THE CITY OF SAN DIEGO

MEMORANDUM

DATE: August 1, 2008

TO: Scott Hasson, Chair, Tierrasanta Community Council

FROM: Mary P. Wright, City Planning & Community Investment Department & Marianne Greene, Office of the City Attorney

SUBJECT: Approval of an amendment to the Tierrasanta Community Council bylaws

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The Tierrasanta Community Council bylaws amendment has been reviewed and determined to be in conformance with the provisions of City of San Diego (City) Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups). The Council Policy 600-24 requires each community planning group, as a condition of official recognition by the City, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws." Amendments may be approved by the Mayor's office and the City Attorney's office if determined to conform to Council Policy 600-24. The amended bylaws have been reviewed and approved by the City Attorney's office and the City Planning & Community Investment department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.

Mary P. Wright Date: 8/5/08
Mary P. Wright, AICP
Deputy Director
City Planning & Community Investment

Marianne Greene Date: 8/12/08
Marianne Greene
Deputy City Attorney

MPW/MG/bt

Attachments: Tierrasanta Community Council bylaws

Bylaws of the
Tierrasanta Community Council and Planning Group

Amended July 16, 2008

ARTICLE I — Name

Section 1 The official name of this organization is the Tierrasanta Community Council (TCC).

Section 2 All activities of the Tierrasanta Community Council shall be conducted in its official name.

Section 3 The community planning area boundaries for the Tierrasanta Community Council are the boundaries of the Tierrasanta community, as shown in Exhibit "A".

Section 4 Meetings of the Tierrasanta Community Council shall be held within these boundaries, except that when the Tierrasanta Community Council does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest feasible meeting facility.

Section 5 The official positions and opinions of the Tierrasanta Community Council 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.

Section 6 The official address of the Tierrasanta Community Council and Planning Group is 4985 La Cuenta Drive, San Diego, California 92124.

ARTICLE II — Purpose of the Planning Group and General Provisions

Section 1 The Tierrasanta Community Council 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 Tierrasanta community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency. The Group shall promote the interests, general welfare and quality of life of the community of Tierrasanta.

Section 2 In reviewing individual development projects, the Tierrasanta Community Council 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 Tierrasanta Community Council 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, sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4 The Tierrasanta Community Council 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 a 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 600-5, the Tierrasanta Community Council's 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 Tierrasanta 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 Tierrasanta Community Council 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 the Policy's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

Section 7 The Tierrasanta Community Council 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 Tierrasanta Community Council shall consist of seventeen (17) 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.

Section 2 On the Tierrasanta Community Council elected seats are filled by distribution of seats among the following interests that represent the community: 16 seats for property owners and/or residents, and 1 seat for a business representative.

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) a property owner, who is an individual identified as the sole or partial owner of record of a residential property within the community planning area, or

b) a resident, who is an individual whose primary address of residence is an address in the community planning area, or

c) a local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

Elected members of this planning group are defined as follows:

a) The Officers of the Tierrasanta Community Council shall be elected by an at-large vote of the community. The term of office for Officers shall be the same as other members of the planning group.

b) The Area Directors of the Tierrasanta Community Council shall be elected by a vote of the numbered Areas of the community.

c) The Commercial Director of the Tierrasanta Community Council shall be elected by an at-large vote of the commercial business members of the community.

Council Policy 600-24 requires that elected members of the Tierrasanta Community Council shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. To this end, Directors of the Tierrasanta Community Council are elected from designated Areas as shown in Exhibit 1. The Tierrasanta Community Council may revise the Area boundaries and number of representatives in any Area, as required, to ensure continued fair representation of all areas in the community. Any realignment of Area representation shall be done by majority vote of the planning group and shall be instituted by a Standing Order of the Tierrasanta Community Council.

An individual may become eligible to run for a seat on the Tierrasanta Community Council after completing the following:

a) attend at least one (1) meeting of the Tierrasanta Community Council, in the 12 months preceding January 31st of the election year, as documented by signing in on the attendance sheet at the meeting; and

b) demonstrate qualifications to be an eligible member of the community to the planning group Election Committee prior to the due date established by the annual Standing Order on the conduct of elections approved by the full TCC.

Eligibility to vote in the election is the same as eligibility to run for office except that the requirement to attend a meeting does not apply. 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 Tierrasanta Community Council shall require proof of eligibility during elections.

Section 3 Members of the Tierrasanta Community Council shall be elected to serve for fixed terms of two (2) years with expiration dates in alternate years to provide continuity.

No person may serve on the planning group for more than eight (8) years. The 8-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 eight (8) consecutive years shall again be eligible for election to the planning group.

