

**Mira Mesa Park and Recreation Council Bylaws**  
Approved by Mira Mesa Park and Recreation Council February 9, 2016

**ARTICLE I POLICY**

- Section 1. COUNCIL Name. This Recreation Council (COUNCIL) shall conduct business under the official name of the Mira Mesa Park and Recreation Council after approval by the Park and Recreation Department Director (DIRECTOR). If the Special Use Permit (PERMIT) of the COUNCIL is terminated or not renewed and the incorporated body is not dissolved, the COUNCIL shall change its name to exclude the term "Park and Recreation Council."
- Section 2. COUNCIL Activities to be Conducted in Official Name. All COUNCIL activities shall be conducted in the name of the Mira Mesa Park and Recreation Council.
- Section 3. COUNCIL Contracts. All COUNCIL contracts shall be executed by the COUNCIL in its official name as noted in Article I Section 1 above. 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. COUNCIL Positions and Opinions. 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 Park and Recreation Department Standard Operating Procedures (SOP) and Responsibilities for Recreation Councils issued a Special Use Permit (SUP).

**ARTICLE II PURPOSE OF THE COUNCIL**

- Section 1. COUNCIL Purpose. 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 may raise funds in accordance with the provision of these DIRECTOR-approved bylaws and must work with the DEPARTMENT when providing programs, special events, and enhanced services, facilities, equipment, and supplies.

**Mira Mesa Park and Recreation Council Bylaws**  
**Approved by Mira Mesa Park and Recreation Council February 9, 2016**

The COUNCIL will operate in full compliance with the terms and conditions of the PERMIT and the Standard Operating Procedures (SOP). In its role as a program provider, the COUNCIL is responsible for all contractual relationships involving independent contractors.

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.

- Section 2. COUNCIL Activities. 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. Political Activities. 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 foregoing, 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 officially supported by a vote of the San Diego City Council.
- Section 4. Nonprofit status. COUNCIL shall maintain status as a non-profit 501(c)(3) corporation from the Internal Revenue Service and the State of California during the term of this PERMIT and comply with all applicable laws and regulations to maintain such status as a non-profit corporation. COUNCIL shall provide any documentation requested by the DEPARTMENT regarding COUNCIL's non-profit status.
- Section 5. Conflict between Bylaws, PERMIT and SOP. In the event of a conflict between any provisions of the Bylaws and the PERMIT and the SOP, the terms, conditions and obligations of the PERMIT and the SOP shall control.

**Mira Mesa Park and Recreation Council Bylaws**  
Approved by Mira Mesa Park and Recreation Council February 9, 2016

**ARTICLE III COUNCIL DUTIES**

Section 1. COUNCIL Meetings. It shall be the duty of each COUNCIL member to attend all COUNCIL meetings. A quorum, defined as the greater of either three (3) members or twenty-five percent (25%) of the membership, must be present in order to conduct business and/or vote on projects or actions at regular COUNCIL meetings. Absences shall not reduce the number needed for a quorum. **Proxy or phone votes are not permitted.**

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 the Lopez Ridge Recreation Center, on the Mira Mesa Recreation Council website, or from the DEPARTMENT representative 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 Lopez Ridge Recreation Center.

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. Membership Roster. 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 Secretary. The roster shall be provided by the COUNCIL to the DEPARTMENT immediately upon change.

**Mira Mesa Park and Recreation Council Bylaws**  
Approved by Mira Mesa Park and Recreation Council February 9, 2016

- Section 3. Community Outreach and Participation. 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 the 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-range 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. Disclosure of Economic Interest. Any member of the COUNCIL with a direct/indirect economic interest in any action 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 item on the agenda.

**ARTICLE IV MEMBERSHIP**

- Section 1. COUNCIL Membership. The COUNCIL shall consist of not less than five (5) members, nor more than fifteen (15) 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. The membership of the COUNCIL consists of at-large and organization members. An at-large member is any individual 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, and who has been elected or otherwise confirmed as a member in compliance with the DIRECTOR approved COUNCIL bylaws. An organization member is a member 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. However, in no event, shall any member/director enter into or have any financial contract with the COUNCIL. Upon issuance of a PERMIT by the DEPARTMENT, the members of the COUNCIL shall constitute the official COUNCIL for the purposes set forth in ARTICLE II.

To improve representation from throughout the community, the COUNCIL shall consist of a maximum of 20 members. The number of at-large members shall be limited to a maximum of 15.

