

**OLD TOWN COMMUNITY PLANNING COMMITTEE
NOTICE OF PUBLIC MEETING**

**Wednesday October 8, 2008 at 3:30 p.m.
Whaley House Courtroom
Corner of San Diego Avenue and Harney Street
Chairman- Jeanne Ferrell 619/995-0787**

1. Call To Order and Roll Call

2. Public Comment (Limit 3 Minutes)

3. Approval of Minutes of Previous Meeting: Geoff Mogilner, Secretary

4. Treasurer's Report: Vickie Durham, Treasurer

5. Announcements: Board, BID Chamber, North Bay P.A.C., BOOT, HOTCF, City Planning, City Council District, Mayor's Office, County Board of Supervisors, County Parks, State Parks, Cal Trans, State Legislature, U.S. Congress

6. Action Items:

**a) Congress Parking Lot
Project #152246**

Geoff Mogilner

b) Taylor Street Slope Restoration

Geoff Mogilner

7. Informational Items:

8. Subcommittee Reports Informational Items:

a) Signage Enforcement Report:

b) CPC Meeting Update:

c) Chairman's Comment:

9. Next Regular Meeting November 12, 2008 Whaley House Courtroom

Old Town San Diego Community Planning Group

Jeanne Ferrell, Chairperson
2448C San Diego Avenue
San Diego, California, 92110

Wednesday
Sept. 10th
2008

MEETING MINUTES

The meeting was called to order at 3:30 PM by Jeanne Ferrell at the Whaley House courtroom.

Members Present: _Chuck Ambers, Bruce Coons, Tom Doyle, Jeanne Ferrell, Fred Grand, Geoffrey Mogilner, Marie Pedrin-Gizoni, Christine Robinson, Fred Schwartz, William Harvey, Richard Stegner, David Thornton, Lance Wellwood.

Members Absent: .David Swarens.

Members Excused: Vickie Durham.

Guests: Richard Dennison - *Old Town San Diego State Historic Park*, 619 688-3398 <rdennison@park.ca.gov>; Vickie White - *San Diego City Planning & Com. Investment* 619 533-5967 <vwhite@sandiego.gov>; James Lawson - *Councilmember Faulconer* 619 236-6622 <jmlawson@sandiego.gov>; Deanneka Goodwin - *Community Representative Congresswoman Susan Davis*, 619 280-5353, <deanneda.goodwin@mail.house.gov>, David Surwilo - *SDPD Western Division*, 619 876-9646 surwilo@dp.sandiego.gov.

Approval of Minutes: **A motion by Fred Schwartz seconded by Fred Grand to adopt the minutes of 11 June 2008; Motion 10Sep08#1, was approved at 3:45 with 12 for, T.D. late, and two absent.**

Treasurer's Report: Vicky Durham at the August gathering reported a beginning balance of \$61.22 and June donations of \$25.00 bringing the beginning September balance to \$86.22.

Announcements: The new Community Planner for Old Town district is Vicky White. James Lawson announced that the City is seeking new members for the OT Architectural Review Board; and Christine Robinson informed us that she has not been confirmed in her seat after 6 months of service. BOOT announced that Fiesta Navidad will occur in November 2008. Superintendent Dennison announced that the Theater in Old Town after the remodeling will open on 9 November; the restroom on Calhoun Street is to be replaced. SDPD Officer David Surwilo surwilo@dp.sandiego.gov announced the Western Division had a new Captain, Walt Vasquez. Tom Doyle announced that he did not receive notice of the special meeting about the 3 Sept 08 special meeting to discuss the by-laws Fred Grand announced that his business in Old Town was working with the Pitch n Put concessionaire to propose changes to the Pitch n Put land use to include a more direct pedestrian linkage from Juan and Mason street to the San Diego Presidio National Historic Landmark. Geoffrey Mogilner announced that a new project on Taylor Street, Taylor Street - Bikeway 58-203.0 is in the proposed budget and requested information about it.

