

**PROCEDURE FOR FORMATION AND ELECTION OF
THE PROJECT AREA COMMITTEE FOR
THE CROSSROADS REDEVELOPMENT PROJECT AREA**

I. [100] GENERAL

A. [101] Purpose

The purpose of this document is to set forth a procedure, as required by Section 33385 of the Community Redevelopment Law (California Health and Safety Code 33000 et seq., herein referred to as the “CRL”), for formation of a project area committee (“PAC”) in connection with the adoption of the Crossroads Redevelopment Project Area (“Project” or “Project Area”). The City Council of the City of San Diego has determined that a substantial number of low and moderate income persons or families reside within the Project Area, and the proposed Crossroads Redevelopment Plan (“Plan”) may contain eminent domain authority on property on which persons reside, and it has directed the Redevelopment Agency of the City of San Diego to form a Project Area Committee. A map identifying the “Project Area” is attached hereto as Exhibit “1” and is referred to herein as the “PAC Area.” CRL Section 33385 provides for the City Council of the City of San Diego to establish a procedure for formation of the PAC and a community-wide procedure for election of PAC members. The procedure established herein shall be used to govern formation and election of the PAC.

B. [102] Authority

This Procedure for Formation and Election of the Project Area Committee for the Crossroads Redevelopment Project Area (“Procedure”) was approved and adopted by resolution of the City Council of the City of San Diego.

II. [200] DEFINITIONS

A. [201] Agency

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

B. [202] Business

“Business” means any lawful activity, whether or not carried on for profit, which is conducted within the PAC Area for (i) the purchase, sale, lease, or rental of tangible or intangible personal property (a “Retail Business”); (ii) the manufacture, processing or marketing of products, commodities or any other personal property (a “Manufacturing Business”); or (iii) the sale of services to the public (a “Service Business”). Business also includes any property owner that is a Person who owns the real property in the PAC Area, who does not use the real property for their primary

residence. Such real property includes residential non-owner occupied property, industrial property, retail property, and other commercial property.

C. [203] City

“City” means the City of San Diego, California, a municipal corporation.

D. [204] City Council

“City Council” means the City Council of the City of San Diego, exercising powers as the legislative body under the Redevelopment Law.

E. [205] Community Organization

“Community Organization” means both:

“Existing Community Organizations” are any nonprofit association of persons organized for religious, entrepreneurial, scientific, educational, literary or other purposes, which conducts its regularly scheduled meetings within the boundaries of the PAC Area and uses an address located within the Project Area for its office or headquarters; and

“Community Planning / Improvement Groups” are organizations recognized by the City Council that either provide community planning and land use recommendations to the Planning Commission and City Council for areas within the Project Area, are a City-recognized business improvement district located within the Project Area. These include the Eastern Area Community Planning Committee (“EACPC”), City Heights Community Planning Group (“CHCPG”), College Area Community Council (“CACC”), the College Area Business Improvement District.

F. [206] PAC Area

“PAC Area” means the PAC Area shown on the PAC Area Map attached hereto as Exhibit “1”. For purpose of the PAC election, the PAC Area has been divided into: (1) the EACPC and CACC & CHCPG Areas for the purpose of electing representatives in the Residential category (see Exhibit 1-a); and (2) the Northern and Southern Areas for the purpose of electing representatives in the Business category (see Exhibit 1-b).

G. [207] Person

“Person” means, but is not limited to, an individual, household, family, proprietorship, partnership, business trust, joint venture, syndicate, corporation, or association.

H. [208] Project Area Committee

“Project Area Committee” or “PAC” means the committee formed and selected in accordance with Section 33385, et seq., of the Redevelopment Law and the procedure set forth herein.

I. [209] Resident

“Resident” means a Residential Owner-Occupant or Residential Tenant.

J. [210] Resident Owner-Occupant

“Residential Owner-Occupant” means a person who owns all or a substantial fee interest in a dwelling unit in the PAC Area and occupies such dwelling unit as the person’s permanent residence and usual place of abode.