The Tierrasanta Community Council 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 eight (8) consecutive years to continue on the planning group without a break in service. The same rules apply to an appointment process. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4 A member of the Tierrasanta Community Council must retain eligibility during the entire term of service.

Section 5 A member of the Tierrasanta Community Council found to be out of compliance with the provisions of Council Policy 600-24 or the planning group's adopted bylaws risks loss of indemnification, legal protection and representation pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Section 6 Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the Tierrasanta Community Council 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 Tierrasanta Community Council shall find that a vacancy exists upon receipt of a resignation in writing from one of its members, or upon receipt of a written report from the planning group's Secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member from the planning groups regular meetings.

Section 2 Vacancies that may occur on the Tierrasanta Community Council 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.

The Tierrasanta Community Council shall fill a vacancy as soon as practical after the vacancy is declared. Vacancies shall be filled via the Tierrasanta Community Council's Standing Order on Vacancies, which calls for:

a) announcing the vacancy to the public; and

b) Tierrasanta Community Council appointing a member of the community who is eligible for the seat; or

c) Tierrasanta Community Council declaring the seat "at large" and appointing a member of the community who is eligible for an "at large" seat.

Section 3 When the Tierrasanta Community Council is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve (12) 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 City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V — Elections

Section 1 General elections of Tierrasanta Community Council members shall be held during the month of March in accordance with the generic elections procedures found in Exhibit B of these bylaws.

The Tierrasanta Community Council's general elections shall be held every year.

The deadline to qualify for candidacy in the March general election shall be determined in a Standing Order adopted by the TCC at the regularly scheduled January meeting of the TCC. The planning group's Election committee shall be established no later than November of the prior year and shall begin soliciting

eligible community members to become candidates. In February, the Election committee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February Council meeting provided that the publishing deadline for the community newspaper does not fall on an earlier date than the February Council meeting. A candidate forum may be advertised and held at an announced meeting.

To be a candidate in the March election, an eligible member of the community must have documented attendance during at least one (1) meeting of the Tierrasanta Community Council in the 12 months ending on January 31st of the election year, as documented by signing in on the attendance sheet at the meeting.

Section 2 The Tierrasanta Community Council shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

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 eight (8) consecutive years to leave the group for at least one year.

The Tierrasanta Community Council holds its election by allowing eligible voters to cast votes as follows:

a) at the March regular meeting; and

b) at multiple public locations during the election period established by the approved Standing Order; and

c) by ballots mailed to the Tierrasanta Library during the aggregate voting period according to the approved Standing Order.

The Tierrasanta Community Council shall take reasonable steps to ensure that voting is only by eligible members of the community as established in the approved Standing Order.

The ballot presented to eligible community members to vote 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 eight (8) consecutive years of service.

The Tierrasanta Community Council does not allow write-in candidates.

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.

Section 4 The Tierrasanta Community Council's election becomes final after announcing the election results during the noticed, regular March monthly 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.

Any challenge to the election results must be filed with the chair of the Election Committee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5 Exhibit B contains generic voting procedures that are updated for each election cycle based on the approved Standing Order.

ARTICLE VI — Planning Group and Planning Group Member Duties

Section 1 It is the duty of the Tierrasanta Community Council to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto 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 a 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 member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2 **a) Meeting Procedures**

It shall be the duty of each member of the Tierrasanta Community Council to attend all planning group meetings.

(i) Regular Agenda Posting. At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made. The listing of the agenda item shall

include the intended action of the planning group regarding that item (e.g., information item or action item).

(ii) Public Comment. Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) Adjournments and Continuances. If the Tierrasanta Community Council does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) Continued Items. If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) Consent Agenda. For items to be considered for a "Consent Agenda" all of the following are required:

a) A committee of the planning group has discussed the item at a noticed committee meeting,

b) All interested members of the public were given an opportunity to address the committee, and

c) The item has not substantially changed since the committee's consideration.

The comments of the committee and those made by interested members of the public should be reflected in the minutes of the committee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) Quorum and Public Attendance. A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings. Except in the case where a member of the public desires to run for a seat on the

Tierrasanta Community Council, 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.

(vii) Development Project Review. The Tierrasanta Community Council 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.

(viii) Action on Agenda Items. 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.

The Tierrasanta Community Council's chair fully participates in planning group discussions and votes on all action items.

The 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 by telephone or by e-mail 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.

(ix) Collective Concurrence. Any attempt to develop a collective concurrence of the members of the Tierrasanta Community Council 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.

(x) Special Meetings. The chair of the Tierrasanta Community Council, 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 a special meeting. Each member of the planning group shall receive

the written notice of the meeting 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.

(xi) 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 Tierrasanta Community Council and are prohibited under these bylaws.

(xii) Right to Record. Any person attending a meeting of the Tierrasanta Community Council 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.