Action Items:

Jeanne Ferrell presented the latest proposed draft of new by-laws for the OTSDCPG (document file Group 904008.docx) attached. Some concerns were raised and there was discussion from the members. **A motion by Geoffrey Mogilner seconded by Fred Grand to adopt the proposed by-laws, Group 90408.docx, with the modifications listed below and incorporated into the attached strikeout version of the By-Laws; Motion 10Sep08#2, was approved at 4:20 with 13 votes for, 0 against, 0 abstain, and 2 absent.**

The modifications to the draft were:

1. Amended date September 10, 2008
2. Article III, Section 2. - “attempt to maintain at least 1/3 seats of the elected members that are residents.”
3. Article III, Section 2. (4) - “member of an active community group”
4. Article V, Section 1 - “nominating committee shall be established no later than November. • • • In January, the nominating committee shall present to the planning group”
5. Article VI, Section 2 Standing Subcommittees and Other Committees - “Code Enforcement, Nominating Committee, and others as appointed by the Chair.”

The meeting was adjourned at 4:30pm.

Respectfully submitted,
Geoffrey Mogilner, Secretary

Old Town San Diego Community Planning Group Bylaws

Amended September 4 10, 2008

As Approved by Unanimous Vote of the OTSDCPG

Geoffrey Mogilner, Secretary

The Old Town Community Planning Group meetings are governed by the provisions of the Ralph M. Brown Act, Cal. Gov't. code §§ 54950, 54963. All Old Town Community Planning Group meetings shall be properly noticed, open and public and all persons shall be permitted to attend any/ all meetings. Any questions regarding the Brown Act please see www.legislature.ca.gov.

ARTICLE I Name

- Section 1. The official name of this organization is the Old Town San Diego Community Planning Group, hereafter referred to as the planning group.
- Section 2. All activities of this organization shall be conducted in its official name, the Old Town San Diego Community Planning Group.
- Section 3. The community planning area periphery boundary (for the Old Town San Diego Community Planning Group) are the boundaries of the Old Town San Diego community. Legal description of boundaries are filed in the office of the City Clerk of the City of San Diego as Document 768044, Map C-289.4. See attached hereto.
- Section 4. The official positions and opinions of the Old Town San Diego Community Planning Group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. The Old Town San Diego Community Planning Group has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Old Town San Diego community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency, which may include any of the following:

- (1) The preservation and revitalization of this area historically, economically, socially, physically, and aesthetically.

(2) To encourage a variety of building sites, consistent with each other as well as the residential and historical aspect peculiar to Old Town San Diego: in a manner designed to improve, maintain, and enhance our community.

(3) Provide, for the orderly development of Old Town San Diego, a plan encompassing related community activities and interests.

(4) To help in the problem of preservation and/or restoration of the historical buildings and sites in the area.

5) To insure the proper position of Old Town San Diego within the metropolitan community.

(6) The encouragement of adequate and convenient establishments to serve the area.

(7) The development of a plan to facilitate efficient movement of people, vehicles and goods consistent with the adopted community plan.

Section 2. In reviewing individual development projects, the Old Town San Diego Community Planning Group should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project, and may choose to provide a subsequent formal recommendation to the City.

Section 3. All activities of the Old Town San Diego Community Planning Group shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition meeting facilities must be accessible to disabled persons.

Section 4. The Old Town San Diego Community Planning Group shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with the planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.

Section 5. Pursuant to the provisions of City Council Policy 6005, the Old Town San Diego Community Planning Group failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on

development projects shall result in the forfeiture of rights to represent the Old Town San Diego community for these purposes.

Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's office.

Section 6. The Old Town San Diego Community Planning Group operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition Council policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy.

In addition, the Administrative Guidelines provide explanations of Council Policy 600-24's minimum standard operating procedures and responsibilities of this planning group.

Robert's Rules of Order is used when the council policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

Section 7. The Old Town San Diego Community Planning Group may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The Old Town San Diego Community Planning Group shall consist of 15 elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups".

Section 2. Elected members of the Old Town San Diego Community Planning Group shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. At any given time it should be attempted to maintain at least ~~2~~ 1/3 seats of the elected members that are residents.