**Mira Mesa Park and Recreation Council Bylaws**  
Approved by Mira Mesa Park and Recreation Council February 9, 2016

- Section 2. COUNCIL Eligibility Requirements. To be eligible as a COUNCIL member, an individual must be at least eighteen (18) years of age. Members must be willing to accept and perform responsibilities delegated by the COUNCIL. Exceptions to eligibility requirements must be approved in writing by the DIRECTOR or his/her staff designee. COUNCIL members shall be, to the extent possible, representative of the AREA.
- Section 3. COUNCIL Membership Procedure. To become a member an individual must first attend (3) consecutive meetings. In the case of an “at large” member, the new member must then submit a letter of intent to the COUNCIL’s Staff Representative. In the case of an “organizational” member, after the new member has attended 3 consecutive meetings, the organization’s president or chairman must provide a written statement indicating that the proposed new member will be the representative of the organization. The organization may also designate an alternate representative. COUNCIL members are confirmed by a vote of the members.
- Section 4. Removal of a COUNCIL Member. Any MEMBER found by the COUNCIL, by a preponderance of evidence, to be in violation of the Bylaws, the COUNCIL’s corporate governance documents, the PERMIT, or these SOP, may be removed from the COUNCIL by two-thirds vote 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.
- Section 5. Vacancy. A vacancy exists upon receipt of a written resignation from a MEMBER, or upon removal of a MEMBER pursuant to the SOP or these Bylaws.
- Section 6. Procedure to Fill Vacancies. 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 filling any confirmed vacancy shall be for the balance of the vacated term.
- Section 7. Insufficient Number of Members. If the COUNCIL has fewer than five (5) members 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 in good standing. If the COUNCIL is on inactive status, an interim COUNCIL may be appointed by the DIRECTOR.
- Section 8. No Membership Dues. No membership dues shall be required.

**Mira Mesa Park and Recreation Council Bylaws**  
Approved by Mira Mesa Park and Recreation Council February 9, 2016

**ARTICLE V OFFICERS**

- Section 1. Annual Elections. Elections of COUNCIL officers shall be held yearly. A nominating committee shall be selected no later than the October meeting. The nominating committee shall present the slate of officers by the November meeting, with elections by the December meeting. Officers shall begin their terms the first meeting following the elections.
- Section 2. Voting Ballots. 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 the Lopez Ridge Recreation Center, 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. In the event of an uncontested slate, the election may be held by “voice vote”.
- Section 3. Officers, Terms of Office and Term Limits. The officers of the COUNCIL shall be elected from and by a majority vote of the members of the COUNCIL. Said officers shall consist of Chairperson, Vice Chairperson, Secretary and Treasurer. The COUNCIL may, in an amendment/update of these By-Laws, include such other officers as the COUNCIL may deem necessary. Each office shall consist of a term of one (1) year. No person may serve in the same office for more than four (4) consecutive years.
- Section 4. Discipline and Removal of Officers. The COUNCIL shall develop written procedures for both disciplinary action and removal of COUNCIL officer(s) and provide an appropriate appeal process.

**Mira Mesa Park and Recreation Council Bylaws**  
Approved by Mira Mesa Park and Recreation Council February 9, 2016

**ARTICLE VI OFFICER DUTIES**

- Section 1. Chairperson. The Chairperson 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 COUNCIL financial reports. The COUNCIL agenda for each meeting shall be prepared in accordance with the desires and priorities expressed by the Chairperson.
- Section 2. Vice Chairperson. The Vice Chairperson shall perform all of the duties and responsibilities of the Chairperson/President in the absence of the Chairperson/President.
- Section 3. Secretary. The Secretary shall prepare all correspondence on behalf of the COUNCIL and sign all approved minutes from COUNCIL meetings. The COUNCIL requests that the DIRECTOR appoint a DEPARTMENT representative to assist the COUNCIL as a recording secretary. Said DEPARTMENT representative will: (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.
- Section 4. Treasurer. The Treasurer shall submit a financial report at each regular COUNCIL meeting covering all transactions since the prior meeting. All disbursements must be approved by a majority vote of the COUNCIL. Any disbursements by the COUNCIL shall require the signatures of at least two COUNCIL officers. The DEPARTMENT will assist the COUNCIL in financial matters by doing such things as collecting and tracking revenues, making bank deposits, and reconciling bank statements. In the event that annual gross receipts of the COUNCIL exceed \$100,000, COUNCIL shall obtain the services of a professional accountant and/or bookkeeper to prepare and maintain COUNCIL financial records. Notwithstanding the foregoing, the Treasurer shall at all times still remain responsible for all of his or her other duties under the Bylaws and the SOP.
- Section 5. Park and Recreation Department Assistance. 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 the 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.

**Mira Mesa Park and Recreation Council Bylaws**  
 Approved by Mira Mesa Park and Recreation Council February 9, 2016

Attachment: Exhibit A Mira Mesa Park and Recreation Council designated geographic area.