(xiii) 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 that 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.

b) Committees

The Tierrasanta Community Council may establish standing and *ad hoc* committees when their operation contributes to more effective discussions at regular planning group meetings.

(i) Standing Committees. Pursuant to the purpose of the Tierrasanta Community Council as identified in Article II, Section 1, the planning group has established the following standing committees:

a) Community Development Committee, which meets as required to review discretionary projects and provides written recommendations on same to the Tierrasanta Community Council.

b) Tierrasanta Election Committee, which meets as required to draft the Standing Order of specific election procedures for the election cycle and provides this to the Tierrasanta Community Council for approval.

(ii) *Ad Hoc* Committees. *Ad hoc* committees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

(iii) Committee Composition. Committees shall contain a majority of members who are: members of the planning group, or who previously served as members of the planning group and who have completed mandatory training on Council Policy 600-24.

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

(iv) Recommendations. Committee 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 committee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

c) Abstentions and Recusals

(i) Recusals. Any member of the Tierrasanta Community Council with a direct economic interest in any project that comes before the planning group or its committees must disclose to the planning group that economic interest and must recues from voting and not participate in any manner as a member of the planning group for that item on the agenda.

(ii) Abstentions. In limited circumstances, Tierrasanta Community Council 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.

d) Meeting Documents and Records

(i) 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.

(ii) 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 made 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 the materials requested by an individual or individuals.

(iii) Minutes. For each planning group meeting, a report of Tierrasanta Community Council 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. Recusals 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 Tierrasanta Community Council is not required to audiotape 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.

(iv) Records Retention. Tierrasanta Community Council records 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.

Section 3 It shall be the duty of the Tierrasanta Community Council and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4 It shall be the duty of the Tierrasanta Community Council to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5 The Tierrasanta Community Council 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. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. 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.

Section 6 Each elected Tierrasanta Community Council member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII — Planning Group Officers

Section 1 The officers of the Tierrasanta Community Council shall be elected from and by the eligible voting population of Tierrasanta at large according to the approved Standing Order. Said officers shall consist of a President, Vice President, Chief Financial Officer, and Secretary. The length of an officer's term shall be two years except that no person may serve in any planning group office for more than eight (8) 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 President. The President shall be the principal officer of a recognized community planning group and:

a) Shall chair all planning group meetings;

b) Shall preside over all communitywide meetings organized by the planning group;

c) Shall be a member of all standing committees and *ad hoc* committees;

d) Shall sign all official correspondence.

e) Shall be the executive agent for all business decisions of the planning group.

f) Shall not set policy, other than procedural, without the majority consent of the planning group.

g) Shall appoint committee chairs subject to confirmation by the planning group.

h) Shall, in addition to all duties incident to the office, perform other such duties as from time to time may be authorized by a majority planning group.

Section 3 Vice President. In the absence of the President, the Vice President shall perform all the duties and responsibilities of the President. When so acting, the Vice President shall have all the powers of and be subject to all the restrictions of the President.

The Vice President also shall, in addition to all duties incident to the office, perform other such duties as from time to time that may be assigned by the planning group.

Section 4 Chief Financial Officer. The Chief Financial Officer shall:

a) Have charge and custody of, and be responsible for, all funds of the planning group and deposit all such funds in the name of the planning group in such banks, trust companies, or other depositories as shall be selected by the planning group.

b) Receive, and give receipt for, monies due and payable to the planning group from any source whatever.

c) Disburse or cause to be disbursed, the funds of the planning group as may be directed by the planning group, taking proper voucher for such disbursements.

d) Keep and maintain adequate and correct accounts of the planning group's properties and business transactions, including account of its assets, liabilities, receipts, disbursements, gains, and losses.

e) Exhibit at all reasonable times the books of account and records to any member, upon application, during business hours at the office of the planning group or other such place mutually agreed.

f) Render to the planning group, whenever requested, an account of all transactions as Chief Financial Officer and of the financial condition of the planning group.

g) Perform other duties incident to the office, and all such other duties as from time to time may be assigned to him by the planning group.

h) In the absence of the President and Vice President, the Chief Financial Officer shall perform all the duties and responsibilities of the President. When so acting, the Chief Financial Officer shall have all the powers of and be subject to all the restrictions of the President.

Section 5 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 recues 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. In the absence of the President, Vice President, and Chief Financial Officer, the Secretary shall perform all the duties and responsibilities of the President. When so acting, the Secretary shall have all the powers of and be subject to all the restrictions of the President.

