

CITY OF SAN DIEGO
COUNCIL POLICY 600-24
ADMINISTRATIVE GUIDELINES

APRIL 2010

on planning groups. Individuals working from home may not be representative of the businesses with non-residential business addresses within the community and should not be selected for those seats. However, a planning group may designate a seat as a "home occupation" while retaining the representative number of non-residential business seats.

Planning groups may find that a community interest would be better represented by a planning group member filling a seat by appointment. Usually, having a limited number of appointed seats is consistent with CP 600-24. Appointments may be made by the planning group or by the entity that the seat represents, depending on the seat. If planning groups include an appointed seat, then the bylaws should clearly define the following:

- ◆ The reason for the appointed seat.
- ◆ Any special responsibilities of that seat.
- ◆ The level of participation of that seat in voting, meetings, and subcommittees.
- ◆ The length of the terms of service.
- ◆ Whether and how that seat may be converted to another category.
- ◆ Whether the planning group or the represented entity appoints the seat.

Section 4. Terms and Limits

The basic term limitation requirements in Council Policy 600-24 allow members to serve for up to eight or nine years, depending on the length of their fixed terms. Member's terms may be two, three, or four years in length. Members serving for two or four years are limited to a total of eight consecutive years on a recognized community planning group, while members serving three year terms are limited to nine consecutive years regardless of the number of different elected planning group seats a member has held during those years.

If a member has not reached their eight or nine years of service and is elected to a term that would carry their service beyond eight or nine years, they may fill the seat for the balance of their service period. For example a member could serve seven years and be elected to a three year term. The member may serve one (or two) years of the term but would need a one year break in service when they reach the eight (or nine) years of service.

Members who have reached the end of their allowed number of terms and years may, after a one year break in service, again serve on a planning group. Breaks in service of less than one year cause subsequent time to count as continuous time against the total number of years of service limits, although the time not in service may be subtracted. For example, a member could serve 7 years and six months, have a break in service for 6 months and return to serve for six more months for a total of 8 years of service. Upon reaching 8 (or 9) years of service the member would need to take a continuous one year break in service.

Members who have served more than eight or nine years may serve in excess of the term limits without a break in service, if a good faith effort has been made by the planning group to develop a list of potential new candidates that exceeds in number the seats that are open for election, and subject to the following:

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1. If a candidate with service beyond eight or nine years is to appear on the ballot with new candidates, the ballot should identify that the candidate exceeds the planning group's allowable term limits and that the candidate must receive a two-thirds vote of all ballots cast by eligible community members participating in the regular election, to be elected. The ballot should also indicate that this candidate will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., a new candidate has priority over candidates exceeding the term limits.
2. After open seats are filled with new members, candidates with service beyond eight or nine years, who received a two-thirds vote, may be considered for remaining open seats, with the highest vote recipient exceeding the eight or nine year limitation taking the first open seat that they qualify for, etc.
3. No more than 25 percent of the total planning group membership can consist of members serving excess of the specified terms of service. At the time of the election, if 25 percent of the planning group is made up of members serving in excess of the specified terms of service, the candidate with service beyond eight or nine years may not even be considered.

If the planning group has specific categories of elected seats, and seats within particular categories remain open after an election, the planning group may consider adopting a procedure or bylaw provision which prescribes how those remaining seats may be filled, i.e., with a new candidate from another category or with a candidate with service beyond eight or nine years receiving two-thirds vote within that category.

A candidate with service beyond eight or nine years may be nominated to fill a mid-term vacancy only if there are no other nominations. For such a candidate to be elected a two-thirds vote is required and the 25 percent limitation is met with the seating of the candidate.

Election by a two-thirds majority to a term beyond eight or nine years should be considered "time on" for the purposes of counting continuous service. If an additional term is subsequently sought without a break in service, a two-thirds majority vote is again required.

Section 5. Eligibility to Serve

Section 5 states that a planning group member must retain eligibility during their entire term of service. A planning group member becomes ineligible when he or she no longer meets the eligibility requirements found in Art. III, Section 3 (i.e. property owner, resident, business person) or exceeds the number of allowable absences found in Art. IV, Section 1 of CP 600-24 and these Administrative Guidelines. When this occurs a planning group member should resign. Additionally, as the secretary becomes aware that a member is no longer eligible to serve they should notify the member and present documentation to this effect at a regularly scheduled meeting. If another board member becomes aware that a member is no longer eligible they should notify the secretary of this situation. Although the Council Policy states a planning group member "may" be removed upon determination of ineligibility, it is the planning group's duty to vote to remove the member who has become ineligible.