Planning group members shall be elected by and from eligible members of

the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area or
- (3) local business person, who is a local business owner, operator, or designee at a non-residential real property address in the community planning area or
- (4) member of an active community group ~~member~~

Elected members of this planning group are defined as follows:

Elected per the procedures outlined in Article V Elections. At all times, and to the fullest extent possible, elected members shall be representatives of the various geographic sections of the community and/or diversified community interests, include property owners, residents, and local business persons, in addition to other community interests who have filed applications for membership with the group Secretary.

General Members:

An applicant who has filed an application for membership with the group secretary at least once every three years may become an eligible member of the community.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group. However, the Old Town San Diego Community Planning Group shall require proof of eligibility during elections.

Review of applications shall be based on standard identification requirements of business such as driver's license, business cards, stationary, check, telephone listings or voter registration.

Eight (8) members shall constitute a quorum for the transaction of all official group business. This includes regular and special meetings, and election of officers at the annual committee meeting held for this purpose.

Section 3. Members of Old Town San Diego Community Planning Group shall be elected to serve for fixed terms of 3 years with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than nine

consecutive years.

The nine year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one year break in service as a planning group member, an individual who had served for nine consecutive years shall again be eligible for election to the committee.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for nine consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

The planning group shall report in writing the actions taken in filling vacancies to the City Council in accordance with Council Policy No. 600-24.

Section 4. A member of the Old Town San Diego Community Planning Group must retain eligibility during the entire term of service.

A planning group member may be removed from the planning group, upon a majority vote of the planning group, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group, and has notified the member in question, that the member is no longer eligible to serve.

Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 2 or Article IV, Section 1 of these bylaws.

Section 5. In cases of alleged violations of the Old Town San Diego Community Planning Group bylaws or Council Policy 600-24 by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and these bylaws.

If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600-24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group.

The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

A planning group member found to be out of compliance with the provisions of these bylaws or Council Policy 600-24 risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

Investigation procedures for elected member violations are outlined below:

Any action by the Old Town San Diego Community Planning Group to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of

removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- Provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation
- Provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate

Procedures on presenting a violation to the planning group:

- If someone suspects a violation of membership eligibility, it shall be reported to one of the committee Officers.

Board procedures for administering and acting on investigating a violation:

The Chair of the planning group shall appoint a committee to investigate and report back to the planning group. If action is recommended, the chair shall place this item on the noticed agenda for action before the full elected planning group.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of The Old Town San Diego Community Planning Group who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

Section 1. The Old Town San Diego Community Planning Group shall find that a vacancy exists upon receipt of a resignation in writing from a member, or upon receipt of a written report from the planning group's secretary reporting the second consecutive unexcused absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning group's regular meetings.

Section 2. Vacancies that may occur on Old Town San Diego Community Planning Group shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

When a vacancy occurs prior to the annual election, the opening will be filled by the next highest vote getter from the previous election.

Section 3. When Old Town San Diego Community Planning Group is unable to fill a vacancy within the 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the Planning Department. If, after 60 additional days, the elected planning group membership has not reached 12 members, the planning group will be deemed inactive until there are at least 12 members in good standing.

ARTICLE V Elections

Section 1. Elections of Old Town Community Planning Group members shall be held during the month of March in accordance with the elections procedures found in these bylaws.

Planning group elections shall be held annually.

All voting procedures are established with the goal of assuring fair access to the election process and to avoid voting improprieties.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's nominating committee shall be established no later than ~~January~~ **November** and shall begin soliciting eligible community members to become candidates. In ~~February~~, **January** the nominating committee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates, nominated from the floor, may be added at the February meeting. A candidate forum may be advertised and held at the February and/ or March meeting.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for nine consecutive years to leave the group for at least one year.

The members of this planning group shall consist of 15 members selected in the manner prescribed by these By-Laws.

- Section 2. The Old Town San Diego Community Planning Group shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

The Old Town San Diego Community Planning Group holds its election at the March regular meeting.

The Old Town San Diego Community Planning Group will require proof of identity of those eligible community members who are seeking to vote in the election. At the election meeting the planning group nominating committee shall review applications for General Members and applications for Elected Members to ensure that voting is only by and for eligible members of the community.