Section 6 The President shall be the Tierrasanta Community Council's representative to the Community Planners Committee (CPC). The President may appoint a designee as the official representative to the CPC, subject to confirmation by the planning

group, with the same voting rights and privileges as the President. The President also appoints an alternate representative to serve in the absence of the designated representative, subject to confirmation by the planning group. 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 Tierrasanta Community Council officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

Section 8 The Tierrasanta Community Council line of succession shall be:

1) President
2) Vice President
3) Chief Financial Officer
4) Secretary
5) Area Director (In descending order of seniority based on number of current consecutive years of elected service on the TCC)

ARTICLE VIII — Planning Group Policies and Procedures

Section 1 The Tierrasanta Community Council bylaws incorporate policies and procedures directed by Article I through VIII of Council Policy 600-24. This bylaws Article also 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 and Elections.

a) Community Participation

Tierrasanta Community Council meeting agendas shall be open to input from all committee members and from the public. Any member of the committee or public shall notify the chair two weeks prior to a meeting to place a matter on the agenda. A period for public comment shall be included on all meeting agendas. Agendas for committee meetings shall be distributed in advance of the meeting. Committee meetings shall provide the opportunity for public testimony and fair and reasonable debate.

b) Planning Group Composition

The following are the Tierrasanta Community Council procedures pursuant to Article III, Section 2 regarding planning group composition:

1) In the event an Officer or Director position becomes vacant, or if any position is not filled during the annual election, then an approved appointment process will be used to fill the vacancy(ies).

2) Should no qualified candidate or appointee apply for a vacant Director position, the Tierrasanta Community Council may convert the position into an "At Large" position to be filled by an otherwise eligible resident and/or property owner member of the community for the unexpired term of that position.

3) Should no qualified candidate or appointee apply for the Commercial Director position, the Tierrasanta Community Council may allow the position to be filled by a resident and/or property owner member of the community for the unexpired term.

c) Elections

The Elections Handbook, which is an attachment to the Council Policy 600-24 Administrative Guidelines, provides general guidance for planning group elections. It is the practice of the TCC to notify the local community newspaper of the elections and provide the list of candidates and any supporting information provided by the candidates. The TCC benefits from this arrangement in that every household in the community receives the paper, facilitating an inclusive election process. The TCC's nominating process may therefore be subject to the newspaper's publishing deadlines and commitment to advertise the local elections.

ARTICLE IX — Rights & Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The Tierrasanta Community Council and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification and representation 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 Tierrasanta Community Council 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 Tierrasanta Community Council

In cases of alleged violations of the Tierrasanta Community Council 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 Tierrasanta Community Council 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 Tierrasanta Community Council 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 his case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance 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 Tierrasanta Community Council 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 Tierrasanta Community Council 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, the Brown Act or its adopted bylaws then it risks loss of indemnification (legal protection and representation) pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Exhibit A: Tierrasanta Community Council Boundary Map

