

**CITY OF SAN DIEGO
PARK AND RECREATION DEPARTMENT
STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES
FOR RECREATION COUNCILS ISSUED A SPECIAL USE PERMIT
February 22, 2011**

ARTICLE I POLICY

- Section 1. After approval by the Park and Recreation Department Director (DIRECTOR), each Recreation Council (COUNCIL) shall adopt an official name which will include the community or site name, followed by "Park and Recreation Council." If the Special Use Permit (PERMIT) of a COUNCIL is terminated or not renewed and the body is not dissolved, then the entity must immediately change its name in all future usage to exclude the term "Park and Recreation Council."
- Section 2. All COUNCIL activities shall be conducted in the COUNCIL's official name.
- Section 3. All COUNCIL contracts shall be executed by the COUNCIL in its official name. Contracts for services shall use the most recently approved Independent Contractor Agreement provided by the Park and Recreation Department (DEPARTMENT), unless another form is specifically authorized by the DEPARTMENT.
- Section 4. The official positions and opinions of the COUNCIL shall be established or determined only by the COUNCIL at a public meeting held in conformance with the Brown Act and with all of the requirements of the Standard Operating Procedures (SOP) and Responsibilities for Recreation Councils issued a Special Use Permit (SUP) set forth herein.

ARTICLE II PURPOSE OF THE COUNCIL

- Section 1. The purpose of the COUNCIL shall be to promote the recreation programs in the community through planning, administering, publicizing, coordination, and providing community programs. The COUNCIL may also make recommendations to the Park and Recreation Department (DEPARTMENT), and to the Park and Recreation Board and other park advisory committees, on matters in the COUNCIL's jurisdiction, as identified in the PERMIT, related to park and recreation programs and facilities through broad community input and in accordance with DEPARTMENT and Park and Recreation Board policies. The COUNCIL and each member/director of the COUNCIL shall at all times act in the best interests of the CITY. A COUNCIL may raise funds in accordance with the provision of its DIRECTOR-approved bylaws and must work with the DEPARTMENT when providing programs, special events, and enhanced services, facilities, equipment, and supplies. A COUNCIL,

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whether or not incorporated, must operate in full compliance with the terms and conditions of the PERMIT and the SOP. In its role as a program provider, a COUNCIL is responsible for all contractual relationships involving independent contractors.

Members shall not identify affiliation with the Council in public communications unless specifically directed by the Council to be their official representative as part of a publicly noticed meeting in full compliance with the Brown Act. This includes, but is not limited to, written communications, public testimony and newspaper interviews.

Section 2. All COUNCIL activities shall be non-partisan and non-sectarian, and shall not discriminate against any person or persons in any manner prohibited by law. COUNCIL sponsorship or co-sponsorship of activities must receive the prior written approval of the DIRECTOR or his or her staff designee to enable the DEPARTMENT to assess liability exposure as well as appropriateness of the activity.

Section 3. The COUNCIL shall not take part, officially or un-officially, or lend its influence in, the election of any candidate for political office. A COUNCIL as a whole may endorse non-partisan ballot measures, but is not permitted to take a position on or endorse a political candidate. Ballot measures which directly benefit park and recreation facilities and services, and which have been officially supported by a vote of the San Diego City Council, may be officially endorsed by the COUNCIL when endorsing ballot measures.

ARTICLE III COUNCIL DUTIES

Section 1. It shall be the duty of each COUNCIL member/director to attend all COUNCIL meetings. A quorum, as defined by the COUNCIL's bylaws, but in no event less than the greater of either twenty-five (25%) or three (3) members/directors of the membership, must be present in order to conduct business and/or vote on projects or actions at regular COUNCIL meetings. **Proxy or phone votes are strictly prohibited.** A report of attendance and a copy of the draft COUNCIL minutes which include the number of yea, nay, and abstention votes taken on each matter acted upon for each meeting shall be available to the public at a central area within the Recreation Center or from the DEPARTMENT representative as soon as reasonably possible, but at least seven (7) calendar days prior to

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the next regular meeting. Copies of approved minutes shall be available to the public within seven (7) calendar days of the next scheduled meeting. COUNCIL actions on specific items shall indicate final voting results. Each COUNCIL shall adopt written procedures for confirming voting eligibility.

All meetings, as defined by the Brown Act, of COUNCIL, its standing subcommittees, and its officers and executive groups, shall be noticed and open to the public, in accordance with the Brown Act, except for matters related to COUNCIL personnel or litigation, and shall be conducted in accordance with Robert's Rules of Order. COUNCIL shall comply with the Brown Act with regard to all COUNCIL-related actions.