The Old Town San Diego Community Planning Group's policy related to write-in candidates is that write-in candidates are not allowed after the February meeting. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

- Section 3. Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

No less than two (2) months prior to the date set for the annual general membership meeting, being conducted for the purpose of electing committee members, the chairperson of the planning group shall appoint a nominating committee that shall prepare a list of candidates from a list of eligible members.

- Section 4. The agenda for the annual general membership meeting conducted for election purposes shall provide that the nominating committee announce the February list of candidates to serve on the planning group to the qualified general membership. The secretary shall then present the ballots to qualified general members.

- Section 5. In addition to the nominating committee's list of candidates each ballot will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond nine consecutive years of service.

- Section 6. Only General Members, who qualify under the provisions set forth in Article III of these By-Laws, shall be eligible to serve as members of the committee.

- Section 7. Members of the committee shall be normally elected to serve for fixed terms of three years with expiration dates alternating every three years to provide continuity.
- Section 8. The Secretary, at general membership meeting every year shall announce the number of general members, give a single ballot to each general member present, and announce the number of ballots cast. There shall be no absentee or proxy voting.
- Section 9. An election becomes final after announcing the election results at a noticed planning group meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

ARTICLE VI Community Planning Group and Planning Group Member Duties

- Section 1. It is the duty of the Old Town San Diego Community Planning group to cooperatively work with the Planning Department and/or appropriate staff throughout the planning process, including but not limited to the formation of longrange community goals, objectives and proposals or the revision for inclusion in a general or Community plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of the planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No planning group member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group agenda.

- Section 2. Regular Meetings. The Old Town San Diego Community Planning Group holds normally scheduled meetings, the second Wednesday of each month at 3:30 p.m. or as legally noticed. It is the duty of each planning group member to attend all regularly scheduled planning group meetings.

It shall be the responsibility of each planning group member to attend all committee meetings. Regular meetings shall be periodically held by the planning group to meet with the Planning Department at a mutually agreed time and location during appropriate periods in the planning process.

Quorum and Public Attendance. A quorum of eight (8) members to conduct business and all such meetings shall be open to the public. A report of attendance and a copy of committee approved minutes for each meeting shall be available for public distribution and shall be submitted to the Planning Department within 14 days upon approval by the committee.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

Development Project Review. The Old Town San Diego Community Planning Group may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

When reviewing development projects, the planning group shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

The planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

It shall be the policy of this planning group that an excused absence is defined as one where a member is unable to be present due to illness, either personal or a member of his family, business responsibilities, vacation, restricting/ prohibiting him from attending the meeting, but only if the member has notified the Chairperson or his/her designee of the planning group at least twenty-four (24) hours prior to the meeting time of his inability to be present and his reasons therefore. Failing these requirements the absence shall be determined as an unexcused absence for the purpose of maintaining attendance records relative to the declaration of a vacancy.

The planning group shall find a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from its Secretary reporting the second consecutive unexcused absence or fourth absence whether excused or not per twelve (12) months of a member (s) from regular meetings as established under Article VI, Section 2 of these By-Laws.

Standing Subcommittees and Other Committees. The planning group has established the following subcommittees:

Code Enforcement , Nominating Committee , and others as appointed by

the Chair.

Subcommittee recommendations must be brought forth to the full elected planning group for formal vote at a noticed public meeting. In no case may a subcommittee recommendation be forwarded to the City as the formal recommendation of the planning board.

Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

Subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. 0-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

Meeting Conduct. All meetings of the planning group, including subcommittees, other committees, or special or emergency meetings as described in Administrative Guidelines Section 3.2, shall be open to the public and shall be conducted in accordance with Robert's Rules of Order.

Actions on Agenda Items. Actions on specific projects should include the vote of the planning group, should indicate whether or not the applicant appeared before the planning group, and what type of notification was provided to the applicant requesting his/her appearance at the planning group meeting.

An item not noticed on the agenda may be added if either two-thirds of the entire elected membership, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

Section 3. The Old Town San Diego Community Planning Group will conduct its official business in a public setting. Officers of the planning group may oversee administrative business such as the assembling of the draft agenda in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at noticed planning group meetings.

