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July 30, 2019

Chair Georgette Gómez
Rules Committee
San Diego City Council
202 "C" Street, 12th Floor
San Diego, CA 92101

RE: Initial Committee Review of Community Planning Group Proposed Ballot Measure (Sub-item G)

Chair Georgette Gómez,

On behalf of Circulate San Diego, whose mission is to create excellent mobility choices and vibrant, healthy neighborhoods, I am writing with comments on the initial Rules Committee review of Sub-item G: consideration of a ballot measure to add Community Planning Groups (CPGs) and the Community Planners Committee to the City Charter.

The Rules Committee should request to receive advice from the City Attorney on the need for this charter amendment. However, any effort to enshrine CPGs into municipal law is premature until the City Council forms a Citizen's Committee or otherwise addresses how some CPGs currently restrict public participation from many members of the communities they are tasked to represent.

1. Equity concerns must be addressed so that everyone has a fair opportunity to participate in CPGs.

Circulate has provided numerous trainings for how to participate with CPGs, and we believe that community input is fundamental to planning decisions. CPGs are largely governed by Council Policy 600-24, and are largely the responsibility of the City Council. Three recently released reports address overlapping equity issues for CPG participation, including Circulate's "Democracy in Planning" report¹, the City Auditor's "Performance Audit of Community Planning Groups"², and the County Grand Jury Report.³ These reports make recommendations that address the City Council's responsibility to make

¹ Democracy in Planning, Circulate San Diego, February 12, 2018, available at <http://www.circulatesd.org/democracyinplanning>.

² Performance Audit of Community Planning Groups, Office of the City Auditor, City of San Diego, December 2018, available at https://www.sandiego.gov/sites/default/files/19-013_community_planning_groups.pdf.

³ San Diego City Community Planning Groups, San Diego County Grand Jury, April 18, 2018, available at <https://www.sandiegocounty.gov/content/dam/sdc/grandjury/reports/2017-2018/SanDiegoCommunityPlanningGroups.pdf>.

CPGs more democratic and accessible so that every community member has a fair opportunity to participate in community planning. These equity-focused recommendations include:

- Prohibitions against policies that restrict the right of community members to vote in and stand for CPG elections.
- Agenda reform to ensure land use and transportation items are heard at the beginning of CPG meetings.
- Elimination of term limit loopholes and providing continuing education to ensure new CPG members have an opportunity to serve as informed citizen planners.

Serious concerns have been raised about CPGs' exclusionary and undemocratic practices beyond these reports. In Tierrasanta, a community with 10,000 residents living in military housing and 20,000 residents in non-military housing, military families are allowed only one non-voting CPG member while the rest of the community has 14 representatives on their CPG.⁴ In University City, the students of UC San Diego are not allowed to be members of their CPG even if they are community residents. These longstanding concerns must be addressed to ensure that the City of San Diego is not defending and propagating systems that deny equal and equitable participation in local decisionmaking.

2. Any proposal to amend the City Charter must ensure that CPGs are truly democratic, not simply freeze them in their current state.

Earlier this year, Circulate released a memorandum with legal concerns over the structure of the City of San Diego's CPGs.⁵ Those legal concerns are twofold:

- City Charter: The City Charter requires that advisory committees created by the City Council may only include members appointed by the Mayor and confirmed by the City Council. The current practice of CPG elections is not in accord with the City Charter.
- Political Reform Act: The City has not followed Fair Political Practices Commission advice to demonstrate that CPGs are exempt from the Political Reform Act. If the City cannot meet this burden, or it chooses not to undertake that effort, then the Political Reform Act requires CPG members to file statements of economic interest.

The proposed ballot measure appears to acknowledge that the current election structure of CPGs is not permitted by the City Charter. Unfortunately, it also attempts to preserve CPGs in their current state without correcting other legal or equity concerns. If the City Charter is to be amended to allow CPG

⁴ Dustin Paredes, Eric Peoples and Shawn VanDiver, Tierrasanta Community Planning Group Shouldn't Deny Votes for Military Families, Voice of San Diego (September 24, 2018), available at <https://www.voiceofsandiego.org/topics/opinion/tierrasanta-community-planning-group-shouldnt-deny-votes-for-military-families/>.

⁵ Colin Parent and Matt Stucky, Legal Concerns with Structure of City of San Diego's Community Planning Groups, Circulate San Diego (April 4, 2019), available at http://www.circulatesd.org/memo_legal_concerns_with_structure_of_city_of_san_diego_s_community_planning_groups.

elections, reforms must also be adopted to ensure that CPGs are not allowed to continue practices that exclude public participation.

3. Barriers that undermine the purpose of CPGs to advance democratic participation must be corrected, starting with the formation of a Citizens' Committee.

Any amendment to the City Charter regarding CPGs must be paired with efforts to reform their practices. A Citizens' Committee was proposed at the Land Use and Housing Committee on April 10th, 2019 and received unanimous support by all four members of the Committee. Unfortunately, this proposal has not yet received a hearing at City Council.

Circulate supports the formation of a Citizens' Committee, which would be tasked with recommending CPG reforms to the City Council after thorough review and input from a wide range of stakeholders. A Citizens' Committee would review the reports generated about CPGs, accounts of exclusionary CPG practices, and any City Attorney analysis of existing legal concerns. The Citizen's Committee would then be able to develop a comprehensive proposal for democratizing, improving, and reforming CPGs, including perhaps with a Charter Amendment.

Alone and as currently proposed, Sub-Item G will not fix the major legal and equity concerns that the City of San Diego must address comprehensively. While the Rules Committee should direct the City Attorney to opine on the legality of the current CPG structure, the proposed ballot measure is premature. The City Council should move forward with a Citizens' Committee to address the numerous equity concerns, and with the necessary advice and counsel from the City Attorney.

Sincerely,



Maya Rosas
Director of Policy

CC:

Mayor Kevin Faulconer
San Diego City Council