- Section 2. It shall be the duty of the COUNCIL to maintain a current, up-to-date roster of the names of each and every COUNCIL member/director and whether each is an at-large member or an organizational representative. This roster shall be maintained by the Recording Secretary unless this duty is performed by the Correspondence Secretary. The roster must be provided by the COUNCIL to the DEPARTMENT immediately upon any change.
- Section 3. 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. It shall also be the duty of the COUNCIL, when reviewing development projects, to allow participation of affected property owners, residents, and business establishments with proximity to the proposed development as determined by the DEPARTMENT. The COUNCIL shall inform the project applicant or representative each time such review will take place and provide the applicant with an opportunity to present the project. Any interested member of the public shall be given the opportunity to comment on items during the COUNCIL meetings.
- Section 4. Any member/director of a COUNCIL with a direct/indirect economic interest in any action/project that comes before the COUNCIL or any subcommittees must disclose that interest, and must recuse from voting and not participate in any manner as a member of the COUNCIL for the

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item on the agenda.

ARTICLE IV MEMBERSHIP

- Section 1. The COUNCIL shall consist of not less than five (5) members/directors, nor more than fifteen (15) members/directors, provided, however, when a larger membership would give better representation to a community, the DIRECTOR may approve such larger membership. The membership of a COUNCIL may consist of at-large and organization members. An at-large member is any individual who is at least eighteen (18) years of age who lives, works, or owns property in the geographic area covered by the COUNCIL's PERMIT (AREA) as depicted by a map attached as Exhibit A to each COUNCIL's PERMIT and who has been elected or otherwise confirmed as a member in compliance with the COUNCIL's bylaws which have been approved by the DIRECTOR; an organization member is an individual who is at least eighteen (18) years of age who represents an organized or special interest community service or athletic group that conducts primary operations within City facilities, fields, and/or parks under the jurisdiction of the DEPARTMENT within the AREA as depicted by a map attached as Exhibit A to each COUNCIL's PERMIT and who has been elected or otherwise confirmed as a member in compliance with the COUNCIL's bylaws which have been approved by the DIRECTOR. However, in no event, shall any member/director enter into or have any financial contract with the COUNCIL. Additionally, no individual who has any financial contract with the COUNCIL shall be eligible to be a member/director of the COUNCIL. The bylaws shall state the total number of members and the percentage of at large members. The DIRECTOR may also approve membership of less than five (5) members after a COUNCIL has provided written evidence of membership outreach efforts satisfactory to the DIRECTOR. Upon issuance of a PERMIT by the Department, the members/directors of the COUNCIL shall constitute the official COUNCIL for the purposes set forth in ARTICLE II.
- Section 2. To be eligible as a COUNCIL member/director, an individual must be at least eighteen (18) years of age. Members/directors must be willing to accept and perform responsibilities delegated by the COUNCIL. Eligibility may be further defined in the COUNCIL adopted bylaws approved by the DIRECTOR. Exceptions to eligibility requirements must be approved in writing by the DIRECTOR or his/her staff designee. COUNCIL

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members/directors shall be, to the extent possible, representative of the AREA as depicted in the map attached as Exhibit A.

- Section 3. Procedures for determining membership of the COUNCIL must be included in each of the COUNCIL bylaws. The members/directors may either be determined by a community wide election process or by a confirmation process as set forth in each COUNCIL's bylaws. To become a member/director through the confirmation process, a member/director must first attend three (3) consecutive meetings and then submit a letter of intent to the COUNCIL's staff representative.
- Section 4. Any member/director found to be in willful violation of the COUNCIL's bylaws, Articles of Incorporation, or the PERMIT may, by two-thirds vote of the current membership of the COUNCIL, be removed from the COUNCIL upon confirmation by the DIRECTOR. The member/director shall be informed by the COUNCIL in writing at least 30 calendar days in advance of any action to revoke the membership or privileges of any member/director of the COUNCIL.
- Section 5. The COUNCIL shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the COUNCIL's Recording Secretary reporting the third consecutive absence or the fourth absence in the calendar year of a member from the COUNCIL's regular meetings. New members are added to the COUNCIL in the order that they have qualified and submitted their written letter of intent. In the case where the COUNCIL has reached its membership limit, qualified individuals or organizations must wait until a vacancy exists to become a member of the COUNCIL.
- Section 6. Vacancies that may occur on the COUNCIL shall be filled in a manner specified in Article IV, Section 3. The term of office of any member/director filling any confirmed vacancy shall be for the balance of the vacated term.
- Section 7. If the COUNCIL has fewer than five (5) members/directors in good standing the DIRECTOR shall determine if the COUNCIL should continue to operate or be placed on inactive status until the COUNCIL has at least five (5) members/directors in good standing. If the COUNCIL is on inactive status, an interim COUNCIL may be appointed by the DIRECTOR at his or her sole discretion.

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Section 8. No membership dues may be required.

ARTICLE V OFFICERS

Section 1. Elections of COUNCIL officers shall be held in accordance with each COUNCIL's bylaws, but in no event shall any term exceed two years. A nominating committee shall be selected no later than the October meeting. The nominating committee shall present the slate of officers no later than the December meeting, with elections no later than the January meeting. Officers shall begin their terms on the date of the first board meeting following the elections.