The planning group will not, either by direct communication, personal intermediaries, serial meetings, or technological devices, attempt to develop a collective concurrence of the members of the planning group as to the action to be taken on an item other than at a properly noticed public meeting.

The planning group may hold such other meetings in addition to those established pursuant to Section 2 (above) without the participation of City staff. Such meeting shall also be open to the public.

Section 4. Any member of the Old Town Community Planning Group with a direct economic interest in any project that comes before the planning group or any subcommittee must disclose the economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda. Section 3.5 of the Administrative Guidelines is this planning group's reference for determining direct economic interest.

Section 5. In limited circumstances, Old Town Community Planning Group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

The Chairperson or designee of the chairperson fully participates in CPG discussions and votes on items, a report of such discussions or votes is to be made to the CPG members at the next regularly scheduled OTCPG meeting.

It shall be the responsibility of the planning group to conduct all business or activities in such a manner so as not to interfere with the diligent and sustained progress towards accomplishment of its purpose as set forth in Article II, Section I.

Section 6. The Old Town Community Planning Group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as telephoning or emailing a vote, are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of Council Policy 600-24.

It is the responsibility of the planning group to strive for consensus among its members, in the absence of which the majority position of members present at a duly-called meeting, at which a quorum is present, shall be considered as the official position of the committee.

Collective Concurrence. Any attempt to develop a collective concurrence of the members of The Old Town San Diego Community Planning Group

as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings or by technological devices, is prohibited, other than at a properly noticed public meeting.

Special Meetings. The chair of The Old Town San Diego Community Planning Group or a majority of planning group members may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

Emergency Meetings. Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of The Old Town San Diego Community Planning Group and are prohibited under these bylaws.

Right to Record. Any person attending a meeting of The Old Town San Diego Community Planning Group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

Disorderly Conduct. In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except the representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

Meeting Documents and Records.

Agenda by Mail. Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by

January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

Agenda at Meeting. Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be make available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

Minutes. For each planning group meeting, a report of The Old Town San Diego Community Planning Group member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Refusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The Old Town San Diego Community Planning Group minutes must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

The Old Town San Diego Community Planning Group is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

Section 7. The Old Town San Diego Community Planning Group shall periodically seek community-wide understanding of and participation in the planning and implementation process. Due consideration shall be given to all responsible community attitudes as these are deemed to be in the best longrange interest of the community at large. When reviewing development projects, the planning group will allow participation of affected property owners, residents and business establishments within

proximity to the proposed development.

The project applicant or representative shall be informed each time that a review will take place, and the applicant or representative will be provided with an opportunity to present the project.

Any interested member of the public shall be given an opportunity to comment on projects during planning group meetings for 3 or 5 minutes, depending on the number of speakers, subject to the discretion of the chair.

- Section 8. No dues are required to be a member of the Old Town San Diego Community Planning Group or to participate at planning group meetings. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution. The planning group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process.
- Section 9. The Old Town San Diego Community Planning Group maintains a current, up-to-date roster of the names, terms, and category/qualifications of elected planning group members. The current roster, as well as any updates, is forwarded to the Planning Department. The planning group also submits to the Planning Department, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year.
- Section 10. Each elected Old Town San Diego Community Planning Group member is required to attend an orientation training session administered by the Planning Department as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to the planning group or the member will become ineligible to serve.

ARTICLE VII Planning Group Officers

- Section 1. The officers of the Old Town San Diego Community Planning Group shall be elected from and by the elected members of the planning group. At the April meeting every year the election committee chair from the most recent annual election shall preside over the election of Officers. Officers shall be a Chairperson, Vice Chairperson, Secretary and Treasurer.

