

**SAN DIEGO CALIFORNIA**

**PROCEDURE FOR FORMATION OF PROJECT AREA COMMITTEE**

**FOR**

**MERCADO DEL BARRIO REDEVELOPMENT PROJECT**

**OCTOBER, 1989**

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PROCEDURE FOR FORMATION OF PROJECT AREA COMMITTEE

I. [§100]GENERAL

A. [§ 101]Purpose

The purpose of this document is to set forth a Procedure, as required by the Community Redevelopment Law, California Health & Safety Code Sections 33000 et seq. (the “Law”) relating to the formation of a project area committee in connection with the adoption of the redevelopment plan for the Mercado del Barrio redevelopment Project. The City Council of the City of San Diego has determined that a substantial number of low and moderate income families may be affected and/or displaced by the proposed ‘redevelopment project, and it has directed the Redevelopment Agency of the City of San Diego to form a project area committee. The Agency shall comply with this Procedure to form and select the project area committee.

B. [§ 102] Authority

This Procedure has been adopted by resolution of the City Council of the City of San Diego, pursuant to Section 33385 of the Law.

II. [§ 200] DEFINITIONS

Whenever the following terms are used in this Procedure, unless otherwise defined, such terms shall have the meaning ascribed to them in this Article 200.

A. [§ 201]                    Agency

“Agency” means the Redevelopment Agency of the City and any officers, employees, contractors and agents, including those in City departments, who may be assigned the duties and responsibilities for implementing this Procedure.

B. [§ 202]                    Business

“Business” means any lawful activity conducted by an entity within the Project Area primarily:

- (1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property; or
- (2) For the sale of services to the public.

C. [§ 203]                    Business Owners

“Business Owner” means any person or legal entity which owns and operates a business from a facility within the Project Area, or which owns property in the Project Area for investment and not for occupancy.

D. [§ 204] City

“City” means the City of San Diego, California.

E. [§205] City Council

“City Council” means the legislative body of the City.

F. [§ 206] Existing Community Organization

“Existing Community Organization” means any existing nonprofit association of persons and/or entities which has its headquarters or a site office within the Project Area, or a substantial number of whose constituents are persons and/or entities within the Project Area, and which association is generally recognized within the Project Area as a community organization.

G. [§ 207] Project Area

“Project Area” means the area designated by the City Council by Resolution No. \_\_\_\_\_ adopted on \_\_\_\_\_ to be selected by the Planning Commission of the City to be included within the Redevelopment Project.

H. [§ 208] Project Area Committee

“Project Area Committee” or “PAC” means the committee formed and selected pursuant to Section 33385 of the Law and in accordance with this Procedure.

I. [§ 209] Redevelopment Project

“Redevelopment Project” means the redevelopment project referred to as the Mercado del Barrio which is being considered for adoption pursuant to Law.

J. [§ 210] Resident

“Resident” means any person who owns, leases or rents a residential dwelling unit within the Project Area and occupies the same as his or her residence.

K. [§ 211] Residential Owner Occupant

“Residential Owner Occupant” means any Resident who owns all or substantial fee interest in the dwelling unit which he or she occupies.

L. [§ 212] Residential Tenant

“Residential Tenant” means any Resident who occupies his or her dwelling unit by right under a lease or rental agreement.

III. [§ 300] PUBLICIZING THE OPPORTUNITY TO SERVE ON THE PROJECT AREA COMMITTEE

The Agency shall publicize the opportunity to serve on the PAC. The Agency may take any or all of the following actions to publicize the opportunity to serve on the PAC:

A. [§301] Posting Notice

The Agency may post notice of the opportunity to serve on the PAC in conspicuous locations throughout the Project Area. Such notices may also be posted in the following locations:

- (1) office of the City Clerk;
- (2) foyer of the City Administration Building; and
- (3) public buildings in the Project Area.

B. [§302] Display Advertisement

The Agency may place notice of the opportunity to serve on the PAC in a display advertisement in a newspaper of general circulation within the City.

C. [§ 303] Public Announcement

The Agency may make an announcement to the general public at any of its regular meetings held prior to any public meetings, hearings or plebiscites required by this Procedure, announcing the opportunity to serve on the PAC.

D. [§ 304] Published and Mailed Notice

The Agency may include notice of the opportunity to serve on the PAC in any published and/or mailed notice which the Agency gives in accordance with the Law and this Procedure to notice any meeting, hearing, or plebiscite relative to the formation and selection of the PAC.

E. [§ 305] Other Mechanisms to Publicize Opportunity to Serve on PAC

The Agency may produce radio advertisements, distribute flyers, or undertake such other action as it deems necessary or advisable to further publicize the opportunity to serve on the PAC.

F. [§ 306] Foreign Languages

The Agency may, if it determines it is necessary or advisable to effectively carry out the purpose of this Procedure, translate any of the notices or announcements required by this Procedure into another language.

IV. [§ 400] MEETINGS, HEARINGS AND PLEBISCITES

The Agency shall conduct meetings, hearings and plebiscites as necessary or appropriate to explain and form the PAC.