K. [211] Residential Tenant

“Residential Tenant” means a person who occupies a dwelling unit in the PAC Area by right under a lease, rental agreement, or other arrangement with the owner of the dwelling unit, and has occupied such dwelling unit as a permanent residence and usual place of abode for not less than twenty-nine (29) days prior to the time for submittal of a completed PAC application as described in Section 702 herein. Family members that reside with residential owner occupants but own no fee interest in the residential dwelling are considered residential tenants.

III. [300] PUBLICIZING THE OPPORTUNITY TO SERVE ON THE PAC

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 shall publicize the opportunity to serve on the PAC by mailing written notice of the opportunity to serve to all Residents, Businesses, and Community Organizations in the PAC Area. This notice shall be mailed by first-class mail at least thirty (30) days prior to the formation of the PAC. The Agency may include notice of the opportunity to serve on the PAC in any published and/or mailed notice which Agency gives in accordance with the CRL 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] PUBLIC MEETINGS

A. [401] Meetings

The Agency staff shall conduct at least one public informational meeting to explain the establishment and functions of the PAC, and the opportunity to serve on the PAC and shall conduct a meeting to elect members of the PAC. At the informational meeting, the Agency shall distribute and make available to each attendee: (i) a copy of Article 6.5 of the Redevelopment Law (Sections 33385-33388); (ii) a copy of Sections 33347.5 and 33366 of the Redevelopment Law; (iii) a copy of this procedure; (iv) a copy of the Preliminary Plan for the Project Area; (v) applications for PAC membership; and (vi) 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 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 Election Meeting

After the Agency conducts the public information meeting to explain the establishment and functions of the PAC as 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

The Agency shall present the results of the PAC Election to the City Council at a regular meeting of the City Council following the PAC Election, which date shall be announced at the PAC Election meeting. The City Council shall adopt a finding that all the relevant portions of this Procedure regarding the election were followed and shall determine the validity of any properly filed challenges to the PAC Election within the time required by law and as set forth in Section 709 of this Procedure.

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

The Agency shall publish notice of all meetings, hearings, or plebiscites conducted by the Agency or the City Council, or on behalf of the City Council or Agency, relative to the formation and selection of the PAC, and the opportunity to serve on the PAC in the same manner as specified in Subdivision (a) of Section 65090 of the Government Code.

A. [501] Publication of Notice

The Agency shall publish notice of each meeting, hearing, or plebiscite relative to the formation and selection of the PAC at least one time in a newspaper of general circulation in the City at least ten (10) days prior to the date for each meeting, hearing, or plebiscite.

In lieu of publishing separate notice for each 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 mail written notice to all Residents, Businesses, and Existing Community Organizations in the PAC Area of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or the City Council relative to the formation and selection of the PAC (following the approval of this Procedure). This

mailed notice requirement shall only apply if mailing addresses of all Residents, Businesses, Community Organizations, or of 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 a single notice pursuant to this Section 502 stating all dates, times, and locations of any meetings, hearings, and plebiscites relative to the formation and selection of the PAC.

If the Agency has acted in good faith to comply with the notice requirements of this Section 502, the failure of the Agency to provide the required notice to Residents, Businesses, or Community Organizations 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

In addition to the notice required by Sections 501 and 502, the Agency may post notices, distribute flyers, purchase radio or newspaper display advertisements or undertake such other actions as it deems necessary or desirable to further inform Residents, Businesses, and Existing Community Organizations of the formation of the PAC.

VI. [600] COMPOSITION OF PAC MEMBERSHIP

A. [601] Categories

Subject to the remaining provisions of this Section 601, the PAC is to be composed of fifteen (15) members which shall include the number of representatives listed in each of the following categories:

Category	Number of Representatives
<u>Residential Owner-Occupant</u>	
College Area Community Council (CACC) & City Heights Community Planning Group (CHCPG) Area *	1
Eastern Area Community Planning Committee Area *	1
<u>Residential Tenant</u>	
CACC & CHCPG Area*	1
EACPC Area*	1
<u>Business Owner</u> – (includes property owner)	
Northern Area**	2
Southern Area**	3
<u>Community Organization</u>	
Eastern Area Community Planning Committee (EACPC)	1
College Area Community Council (CACC)	1

