

## Attachment A

### MEMORANDUM FROM DON LIDDELL, BYLAWS/ RULES SUBCOMMITTEE CHAIR

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At the last Uptown Planners meeting on April 7, 2009, I recommended that Uptown Planners consider establishing an *ad hoc* "Community Plan Update Advisory Subcommittee" as the best way to facilitate its collaboration with the City, affected stakeholder groups, and members of the Uptown community in the Community Plan Update process. In order to (i) minimize layers of bureaucracy and confusion, and (ii) promote effective community outreach and discussion. The newly formed Advisory Subcommittee should exist for the duration of the Community Plan Update process, functioning as an Uptown Planners "committee of the whole". The Advisory Subcommittee would consist of all of the elected members of Uptown Planners, and would obviate the need for any form separate an advisory committee established by the City. To support the recommended approach, this memorandum reviews (i) the draft Community Plan Update Manuals as it currently is propose for adoption, (ii) the City of San Diego's Policy on the roles and responsibilities of community planning groups, (iii) the Uptown Planner Bylaws – all in the context of the requirements of Brown Act and the over arching goals and objectives of San Diego's General Plan

#### ***I. BACKGROUND***

An invitation to an initial public meeting to discuss the Community Plan update process with City staff that was sent to the Uptown, North Park, and Golden Hill community planning groups on January 28, 2009, stated that the agenda would include "the planning framework established by the City's new General Plan, and public involvement in the process by the existing community planning groups, as well as stakeholder committees formed for this purpose. These stakeholder committees will provide the opportunity for other interested members of the community to be formally involved in the process".

At the initial public meeting, there was no mention of San Diego's City Council Policy No. 600-24, which provides that community planning groups, such as Uptown Planners, "have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, *specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries*". Council Policy 600-24 also states that the City does not direct or recommend the election of specified individual planning group members, nor does the City appoint members to planning groups, or recommend removal of individual members of a planning group."

The Uptown Planners Bylaws, adopted pursuant to City Council Policy No, 600-24, provide, at Article VI, that "It is the duty of the Uptown Planners to cooperatively work with the City throughout the planning process, including, but not limited to, the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.". Article VI of the Bylaws also provide that "Uptown Planners may establish standing and *ad hoc* subcommittees when their operation contributes to more effective discussions at regular Uptown Planners meetings. In addition, the Bylaws require that any duly

formed standing or *ad hoc* committees must consist of a majority of members that are elected members of Uptown Planners. Apart from the Brown Act and City Council policy, the Bylaws place no other procedural restrictions or requirements on formation of subcommittees. Like the Uptown Planners themselves, their meetings are conducted in accordance with Roberts Rules of Order.

## ***II. DRAFT COMMUNITY PLAN UPDATE MANUAL***

Following the initial public meeting, a Memorandum transmitting a “Final Draft of a Community Plan Preparation Manual” to San Diego’s Community Planners Committee on March 17, 2009, says that “Planning staff manages the community plan update process and the recognized community planning groups serve as **the** major partner in the process.” It goes on to say, however, that “At this time, the [City Planning & Community Investment] department is unable to support Community Planning Group (CPG) “veto” rights over non-CPG seats on the Community Plan Update Advisory Committees. Community Plan Update Advisory Committee seats are comprised of a CPG majority with additional seats reserved for other interested community persons. The CPG may provide input on the composition of the CPUAC seats. The non-CPG seats will be selected by either a lottery monitored by CPCI or by council member appointment.”

The Final Draft of the Community Plan Preparation Manual was prepared by the City in accordance with guidance provided by the California State Office of Planning and Research 2009 General Plan Guidelines. There may be other sources of authority for its contents, but none are cited in the draft or the transmittal Memorandum. The draft says that “To ensure timely participation by the public and planning group a Community Plan Update Advisory Committee should be formed. This committee may be a subcommittee of the community planning group or formed as a separate committee by the City in consultation with the CPG. This committee will focus solely on the plan update and will meet regularly in a formal public setting where the appropriate time can be committed to the update and community input is encouraged. This committee is subject to the Brown Act meeting requirements and as a subcommittee of the planning group it is subject to the planning group’s bylaws and Council Policy 600-24. (page 10).

The draft Manual states further “There is no single approach to public participation that fits all events or communities. All updates will have a Community Plan Update Advisory Committee that will be tasked with meeting regularly and reviewing all aspects of the plan update. The Community Plan Update Advisory Committee is responsible for convening the public discussion on the update and may be a newly formed group, a subcommittee of the community planning group, or other advisory body depending on the needs of the community.” The draft Manual presents two suggested alternative approaches Uptown Planners to chose from: “A Community Plan Update Advisory Committee may be established as a subcommittee of the planning group or the planning group may have representatives on a separately established committee.”

The draft Manual says: “Once the plan update begins and Planning staff has identified all the stakeholders involved, *the community planning group will form a Community Plan Update Advisory Committee.*”[Emphasis added] Contrary to the requirements of Council Policy 600-24 and the Uptown Planners Bylaws, the draft Manual then purports to dictate the appointment of a category of members of a subcommittee of Uptown Planners: “The Community Plan Update Advisory Committee will need to have balanced representation and include both elected members

of the community planning group as well as non-members who wish to participate in the plan update.”

### ***III. CONCLUSION***

Uptown Planners should establish a committee of the whole to act as an advisory group to the City as and by itself, rather than cede its legitimate authority and responsibilities to a body that has no legal standing. As described in Roberts Rules of Order: “When an assembly has to consider a subject which it does not wish to refer to a committee, and yet where the subject matter is not well digested and put into proper form for its definite action, or when, for any other reason, it is desirable for the assembly to consider a subject with all the freedom of an ordinary committee, it is the practice to refer the matter to the “Committee of the Whole.” The committee of the whole is a very common practice, used to facilitate discussion and streamline administrative procedures that is ideally suited to serve the functions contemplated by the draft Community Plan Update Manual. The San Diego City Council, of course, routinely sits as the committee of the whole to facilitate discussion in accordance with the Permanent Rules of Council and report recommend action to the Council sitting itself. There is simply no good reason to ignore a traditional, well understood, and very workable committee of the whole procedure in order to embrace an advisory committee approach to the Community Planning process that is untried and likely to produce an unintended consequence – chaos.