A. [§ 401] Public Meeting to Explain the PAC

The Agency shall conduct a minimum of one (1) public meeting to explain the establishment of, functions of, and opportunity to serve on the PAC.

At such public meeting, the Agency shall distribute copies of the following documents:

- 1) this procedure;
- 2) a preliminary redevelopment plan or the pertinent portions thereof; and
- 3) any other materials the Agency determines would be useful.

In addition to the material listed above, the Agency may distribute copies of the following documents:

- 1) Sections 33385 through 33388, inclusive, of the Law;
- 2) a copy of the preliminary plan;
- 3) Candidate Information Forms, as defined in Section 703 of this Procedure; and/or
- 4) any other materials the Agency determines would be useful.

The number of copies to be made available at the meeting shall be sufficient to meet the estimated number of attendees anticipated. Additional copies of the materials shall be available to the public at a place or places designated by the Agency.

The Agency may limit the number of documents to be distributed to any one person or entity to one (1) set, in order to avoid excessive and unnecessary costs. Any person or entity may request additional copies of the documents at a reasonable duplication cost.

B. [§ 402] PAC Formation Meeting

After the Agency conducts the public meeting to explain the PAC required in Section 401 of this Procedure, the Agency shall hold such other meeting or meetings as may be necessary to complete the formation and selection of the PAC. The purpose of such meeting or meetings shall be to hold an election for the PAC membership seats in accordance with the requirements of this Procedure.

C. [§ 403] Presentation of PAC to City Council

After the formation and selection of the PAC, the results shall be presented to the City Council at a public meeting. Notice of the date of presentation of the results to the City Council shall be announced at the PAC formation meeting or meetings, and notice shall be provided to residents and businesses in accordance with Article 500 of this Procedure. During such meeting, the public shall be given the opportunity to make any comments or objections to the election process or any action of the Agency in carrying out this Procedure.

V. [§500] NOTICE OF MEETINGS, HEARINGS AND PLEBISCITES

The Agency shall provide notice of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or City Council relative to the formation and selection of the PAC.

A. [§501] Publication

The Agency shall provide published notice of all meetings, hearings or plebiscites conducted by, or on behalf of, the Agency or City Council relative to the formation and selection of the PAC.

Each notice shall be published at least one (1) time in a newspaper of general circulation within the City at least ten (10) days prior to the date established for the applicable meeting, hearing or plebiscite, and in the manner required by the Law.

In lieu of publishing separate notice for each such meeting, hearing, or plebiscite, the Agency may publish combined notices setting forth all or some of the dates, times, and locations of such meetings, hearings and plebiscites.

B. [§502] Notice by Mail

The Agency shall provide written notice to all residents and businesses in the Project Area of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or City Council relative to the formation and selection of the PAC. The mailed notice requirement shall only apply when mailing addresses.. to all the individuals and businesses, or to all occupants, are obtainable by the Agency at a reasonable cost.

The notice shall be mailed by first class mail, but may be addressed to “occupant.” In lieu of providing separate notice for each meeting, hearing or plebiscite, the Agency may provide combined notices pursuant to this section stating all or some of the dates, times, and locations of such meetings, hearing and plebiscites.

If the Agency has acted in good faith to comply with the notice requirements of this section, the failure of the Agency to provide the required notice to residents or businesses unknown to the Agency or whose addresses could not be obtained at a reasonable cost, shall not, in and of itself, invalidate the formation or actions of the PAC

C. [§503] Other Forms of Notice

The Agency may post notices, distribute flyers or undertake such other actions at it deems necessary or advisable in order to further inform Residential Owner Occupants, Residential Tenants, Business Owners, and Existing Community Organizations within the Project Area of the formation and selection of the PAC.

VI. [§ 600] PAC MEMBERSHIP CATEGORIES

A. [§ 601] Categories

The PAC shall have fifteen members in the following four categories (and numbers):

- 1) Residential Owner Occupants (two);
- 2) Residential Tenants (five);
- 3) **Business Owners (five); and**
- 4) Representatives of existing Community Organizations (three).

Community organizations may include any of the following:

1. Charitable Organizations — organizations that have as their focus the provision of support services within the Project Area such as shelter, food and clothing, counseling, and medical assistance.
2. Civic Organizations - organizations that have as their focus, the betterment of all or a portion of the Project Area by the promotion of activities and events, planning, business conditions, or quality of life.
3. Cultural Organizations — organizations that have as their focus the preservation of ethnic culture, historical preservation, music, theater, dance, art and similar programs within the Project Area.

B. [§ 602] Existing Community Organizations

Three representatives shall be selected from the category of ~4s.tiLg community organizations. All three members shall be elected by those eligible to vote in all categories.

C. [§ 603] Vacancies in Membership Categories

In the event there is an insufficient number of candidates elected to each category of membership of the PAC, such seats may remain vacant until qualified candidates apply and a subsequent election is held. The existence of vacancies shall not prevent the PAC from carrying out its duties as required by the Law.

