's regular meetings. For any potential removal of a MEMBER, the MEMBER at issue shall be informed by the COUNCIL, in writing, at least thirty (30) calendar days in advance of any action to revoke his or her membership.

4.6 A vacancy exists upon receipt of a written resignation from a MEMBER, or upon removal of a MEMBER pursuant to these SOP or the Bylaws. In the event of a vacancy, new MEMBERS shall be added as provided in the Bylaws. The term of office of a MEMBER filling a vacancy shall be for the balance of the vacated term.

4.7 No membership dues may be required.

5. OFFICER ELECTIONS

5.1 Elections of COUNCIL officers shall be held in accordance with the Bylaws. Voting on the election of officers shall be by written ballot. No secret ballot shall be permitted. Ballots shall be available at the noticed COUNCIL meeting at which the election will be held. COUNCIL shall retain completed ballots and make them available to the public, upon request, at a publically-accessible area at the location where the COUNCIL regularly conducts its meetings and official business, for a minimum of thirty (30) calendar days from the related election. The results of the election shall be reported in the COUNCIL meeting and contained in the minutes as set forth in these SOP.

5.2 The COUNCIL officers shall be MEMBERS of the COUNCIL. Officers shall be elected by a majority vote of the MEMBERS present at the meeting, and only after notice of the election was announced and posted at the previous regular meeting of the COUNCIL. Officer positions shall be set forth in the Bylaws; however, the COUNCIL shall have at least the following officers: Chairperson/President; Vice Chairperson/Vice President; Secretary. The

Bylaws may create additional officers. The Bylaws shall set forth the length of each officer's term; however, no term shall exceed two (2) years. No person may serve in the same office of the COUNCIL for more than four (4) consecutive years, unless authorized by the DIRECTOR in his or her sole discretion.

5.3 The Bylaws shall set forth a written procedure for disciplinary action of and removal of COUNCIL officers and shall create an appropriate appeals process.

6. OFFICER DUTIES

6.1 The duties of all COUNCIL officers shall be stated in the Bylaws.

6.2 The Chairperson/President shall be the principal officer of the COUNCIL, preside over the COUNCIL meetings, sign approved minutes for all meetings he or she attended, and review annual special revenue fund financial reports. The COUNCIL agenda for each meeting shall be prepared in accordance with the desires and priorities expressed by the President/Chairperson.

6.3 The Vice Chairperson/Vice President shall perform all of the duties and responsibilities of the Chairperson/President in the absence of the Chairperson/President.

6.4 The Secretary shall prepare all correspondence on behalf of the COUNCIL, sign all approved minutes from COUNCIL meetings, and may prepare COUNCIL agenda and minutes. Upon request by the COUNCIL, the DIRECTOR may appoint a DEPARTMENT representative to assist the COUNCIL as a recording secretary. Said DEPARTMENT representative may: (1) maintain an attendance record and membership roster; (2) report on the attendance record and membership roster at each COUNCIL meeting; (3) record, prepare, and maintain minutes of the COUNCIL meetings; (4) make minutes available to the COUNCIL and general public; and (5) compile and post COUNCIL meeting agendas. The appointed DEPARTMENT representative shall not fulfill any other duties that are to be performed by the Secretary. Notwithstanding the foregoing, both the Secretary and COUNCIL Chairperson/President shall sign the approved minutes of COUNCIL meetings as required by this SOP.

6.5 Notwithstanding anything to the contrary in this SOP, upon request by the COUNCIL the DIRECTOR may, in his or her sole discretion, appoint a DEPARTMENT representative to serve the COUNCIL and to perform any of the COUNCIL or COUNCIL officer duties or functions required by the PERMIT or these SOP. In no event shall the foregoing require, or be interpreted as requiring, the DIRECTOR to provide any such personnel or other support to serve or assist the COUNCIL.

7. REVENUE ACCOUNT EXPENDITURES AND APPROVALS

7.1 Any funds collected into a City special revenue fund associated with the AREA/COUNCIL shall be used only for park-related purposes within the AREA, including promoting and conducting community recreation programs and events, purchasing

equipment, supplies, and furnishings; performing maintenance projects; for and related activities. COUNCIL's annual budget for the expenditure of funds shall be in compliance with all applicable laws, regulations, policies, and applicable DEPARTMENT Instructions ("DEPARTMENT Instructions" to mean those certain policy and procedure directives promulgated by the DIRECTOR and subject to periodic amendment). The designation or earmarking of any funds by the COUNCIL must be approved by the DIRECTOR in each instance.

7.2 COUNCIL, assisted by Park and Recreation staff, shall prepare and adopt an annual budget for each fiscal year to guide the CITY's expenditure of funds in any CITY revenue account for the AREA. COUNCIL's budget shall be adopted prior to of each fiscal year. COUNCIL shall submit a copy of the adopted budget to the DIRECTOR within ten (10) days of its approval by the COUNCIL.

7.3 Staff will prepare for COUNCIL quarterly financial statements summarizing disbursements for the preceding quarter. The statements will describe purchases in general categories.