Exhibit B: Tierrasanta Community Council Generic Election Procedures

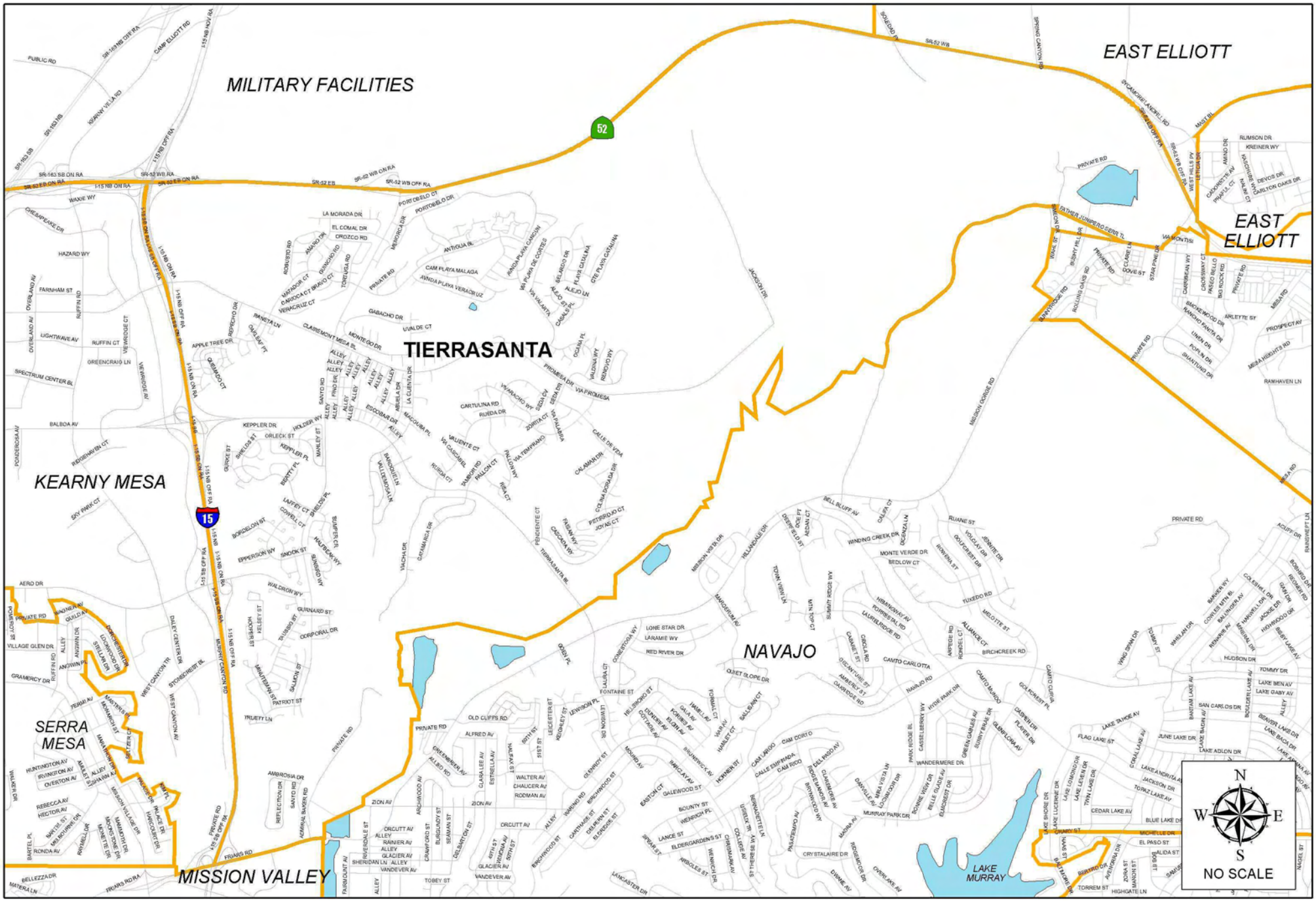

Exhibit A: Boundary Map-Tierrasanta

CITY OF SAN DIEGO • CITY PLANNING & COMMUNITY INVESTMENT

THE CITY OF SAN DIEGO

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Exhibit B to the
Bylaws of the Tierrasanta Community Council

Tierrasanta Community Council Standing Order

Procedures for the Conduct of the March Annual Elections

Goals of the TCC's Election Procedures. There are several goals that are built into the design of this Standing Order:

- Achieve multiple candidates from each TCC Area
- Provide for positive verification of candidate and voter eligibility
- Provide universal balloting by publishing the ballots in the local community newspaper
- Provide unambiguous ballot procedures that are clearly understood by all

The Election Procedures contained herein shall be updated and approved each year by the Election Committee (EC) and then approved by the TCC for a given election cycle. The EC for an election cycle shall be chaired by the TCC President or Vice President whichever is not standing for election in the election cycle. If the TCC President or Vice President is either unwilling to perform this function or running for a different office in this election then the TCC shall appoint another TCC member not running for office to chair the EC.

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Part I: Eligibility Requirements for Candidates and Voters

Candidates for the TCC and voters in TCC elections must meet the following qualifications in order to be considered eligible. The eligibility requirements are provided in Council Policy 600-24 and in the TCC's bylaws as a Community Planning Group. A summary follows.

1. **Eligibility requirements to run for a TCC Officer position are:**

- Must be 18 years old or older, and
- Must either be a resident of Tierrasanta and/or a residential property owner in the civilian area of Tierrasanta within the 92124 zip code, and

- Must be able and willing to prove age and residency/ownership information, and
- Must have attended at least one TCC meeting in the 12 months ending on January 31st of the election year.

2. **Eligibility to vote for a TCC Officer.** Eligibility to vote for a TCC officer seat is the same as the eligibility to become a TCC officer except for the requirement to attend at least one TCC meeting. Only persons who are 18 years old or older and who reside in Tierrasanta and/or own residential property in Tierrasanta are eligible to cast votes for an Officer candidate.

3. **Eligibility requirements to run for a TCC Area Director position are:**

- Must be 18 years old or older, and
- Must either be a resident of the civilian area of Tierrasanta within the 92124 zip code in the Area where the seat exists and/or a residential property owner in the civilian area of Tierrasanta within the 92124 zip code in the Area where the seat exists, and
- Must be able and willing to prove age and residency/ownership information, and
- Must have attended at least one TCC meeting in the 12 months ending on January 31st of the election year.

4. **Eligibility to vote for a TCC Area Director.** Eligibility to vote for a TCC area director seat is the same as the eligibility to become a TCC area director except for the requirement to attend at least one TCC meeting. Only persons who are 18 years old or older and who reside in Tierrasanta in the Area where the seat exists and/or own residential property in Tierrasanta in the Area where the seat exists are eligible to cast votes for an Area Director candidate.