VII. [§700] ELECTION PROCESS

A. [§ 701] Eligibility Requirements for Residents and Business Owners

In order to qualify to vote to elect members of the PAC a person must present proof that he or she is at least 18 years of age or older, and is either a Resident or Business Owner within the Project Area. Proof of eligibility may include any of the following documents and materials, as applicable:

- 1) California driver's license;
- 2) California identification card;
- 3) Lease or rental agreement;
- 4) Lease or rental receipt;
- 5) Deed to real property;
- 6) Property tax bill;
- 7) Business license;
- 8) Business stationary or card;
- 9) Utility bill; or
- 10) Any other documents or material's which the Agency may deem acceptable.

Eligibility requirements for candidates are the same as for voters.

B. [§ 702] Eligibility Requirements for Representatives of Existing Community Organizations

In order to determine the eligibility of a representative from An existing Community Organization for membership on the PAC the following evidence must be submitted:

- 1) existence of the organization at the time the Project Area boundaries were selected by the Planning Commission;
- 2) existence and operation within the Project Area, such as articles of incorporation, by—laws, non-profit status, business license or such other documentation;
- 3) a resolution or minutes of the organization's board of directors designating its Representatives and authorizing such person to act on its behalf; and
- 4) such other documentation which the Agency may deem necessary to carry out the intent of this section

Each Existing Community Organization shall be entitled to designate one person to: (a) vote on its behalf for one representative Existing Community Organizations; and (b) be a candidate to become a member of the PAC representative of existing community organizations.

C. [§703] Candidate Information Forms

In order to facilitate the election of a representative PAC, any person desiring to serve must complete and provide the Agency with a “Candidate Information Form” no later than the time set by the Agency, which shall be no less than one week after the public meeting to explain the PAC as provided for in Section 401 of this Procedure. Nominations for candidates will be taken from the floor at the PAC formation meeting(s) in accordance with parliamentary procedure. Any person nominated from the floor shall submit the Candidate Information Form immediately after his or her nomination. Copies of Candidate Information Forms will be made available at the PAC formation meeting(s) and will otherwise be available by request to the Agency.

The Candidate Information Forms will call for the following information:

- 1) the name and address of the candidate; including “qualifying address,” if different;
- 2) the membership category for which the candidate is running; and
- 3) a brief statement of the candidate’s qualifications to be made available for the election meeting.

Failure of any person to submit a signed candidate information form shall remove the nominee from candidacy.

D. [§704] Pre-election Registration

Prior to the election, any person desiring to vote must register with the Agency by producing proof of eligibility to vote as provided for in Sections 701 and 702 of this Procedure. After a person is registered he or she shall be given two ballots, one for the membership category for which he or she qualifies, and the other for the category of Existing Community Organization. The designated representative of an Existing Community Organization shall be given one ballot for the category of existing community organization.

Any person eligible to vote or be a candidate in more than one membership category (other than voting for representatives of existing community organizations) must choose one of the categories. Proof of eligibility must be provided for the category chosen.

E. [§ 705] Candidate Speeches

All candidates from each membership category shall be given a reasonable opportunity to make a speech at the public meeting prior to the election. The Agency shall establish the period of time allowed for each speech; taking into consideration the number of candidates and other circumstances surrounding the election.

F. [§ 706] Balloting

Ballots shall be provided for each membership category. Voting shall be conducted by secret ballot. The Agency may set up private booths, but such booths are not required. The Agency shall make a reasonable effort to insure private voting. Simply folding of the ballot and passing it to an authorized election assistant will suffice.

The tallying of ballots shall occur at the meeting, but in a manner so as not to disturb the rest of the election meeting. The public shall be invited to observe, but there shall also be a representative from the City Clerk’s office to provide official verification.

G. [§ 707] Results; Runoffs

The Agency shall announce the winners of each category of membership as soon as possible after the balloting for each category. The candidates with the highest number of votes in each applicable category shall be elected until all membership slots of each category are filled. If a runoff is necessary because of a tie vote, it shall be announced as soon as possible in order to attempt to retain voters in the runoff category.

The Agency staff shall also announce that the election results (including ballots) will be kept for presentation to the City Council, in order to deal with any challenges. Any challenges to the election of any member to the PAC must be made in writing and submitted to the City Council within one week after the election. Any challenge must be directed to the propriety of the election itself, and not to the results (except in so far as the election procedures affected the results). The City Council shall use its reasonable discretion to resolve any questions presented by the challenges. The decision of the City Council shall be final.

VIII. [§800] GENERAL PROVISIONS

A. [§ 801] Implementation

The Agency is authorized to formulate and take all actions necessary or appropriate to implement this Procedure consistent with the Procedure and the Law.

B. [§ 802] Agency Costs

The Agency may charge fees to persons purchasing or leasing property from the Agency in the Project Area and to persons participating in redevelopment of the Project Area under an owner participation agreement to defray any cost to the Agency or the City Council of complying with this Procedure.

C. [§ 803] Compensation of PAC Members

The members of the PAC shall serve without compensation.

IX. [§ 900] AMENDMENT OF PROCEDURE

The City Council may amend this Procedure to make any necessary adjustments or changes to effectively form and select a representative PAC.