City Heights Community Planning Group (CHCPG)	1
College Area Business Improvement District (CA-BID)	1
Existing Community Organization	<u>2</u>
TOTAL	15

a Community Council & City Heights Community Planning Group Area and Eastern Area Community Planning Committee Area are shown on Exhibit 1-a

** The Northern Area and Southern Area are shown on Exhibit 1-b

B. [602] Community Organization/Appointment of Representative

Each of the four Community Planning/Improvement Groups shall appoint one its members to serve on the PAC. The Existing Community Organizations seat shall be filled by election and entities seeking to run for the “Existing Community Organization” seat shall appoint one of its members to submit a PAC Application, pursuant to Section 702 below, on behalf of the Existing Community Organization.

C. [603] Vacancies in Membership Categories -- Adjustment of Composition of PAC; Succession

If, at the time of formation of the PAC, an insufficient number of candidates are elected to represent each category of membership on the PAC, such seats may remain vacant until qualified and eligible candidates are selected in the manner provided by this Procedure. Until such time as vacant seats on the PAC have been filled, a majority of the occupied seats on the PAC shall constitute a quorum. The existence of any vacancies shall not prevent formation of the PAC or the conduct of business by the PAC.

If a vacancy should remain or occur after the formation of the PAC, the PAC shall by a vote of its remaining members determine which person(s) shall fill the categories or positions that are vacant. Such determination shall be made pursuant to such process, as the PAC shall deem appropriate, and without the mailing of notices required pursuant to Section 502 of this Procedure concerning the original establishment of the PAC.

VII. [700] ELECTION PROCEDURE

A. [701] Eligibility Requirements for PAC Membership & Voters

Upon submittal of a PAC Application, candidates for PAC membership must present evidence that they are eighteen (18) years of age or older. Candidates are advised that the Fair Political Practices Agency requires elected **PAC Members to complete Statements of Economic Interest which disclose certain personal financial information** concerning such PAC member. Candidates may only run for one category of PAC membership and must present a valid California identification card, drivers license, military identification, or similar identification and the following evidence as eligibility for the applicable category:

1. Residential Owner-Occupant: Recorded grant deed, property tax bill, mortgage payment contract, mortgage payment book, water utility bill, any other documents or materials that the Agency may deem acceptable.

2. Residential Tenant: Executed rental agreement, rent receipt, utility (other than water) bill, any other documents or materials that the Agency may deem acceptable.

3. Business Owner: Business license issued by State of California or City, property tax bill, water utility bill, proof of ownership of real property which is not used for primary residency in the Project Area. Eligibility documentation must be current and must indicate the correct name of the individual and the qualifying address of his or her business. No more than one stockholder or officer of a corporation may be registered as a voter or candidate on behalf of that corporation. Owners of multiple businesses and properties within the proposed Project Area shall cast one ballot only.

4. Existing Community Organization: Each of the following: (i) proof of existence of the organization as of at least six months prior to the time of the PAC informational meeting, (ii) proof of existence and operation within the PAC Area, such as articles of incorporation, bylaws or business license, and (iii) a resolution of the board of directors of such organization authorizing a representative to act on its behalf.

Eligibility requirements for candidates are the same as for voters.

B. [702] PAC Applications

A candidate for PAC membership must submit a completed PAC Application to the Agency office, no later than the time set by the Agency, which shall be no less than ten (10) days after the public meeting to explain the PAC formation as provided in Section 401 of this Procedure. A copy of the "PAC Application" is attached hereto as Exhibit "2" and incorporated herein by this reference. All PAC Applications submitted shall be available to the general public for review beginning on the business day following submittal. All PAC Applications shall be available at the election meeting described in Section 201 above, and at the Agency office prior to such meeting. The Redevelopment Agency is located at 600 B Street, San Diego, CA 92101- 4506 on the Fourth Floor.

