

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

Individual planning group members may potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, but only if the member intended to deprive the public of information 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, but does not include mere deliberation without taking some action. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Any planning group, or any of its individual members, may seek assistance, as well as training, from the City Attorney to better understand, to implement, and comply with the Brown Act.

Section 3. Council Policy 600-24 Violations and Remedies

Council Policy 600-24 provides various remedies for violation of its provisions by recognized community planning groups or their elected members. Where a planning group does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the City.

Alleged Violations by a Member of a Recognized Community Planning Group

In the case of an alleged violation of this Policy or a recognized community planning group's adopted bylaws by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and adopted planning group bylaws.

If the planning group, after a thorough investigation, determines that the individual member has violated a provision of this Policy or the planning group's bylaws, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted planning group bylaws.

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A member found to be not in compliance with the provisions of this Policy not subject to Brown Act or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, as discussed further in Article X, Section 1, and any future amendments thereto.

Alleged Violations by a Recognized Community Planning Group

In case the of an alleged violation of this Policy or adopted planning group bylaws by a recognized community planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City for investigation by the Mayor's office. The City will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute.

If a violation against a recognized community planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

A planning group found to be out of compliance with the provisions of Council Policy 600-24 that are not subject to the Brown Act or with its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

HISTORY:

Amended by Resolution R-300940 - 10/17/2005

Amended by Resolution R-302671 - 05/22/2007

Amended by Resolution R-307347 - 04/05/2012

Attachment "Bylaws Shell"