The length of an officer's term shall be year to year, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

- Section 2. Chairperson. The Chairperson shall be the principal officer of the planning group and shall preside over all planning group and communitywide meetings organized by the planning group. Chairperson shall set the agenda, act as point of contact for development applicants, appoint committees, and appear publicly to convey sentiments of the group.
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.
- Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions (including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons), and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 5. Treasurers Duties
- The Treasurer shall collect, record and maintain any and all monies of the committees and report the status of such in the form of a Treasurer's report at each meeting which shall be noted in the minutes. All checks or orders for the payment of money issued in the name of the planning group shall be signed by the Treasurer and at least one other officer and in such manner as shall from time to time be determined by resolution of the committee.
- Section 6. The Chairperson shall be the recognized community planning group's representative to the Community Planners Group (CPC). However, by vote of the the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 7. The Old Town San Diego Community Planning Group officers and representatives to the CPC shall promptly disseminate to all elected planning group members any pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

- Section 1. The Old Town San Diego Community Planning Group bylaws incorporate policies and procedures consistent with provisions contained in Articles I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found

in Exhibits attached to the bylaws.

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

Section 2. Community Outreach. The following exhibits contain procedures pertaining to the community outreach provisions of these bylaws.

Planning group encourages all Old Town groups and elected officials to send representatives to monthly and annual meetings to facilitate community outreach to the fullest extent possible.

Section 3. Planning Group Composition. The following are procedures pertaining to the planning group composition provisions of these bylaws.

See Article III, Section 2.

Section 4. Conduct of Meetings.

The Old Town San Diego Community Planning Group holds regularly scheduled meetings, on the second Wednesday of each month at 3:30 p.m. It is the duty of each planning group member to attend all regularly scheduled planning group meetings.

Section 5. Member and Planning Group Responsibilities. The following are procedures pertaining to the member and planning group responsibilities provisions of these bylaws.

See member duties Article VI, Section 1.

Section 6. Elections. The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws.

See Article V, Elections.

Article IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The Old Town San Diego Community Planning Group and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise

and assist the City and its agencies with land use matters as specified in Policy 600–24, Article II, Section 1; their conduct was in conformance with Policy 600–24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The Old Town San Diego Community Planning Group and its duly elected members may be subject to both Council Policy 600–24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case–by–case basis.

Section 3. Council Policy 600–24 Violations and Remedies.

(a) Alleged Violations by a Member of the Old Town San Diego Community Planning Group

In cases of alleged violations of the Old Town San Diego Community Planning Group bylaws or Council Policy 600–24 by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and these bylaws. A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600–24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation. If, after a thorough investigation, the planning group determines that the individual member has violated a provision of these bylaws or Council Policy 600–24, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group. If corrective action or measures are not feasible, the planning group may remove a member by a two–thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws. If the planning group member found to be out of compliance with the provisions of these bylaws or Council Policy 600–24, the planning group risks loss of indemnification legal protection and representation] pursuant to Ordinance No. O–17086 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the Old Town San Diego Community Planning Group to discipline or remove a member must occur at a scheduled planning group

meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair [or other officer] may assist in providing appropriate citations to assist the complainant.
- The chair will confer with the planning group officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and Old Town San Diego Community Planning Group would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at

the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.
- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a 2/3 vote of their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections

(b) Alleged Violations against the Old Town San Diego Community Planning Group as
As a Whole

In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The and Old Town San Diego Community Planning Group will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to