5. **Eligibility requirements to run for the TCC Commercial Director position are:**

- Must be 18 years old or older, and
- Must an owner or operator of a non-residential business in Tierrasanta with a storefront address in the 92124 zip code, and
- Must be able and willing to prove age and place-of-business information, and
- Must have attended at least one TCC meeting in the 12 months ending on January 31st of the election year.

Note: the Commercial Director seat is up for election in even numbered years.

6. **Eligibility to vote for the TCC Commercial Director.** Eligibility to vote for TCC Commercial Director is the same as the eligibility to become the TCC Commercial Director except for the requirement to attend at least one TCC meeting. Only persons who are 18 years old or older and who own or operate a non-residential business in Tierrasanta are eligible to cast votes for the Commercial Director candidate. Note that the TCC's Area boundaries are not

applicable to the Commercial Director because this seat is elected at large by the business community.

7. **Proof of Eligibility.** The EC is responsible for verifying the eligibility of all candidates. The failure or inability to provide proof of eligibility shall disqualify a potential candidate.

8. **Publicizing the Annual Elections.** Periodically through the year the TCC shall remind the community of the need to attend at least one TCC meeting in the 12 months ending on January 31st of the election year in order to be eligible to run for TCC office in March. The EC shall announce the annual election in the December issue of the local community newspaper and on the TCC's website. The announcement shall include the seats up for election, the eligibility requirements to run for office, the application procedures, and the specific deadline dates for the particular election cycle.

Part II: Self-Nomination of Candidates

9. **Candidate Self-Nomination.** Applications for candidacy to the TCC must be received by 5:00PM PST on the Wednesday before the March edition submission date of the local community newspaper. The specific date shall be specified by the annual update to this Standing Order as prepared by the EC. Applicants must submit the following in order to become self-nominated:

- A statement in writing stating the candidate is eligible to serve in the position sought (see Part I for eligibility requirements), and
- A personal statement of 150-words or less by the candidate; typically such statements reflect the candidate's reasons for wanting to join the TCC and/or one's goals for service on the TCC, and
- Point-of-contact information (email, phone & address) to allow the EC to keep the candidate informed of the election process.

10. The typical submission will be a letter or email that declares one's eligibility for the position sought, and then provides a personal statement suitable for publishing to the community as a whole. At a minimum, the candidate's personal statement can simply be the eligibility declaration and little more. Point-of-contact information can be included in the letter or email or it can be obtained separately (e.g., over the phone). Self-nominations can occur in any of the following ways:

- E-mail to the EC Chair or TCC president or designee, and/or
- Hand-delivered letters to the TCC at the Tierrasanta Branch Library (hand the letter to the librarian and ask that it be placed in the TCC's mailbox), and/or
- USPS-delivered letters to the EC or TCC at the library mailing address: 4985 La Cuenta Drive, San Diego, CA 92124.

The TCC is not responsible for unsuccessfully delivered or spam-filtered e-mails or for undelivered or delayed US Mail. If applying by email then the applicant is responsible for repeatedly making contact with a representative of the TCC until the representative of the TCC responds back with confirmation that the application has been received. If applying by U.S. mail then the applicant is responsible for mailing early enough to ensure delivery by the deadline date. All applications must be physically in hand by the deadline date and time; postmark dates are not relevant to the mailed delivery of ballots.

11. **Candidate Statements on the TCC Website** (http://www.tierrasantacc.org). Candidates' 150-word statements will be published on the TCC website after the self-nomination deadline.

12. **Statements in the local community newspaper.** The 150-word statements will be delivered to the local community newspaper for printing in the March edition of the community's newspaper.

13. **Information contact.** Candidates are invited to contact the EC Chair to learn more about the election process, to better understand the duties & responsibilities and time commitment involved in being a TCC member, and to review the TCC committee structure.

Part III: Balloting Procedures

14. **Preparation of the Ballot.** The ballot shall be prepared for publication in the local community newspaper and on the TCC website as follows:

- Seats will be listed with officers shown first (order: President, Vice President, CFO and Secretary) and area directors following (in order by area number), where only the seats up for election in a given election cycle are listed.
- Within each race, the candidates will be listed in alphabetic order by their last names.
- Term-Limited Candidates: A person running for reelection to a seat he/she has held for eight (8) consecutive years or more, or a person who has held any seat (or seats) on the TCC for eight (8) years consecutive or more, is deemed term limited according to the rules of the City of San Diego's Council Policy 600-24.

15. **Ballots printed in the local community newspaper.** Official ballots will be published in the March edition of the local community newspaper along with the 150-word statements from candidates. The printed ballots may be used as-is (i.e., cut from the newspaper) or they may be photocopied.