C. [703] Voter Registration

Anyone desiring to vote at the PAC Election must complete a "Certification of Eligibility to Vote" form and provide satisfactory evidence to the Agency staff that he or she is (1) at least eighteen (18) years of age or older and (2) is a Residential Owner-Occupant or Residential Tenant or Business owner in the PAC Area, or is the authorized representative (as evidenced by a letter) of a Business or Existing Community Organization within the PAC Area. Proof of eligibility must comply with the requirements of Section 701 of this Procedure. Any person eligible to be a candidate or vote in more than one membership category must choose one of the membership categories. Only one individual may vote on behalf of any Business or Existing Community Organization. Each eligible Residential Owner-Occupant, and Residential Tenant may vote.

D. [704] Voting Categories

Each voter may cast a ballot for representatives of that voter's PAC membership category and for the category of Existing Community Organization. For example, voters who have qualified to vote as "CACC & CHCPG Area Residential Owner-Occupants" shall be entitled to vote for representatives of the "CACC & CHCPG Residential Owner-Occupant category" and for the Existing Community Organization category only. Voters who have qualified to vote as representatives of Existing Community Organizations are entitled to vote for that category only.

E. [705] Candidate Speeches

All candidates for each PAC membership category (i) EACPC Area Residential Owner-Occupant, (ii) CACC & CHCPG Area Residential Owner-Occupant (iii) EACPC Area Residential Tenant, (iv) CACC & CHCPG Area Residential Tenant, (v) Northern Area Business, (vi) Southern Area Business, and (vii) Existing Community Organization shall be given an opportunity to make a speech prior to the election. A time limit of three (3) minutes is established for each speech. If a candidate is unable to attend the election meeting, the candidate may designate a representative to make their speech. Reasonable rules of order (in the event of dispute, Roberts Rules of Order are to be used) will be applied, considering the number of candidates running in the PAC Election.

F. [706] Campaigning Restrictions

No campaigning shall take place within 100 feet of the polling place the day of the PAC elections.

G. [707] Balloting

Ballots shall be provided to registered voters for each PAC membership category, i.e., a CACC & CHCPG Residential Owner-Occupant ballot, an EACPC Residential Owner-Occupant ballot, a CACC & CHCPG Residential Tenant ballot, a EACPC Residential Tenant ballot, a Northern Area Businesses ballot, a Southern Area

Businesses ballot, and an Existing Community Organization ballot. Voting shall be conducted by secret ballot. The Agency shall appoint authorized election assistants to collect and tally the ballots. The Agency shall ensure secrecy of the ballot by requiring each ballot to be folded and passed to an authorized election assistant. No absentee or proxy voting is allowed. The election assistants shall tally the ballots at the PAC Election meeting. The public shall be invited to observe. A representative from the City Clerk's office shall be present when the ballots are tallied to provide official verification of the results of the PAC Election.

H. [708] Results/Runoffs

The Agency staff shall announce the winners of each membership category as soon as reasonably possible after balloting is completed and the election is officially closed. The candidates with the highest number of votes in each membership category shall be elected. In the event of a tie vote, a runoff will become necessary. The Agency will schedule and notice the time and place of the runoff election as soon as reasonably possible to bring final election results before the City Council for ratification in a timely manner. The Agency shall publicize the holding of the runoff election by mailing, first class, a notice of the runoff election to registered voters of the PAC election, by posting advance notice of the runoff election in the meeting notice book of the City Administration Building or in public buildings in the Project Area, and any other means the Agency deems appropriate.

At the PAC Election meeting, Agency staff shall announce that the election results and ballots shall be maintained by the Agency for presentation to the City Council.

I. [709] Challenges/Validity

Any challenge to the PAC Election or to the electoral procedures followed in connection with the PAC Election shall be filed with the City Council within fifteen (15) calendar days following the PAC Election or runoff election. Any challenge must be directed to the propriety of the election or runoff election process, and not to the results (except in so far as the election or runoff election process affected the results). The City Council shall review disputed elections by considering all challenges so filed and will determine the validity of those challenges within thirty (30) days following the PAC Election.

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 CRL.

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.

D. [804] Term

The PAC shall remain in effect for three (3) years after the adoption of the proposed Crossroads Redevelopment Plan. Upon conclusion of that three-year period, the PAC term shall only be extended on an annual basis pursuant to a City Council Resolution that authorizes a one-year extension and includes the method to be used for subsequent PAC elections.