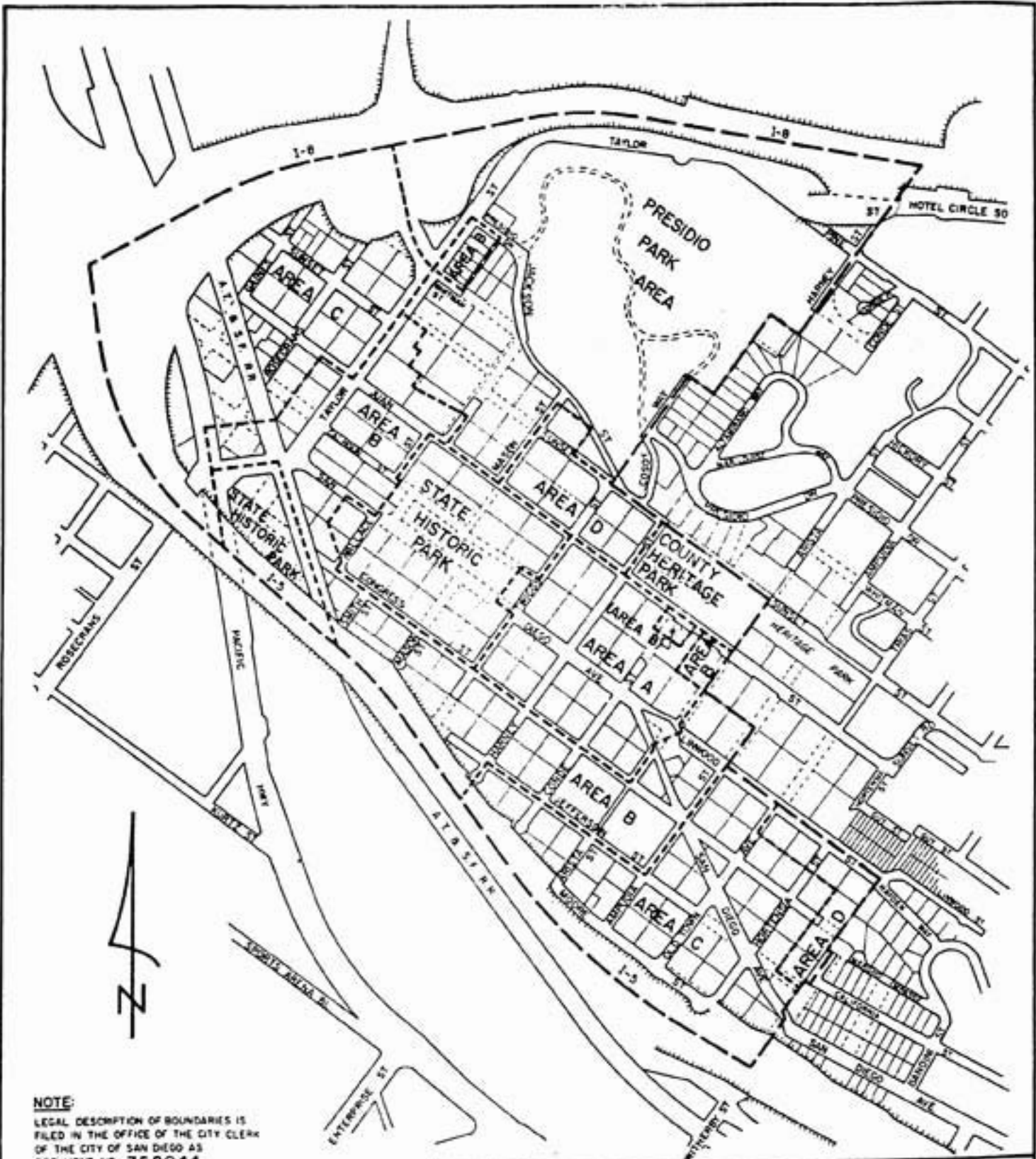
represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of Indemnification {legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

ARTICLE X **General Policies**

- Section 1. Except with respect to altering the basic requirements of these By-Laws and Operating Rules and Procedures, the planning group may establish such additional policies as it deems desirable.

- Section 2. Any additional policies established in accordance with the above Section 2, must be presented to the Planning Director and City Attorney for approval.



NOTE:
 LEGAL DESCRIPTION OF BOUNDARIES IS
 FILED IN THE OFFICE OF THE CITY CLERK
 OF THE CITY OF SAN DIEGO AS
 DOCUMENT NO. 768044

213-1710
 DRAWN 2-22-71 DCS
 REVISED 10-30-74 ACB
 AMENDED 7-15-77 ACB
 AMENDED 7-11-80 —
 REDRAWN 10-30-80 ACB
 AMENDED 11-14-80 ACB

OLD SAN DIEGO PLANNED DISTRICT		
ORD NO. 15437 N.S.	REPORT	REQUEST
EFF DATE ORD 2-25-81	EFF DATE ZONING	AREA 225.84 ACRES GROSS
ZONING SUBJECT TO	MAP NAME	CASE 82-001-0
PLAN COMM RECOMMENDATION APPROVE	CITY PLANNING DIRECTOR	CITY OF SAN DIEGO C-289.4
CITY COUNCIL ACTION APPROVE	SECRETARY OF COMMISSION	