8. DEFENSE AND INDEMNIFICATION

8.1 As established by Council Policy 700-42, CITY hereby agrees to defend and indemnify current and past COUNCIL members, directors and officers ("MEMBER" or "MEMBERS") from liability for acts of the MEMBER performed while engaged in COUNCIL duties authorized by Council Policy 700-42 and these SOP, provided that such acts were performed under the direction, control or supervision of the DEPARTMENT. CITY shall further defend and indemnify the MEMBERS from liability for acts performed in connection with the COUNCIL acting as a body in conformance with these SOP and the policy guidelines of CITY. CITY shall not, however, defend or indemnify any MEMBER or MEMBERS for any acts allegedly occurring: (1) as the result of a criminal act; or (2) in violation of COUNCIL's bylaws or corporate governance documents, or any CITY policy or procedure. Further, the CITY may refuse to defend and indemnify any MEMBER if the MEMBER acted or failed to act because of fraud, corruption, actual malice, or bad faith, or if the MEMBER does not reasonably cooperate with CITY in the defense of any claim or action. Nothing in these SOP shall require CITY to indemnify or defend any MEMBER against a claim for punitive damages, except as and when authorized by City Council pursuant to state law. In order to be eligible for defense and indemnification, the COUNCIL and/or the MEMBER must make a written request for representation to the DIRECTOR within five (5) working days of having been served with the first complaint in any legal action.

9. CONFLICTS OF INTEREST

9.1 All MEMBERS and COUNCIL personnel employed in performing the obligations and duties under Council Policy 700-42 and these SOP, as individuals, and COUNCIL as a whole, must remain free from financial or economic interest relating to their participation in COUNCIL. CITY retains the right to refuse any proposed expenditure of funds in COUNCIL's budget if the expenditure will result in a financial or economic interest of any

MEMBER or COUNCIL personnel.

9.2 All MEMBERS and COUNCIL personnel employed in performing the obligations and duties under these SOP, as individuals, and COUNCIL as a whole, shall at all times comply with all applicable laws regarding conflicts of interest. Unless permitted by applicable laws, no MEMBER shall vote or otherwise participate in any COUNCIL action or project if that MEMBER has a direct or indirect economic interest in the action or project.

10. GENERAL PROVISIONS

10.1 As long as COUNCIL serves as the CITY's officially recognized recreation council for the AREA in compliance with Council Policy 700-42 and these SOP, COUNCIL will have the ability to conduct official activities within the AREA without charge. COUNCIL shall use the AREA for the purposes of conducting COUNCIL meetings, special events, fundraising activities, and for assisting with coordination of AREA field and facility usage. All such COUNCIL use of the AREA shall be subject to the prior written approval of the DEPARTMENT in each instance. The rights and responsibilities granted herein are separate and independent from any other use permit or organizational rights and responsibilities of separate park users.

10.2 No Nuisance. COUNCIL shall not use the AREA, in any manner which creates a nuisance or unreasonably disturbs the quiet enjoyment of persons in and to the surrounding area.

10.3 Signs. COUNCIL shall not erect or display any banners, pennants, flags, posters, signs, decorations, marquees, awnings or similar devices or advertising without CITY's prior written consent. If any such unauthorized item is found in the AREA, COUNCIL shall remove the item at its expense within twenty-four (24) hours after notice by CITY, or CITY may thereafter summarily remove the item at COUNCIL's cost.

10.4 Drug-Free Environment. It is the policy of CITY that all facilities provided under this PERMIT shall be utilized and operated in a drug-free environment. COUNCIL shall initially and periodically make this fact known.

10.5 No Discrimination. COUNCIL shall not discriminate or permit discrimination in any manner against any person or class of persons on account of race, color, religion, gender, gender expression, gender identity, sexual orientation, medical status, national origin, ethnicity, age, marital status or disability, including without limitation the provision of goods, services facilities, privileges, advantages and accommodations, and the hiring and retention of employees and contractors.

10.6 Compliance with Law. COUNCIL shall at all times in conducting obligations and duties under Council Policy 700-42 and these SOP comply with all applicable laws, rules, regulations, and directives of competent governmental authorities.

10.7 California Public Records Act. COUNCIL shall comply, and shall assist CITY in compliance, with the provisions of the California Public Records Act, codified in California Government Code sections 6250-6270, for all documents and records created by or distributed to a majority of the COUNCIL in connection with a matter subject to consideration by the COUNCIL at an open meeting.

10.8 Political Activity. All COUNCIL activities shall be non-partisan and non-sectarian. The COUNCIL shall not officially or unofficially participate in, or lend its influence to, the adoption or defeat of any public ballot measure, or the election of any candidate for public office, regardless of whether the nomination or election is partisan or non-partisan. Notwithstanding the forgoing, COUNCIL may provide a neutral forum for public debate such as at a “candidate forum” and similar events, and the COUNCIL may endorse non-partisan ballot measures that directly benefit park and recreation facilities and services and which have been official supported by a vote of the San Diego City Council.

10.9 Improvements/Alterations. COUNCIL shall not make or cause any improvements, changes, or alterations to be made to the AREA, or any portion thereof, without prior written approval of the CITY. Any and all improvements, fixtures, structures and installations or additions to the AREA constructed or installed by COUNCIL shall be the property of CITY. Except as required by law, CITY shall not be obligated to make any repair or assume any expense for any improvements or alterations to the AREA. COUNCIL, at COUNCIL’s sole cost and expense, shall obtain all required permits and approvals from the applicable local, state and federal authorities, including without limitation from CITY.