Section 2. Voting 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. Completed ballots are to be maintained and made available to the public at the recreation center for a minimum of 30 calendar days after the meeting in which elections were held. In the event of a single slate, the election may be held by "voice vote". A "voice vote" means an oral vote of the COUNCIL consisting of a tally of the "yeas", "nays", and "abstentions" of each member/director. The tally shall be conducted in open session and documented in the official COUNCIL minutes as to the vote of each individual member/director. The minutes in which the tally is recorded shall be made available to the public and shall be kept for a minimum of at least thirty (30) calendar days at the recreation center.

Section 3. The officers of the COUNCIL shall be elected from and by a majority vote of the members/directors of the COUNCIL. Officer positions shall include a Chairperson/President, Vice Chairperson/Vice president, Corresponding Secretary and Treasurer/Chief Financial Officer. A COUNCIL may, in its bylaws, include such other officers as the COUNCIL may deem necessary. The COUNCIL shall determine the length of an officer's term (e.g. 1 or 2-years) in its bylaws, except no person may serve in the same office for more than four (4) consecutive years.

Section 4. The COUNCIL shall develop written procedures for both disciplinary action and removal of COUNCIL officer(s) and shall create an appropriate appeal process.

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ARTICLE VI OFFICER DUTIES

- Section 1. The Chairperson/President shall be the principal officer of the COUNCIL and shall preside over all the COUNCIL meetings, as well as review annual COUNCIL financial reports. The Chairperson/President has no right to vote EXCEPT in the event of a tie vote on any item. The Chairperson/President is the only officer that is not specifically recognized as an at-large or organizational member. The Chairperson/President must review and provide his or her signature approval of the minutes of each COUNCIL meeting in which he or she is in attendance.
- Section 2. The Vice Chairperson/Vice President in the absence of the Chairperson/President shall perform all of the duties and responsibilities of the Chairperson/President.
- Section 3. The Corresponding Secretary shall prepare all COUNCIL correspondences and COUNCIL minutes. Minutes can be provided by the DEPARTMENT if the COUNCIL makes such a request from the DEPARTMENT per Section 6 below to assist in this duty. The DEPARTMENT is not required to provide such assistance. The Corresponding Secretary is to provide correspondence to the COUNCIL and general public upon request of the COUNCIL, the City, or any member of the general public.
- Section 4. The Treasurer/Chief Financial Officer shall be accountable for overseeing the receipt, deposit, and disbursement of all COUNCIL funds, and shall ensure submission of all necessary returns and/or income reporting forms as required by federal and/or state directives. Disbursement of any COUNCIL funds shall comply with all applicable law including, but not limited to, ensuring that any such disbursements serve a public and park purpose and are not a gift of public funds. The Treasurer/Chief Financial Officer shall review to ensure accuracy of all financial transactions as required by the PERMIT and the Department, and shall submit at each regular COUNCIL meeting a financial report covering all transactions since the prior meeting. All disbursements must be approved by the COUNCIL by a majority vote of the COUNCIL membership. Any disbursements by the COUNCIL shall require the signatures of at least two COUNCIL officers.

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Section 5. Park and Recreation Department staff may assist the COUNCIL in financial matters by doing such things as collecting and tracking revenues, making bank deposits, and reconciling bank statements when the COUNCIL annual gross receipts total less than \$100,000. At such point that the COUNCIL's annual gross receipts (this includes monies brought into the COUNCIL by any and all means) equals or are greater than \$100,000, the COUNCIL shall be required to perform the functions of tracking revenues and reconciling bank statements without the assistance of Park and Recreation Department staff. Notwithstanding the foregoing, the Treasurer/Chief Financial Officer is still responsible for his or her duties under Section 4 of Article VI.

Section 6. If COUNCIL should request it and it is approved by the DEPARTMENT, each COUNCIL shall have a Recording Secretary who is a Department representative appointed by the DIRECTOR or his/her designee. The Recording Secretary shall not be a member of the COUNCIL, but shall assist with the following duties, if requested by the COUNCIL: (1) maintain an attendance record and membership roster and provide a report of the same at each COUNCIL meeting pursuant to ARTICLE III, Section 2; (2) record, prepare, and maintain minutes of the actions at each of the COUNCIL meetings and make that information available to the COUNCIL and general public, unless those duties are performed by the Corresponding Secretary. Any corrections, additions and/or deletions to the minutes must be discussed and adopted by a majority vote of its members that were present at that particular COUNCIL meeting. Both the Recording Secretary and COUNCIL President shall sign the approved minutes of COUNCIL meetings.

Since the COUNCIL's purpose includes making recommendations to the DEPARTMENT on matters related to park and recreation programs, the DEPARTMENT, through the Recording Secretary, shall prepare the agenda for the meetings in accordance with the desires and priorities expressed by the COUNCIL President. The agenda shall be publicly noticed, in accordance with the Brown Act, no less than seventy-two (72) hours prior to the COUNCIL meeting.

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Attachment: Exhibit A Council District Map