16. **Ballots available on the TCC Website (http://www.tierrasantacc.org).**

- Official ballots also will be published on the TCC website (in ".pdf" format). Web posting of the ballots should occur on or about the Saturday when the ballot must be delivered to the local community newspaper for printing. These may be freely downloaded and printed.

- No vote may be cast electronically, so all ballots must exist in physical form (i.e., printed on paper) in order to be valid.

17. **Ballots and Ballot Boxes at the various Polling Locations.** Extra printed ballots will be provided at polling locations where ballot boxes are located. This includes the Tierrasanta Library and the Tierrasanta Recreation Center; typically, the TCC also locates ballot boxes at other high-visibility locations such as Tierrasanta supermarkets. Supplies of ballots will be refreshed as needed during the week of voting.

18. **Casting of Votes.** Votes may be cast from the time the ballot is published on the TCC website until the polls close at 8 PM on the night of the March TCC meeting.

- Ballots that are cast between the date they are published on the TCC website and the date the ballot boxes are in place (usually 6 days or 13 days before the March TCC meeting) must be delivered to the TCC's mailbox at the Tierrasanta Library. These may be delivered via US Mail to TCC Elections, 4985 La Cuenta Drive, San Diego, CA 92124 or they may be hand-delivered at the library counter. Note: all ballots will be accepted, but ballot secrecy cannot be ensured unless the ballot is put into a sealed envelope and marked "TCC Ballot Enclosed" or "TCC Elections" or something similar.
- Ballots cast from the date the ballot boxes are in place and 6:00 PM on election night can be delivered as above or they can be deposited into the official TCC ballot boxes at one of the voting locations. These ballot boxes will be collected on or about 6:00 PM on election night, after which voting can only occur at the Tierrasanta Recreation Center.
- Ballots that are cast after the ballot boxes are collected on or about 6:00 PM on election night will only be counted if they are delivered to the Tierrasanta Recreation Center. Ballots will continue to be accepted until 8:00 PM at the Tierrasanta Recreation Center when the polls shall be declared closed by the TCC President or presiding officer.
- All votes should be cast using pen, although pencil is accepted as long as the information is clearly marked and intent is clear. Unclear votes may be declared invalid by the EC if intent of the voter cannot be established with certainty.

19. **Write-in Voting.** Write-in voting (writing in names of persons not listed on the ballot) is not permitted under any circumstance. There will be no space provided on the ballot for writing in names because TCC Bylaws prohibit write-in voting.

20. **Verification of Eligibility.** Voters must supply information on the ballot that ensures their eligibility to vote. This information includes: name, qualifying address, and a certification of age (that the voter is 18 years old or older). For residents and owners the qualifying address is the address where the voter lives or owns property. For commercial business owners/operators the qualifying address is their storefront business address.

Part IV: Vote-Counting Procedures

21. **Collecting the Ballots.** As noted above, all remote ballot boxes except for the ballot box at the Tierrasanta Recreation Center will be collected by the EC at or shortly after 6:00 PM on election night. The ballot box at the Tierrasanta Recreation Center will be collected when the polls are declared closed at 8:00 PM. All ballots must be in the physical possession of the EC when the polls close. Any ballots that arrive late *for whatever reason* cannot be counted.

22. **Interpreting and Counting a Ballot.** The EC shall scrutinize ballots in a two-step process.

- **Eligibility Determination.** At least two members of the EC shall examine the voter information part of the ballot to assess eligibility. The name shall be checked to ensure no duplicate voting, and the address shall be checked to determine the votes permitted on that ballot; that is: a voter in one area cannot cast votes for director candidates in other areas, only business owners/operators may cast votes for the Commercial Director, etc. Invalid votes will not be counted.
- **Secrecy of the Ballot.** Validated ballots then shall be folded over such that the voter eligibility information is concealed from the counters before the votes cast on the ballot are counted. Invalid ballots will not be counted.
- **Vote Results.** Once the eligibility information has been concealed, then at least two members of the EC shall review the validated ballot for the votes it contains. These will be tabulated along with all other validated ballots.

23. **Criteria for Disqualifying a Ballot.** The following errors in voting are deemed sufficient to disqualify a ballot, or individual votes on a ballot, from being accepted or from being counted:

- Failure to provide on the ballot a qualifying street address in the civilian residential area of Tierrasanta. The voter must provide a qualifying street address in Tierrasanta (residential or commercial, as appropriate) for the ballot to be counted.
- Failure to indicate on the ballot that the voter is 18 years old or older. The voter must affirm on the ballot that he/she is 18 years of age or older in order for the ballot to be counted.
- Multiple votes from the same person at the same address will invalidate all ballots from that person.
- Failure to write legibly enough to allow verification of voter eligibility will result in a ballot being rejected.
- Failure to deliver a ballot by 6:00 PM on election night to one of the remote ballot boxes, or failure to deliver a ballot to the Tierrasanta Recreation Center by closing of polls at 8:00 PM on election night.
- Providing a street address in one Area of Tierrasanta and voting for candidate in another Area will disqualify that vote.