E. [805] Amendment of Procedure

The procedure established herein may be amended from time to time by resolution of the City Council.

Attachments:

Exhibit 1 – Project Area Map

Exhibit 1a – Map showing “CACC & CHCPG” and “EACPC” areas

Exhibit 1b – Map showing “Northern” and “Southern” areas

Exhibit 2 – PAC Application form

EXHIBIT 1, 1a and 1b to be attached

EXHIBIT 2

**PROJECT AREA COMMITTEE APPLICATION
PROPOSED ADOPTION OF THE
CROSSROADS REDEVELOPMENT PROJECT AREA**

STATEMENT OF INTEREST AND QUALIFICATIONS

*This information will be made available to voters before the election.
(Please print and check the appropriate boxes)*

To the City Council of the City of San Diego:

I, _____

(Name: PLEASE PRINT)

would like to volunteer to run for election to the Crossroads Redevelopment Project Area Committee (PAC) at the election meeting to be held on _____.

I would like to be elected for the following category and certify that I am eligible:

[CHOOSE ONE ONLY]

1. Residential Owner-Occupant CACC & CHCPG Area*

I am a Residential Owner-Occupant in the CACC & CHCPG Area because I own and reside in residential property located at the following address: _____
_____.

2. Residential Owner-Occupant EACPC Area*

I am a Residential Owner-Occupant in the EACPC Area because I own and reside in residential property located at the following address: _____
_____.

3. Residential Tenant CACC & CHCPG Area*

I am a Residential Tenant in the CACC & CHCPG Area because I rent a dwelling unit and have occupied the dwelling unit as my permanent residence and usual place of abode for not less than twenty-nine (29) days. I reside at the following address: _____
_____.

4. Residential Tenant EACPC Area*

I am a Residential Tenant in the EACPC Area because I rent a dwelling unit and have occupied the dwelling unit as my permanent residence and usual place of abode for not less than twenty-nine (29) days. I reside at the following address: _____
_____.

5. **Business Owner - North (includes property owner)****

I am a Business Owner - North, or authorized representative of such Business, or own real property, which is not my residence. The name and address of the business is: _____

6. **Business Owner - South (includes property owner)****

I am a Business Owner - North, or authorized representative of such Business, or own real property, which is not my residence. The name and address of the business is: _____

7. **Existing Community Organization**

I am a member of an Existing Community Organization for either a service club , a church group , a neighborhood organization , or other nonprofit community organization , which conducts its regularly scheduled meetings within and uses an address located within the PAC Area. I have an official letter or resolution from the organization, on their letterhead, authorizing me to represent them. The name, address, and description of this community organization is:

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* The CACC & CHCPG Area and EACPC Area are shown on Exhibit 1-a of the Procedures

** The Northern Area and Southern Area are shown on Exhibit 1-b of the Procedures

The reasons I would like to serve on the Project Area Committee are as follows (include prior experience in community affairs and/or other qualifications to serve on the Project Area Committee, and attach additional sheet, if necessary):

I acknowledge that if elected as a PAC member, I will be required to complete a Statement of Economic Interest which discloses certain personal financial information concerning any financial interests I have in the Project Area (and my family and spouse, if applicable). I possess all the necessary qualifications to serve as a representative on the Project Area Committee and will participate in the regular PAC meetings. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date and Place

Signature

Residence Address

Qualifying Address (Address of Residence/Business/Existing Community Organization, whichever is applicable)

Mailing Address

Daytime Telephone Number

Evening Telephone Number

To be eligible for Project Area Committee membership, this completed application must be returned to and received **no later than 5:00 p.m. on 10th day May 2002** at the Agency office or College/Rolando Service Center. **The Redevelopment Agency is located at 600 B Street, San Diego, CA 92101- 4506 on the Fourth Floor and the College/Rolando Service Center is located at 4704 College Avenue (old Firehouse).** Any applications received after that time will be put on file for consideration for future Project Area Committee vacancies.