- Voting for more than one candidate in any race will disqualify all votes for that race.

24. **Determining a Winner.** A winning candidate is the candidate for a position who receives a simple plurality (the most number of votes cast for that position).

- Upon completion of the voting at 8:00 PM the polls will be declared closed by the TCC President. The EC then will count the votes and tabulate the winner for each seat being competed. When all votes are tabulated the EC will return to the TCC and the Chair of the EC will announce the results by naming the winning candidate for each TCC seat.
- The detailed vote count results (votes received for each candidate) will be delivered to the TCC President following the announcement. The information on votes received by candidates in a given seat will not be announced, but such information on a given specific seat will available after the TCC March Meeting on request of a candidate from that race.
- Candidates will be notified of the results prior to the April meeting of the TCC.
- The election results will be published on the TCC website following the election and in the local community newspaper.

25. **Tie-Breaking Procedure.** A tie is the result when two (or more) candidates receive the same number of votes, and this number of votes is more than that received by any other candidate for the same seat. A tie breaking procedure is required in the event of a tie.

- **Two-way tie**: the winner will be selected via a coin toss (or similar such method). The Chair of the EC (or the TCC president) will produce a coin for the final determination. The candidate whose last name alphabetically comes first is assigned "heads" and the candidate whose last name alphabetically comes last is assigned "tails." The chair of the EC will toss the coin in full view of the TCC and those in attendance and allow it to land on the floor, whereupon the result will be announced (the tossed coin will remain in place long enough to allow for inspection by all in attendance). The winner will be declared based on which side of the coin faces upward.
- **Three-way tie (or more)**: the winner will be selected via any other process that permits one to be selected from more than two, such as: drawing cards from a deck, drawing straws, picking numbers closest to a determined number, etc.

26. **Retention of the Ballots.** All printed ballots from the Annual Election shall be delivered to the TCC Secretary when the voting is concluded and the results are announced. The Secretary shall retain all ballots for a minimum of 120 days in case the election is challenged and a review of the ballots is required.

Part V: Election Timeline

27. **Election Timeline for a Specific Election Cycle.** The EC shall produce a detailed timeline for each election cycle. The detailed timeline will include specific dates chosen based on this Standing Order and the announced publishing schedule of the local community newspaper. The EC's detailed procedures shall be approved by the full TCC not later than December 31st each year. Once approved, the detailed procedures shall be posted to the TCC's website and also outlined in TCC articles that are submitted to the local community newspaper. A summary of the timeline follows:

- November: EC produces draft election procedures and submits these to the TCC for approval not later than December 31st. EC publishes announcements of the coming elections and voter eligibility requirements. TCC publishes the voting procedures on the TCC's website when approved.
- January edition of the local community newspaper: publish initial voting guidance and call for candidates.
- January or February: TCC "Election Central" website opens and approved voting procedures are posted.
- February edition of the local community newspaper: publish final voting guidance and last call for candidates.
- TCC meeting in February: TCC votes to approve any last-minute updates to the election procedures or take other action as may be needed.
- 5PM on Wednesday prior to the due date for articles in the March edition of the local community newspaper: announced final due date for receipt of candidate self-nominations and 150-word statements.
- 5PM on Wednesday to Saturday at noon prior to the due date for articles in the March edition of the local community newspaper: EC verify candidate eligibility and collect point-of-contact information from the candidates.
- Thursday or Friday prior to the due date for articles in the March edition of the local community newspaper: EC meet to confirm the list of nominated candidates and to review and approve the official TCC ballot.
- Prior to noon on Saturday, the due date for articles in the March edition of the local community newspaper: EC delivers the official TCC ballot and all 150-word statements to the local community newspaper for publishing in the newspaper's March edition.
- Between the due date for articles in the March edition of the local community newspaper and the publishing date of the March edition of the local community newspaper:
  - Official TCC ballot posted to TCC website (.pdf format) along with detailed election procedures, candidates' 150-word statements, etc.
  - First opportunity for voting, but only at the TCC mailbox at the Tierrasanta Library.

- March edition of the local community newspaper: Publish 150-word statements and the official TCC ballot.
- Date of publishing of the March edition of the local community newspaper: EC places ballot boxes located in various places in Tierrasanta.
- Between the date of publishing of the March edition of the local community newspaper and the night of the TCC's meeting in March: voting occurs at the Tierrasanta Library and elsewhere in the community until 6PM when the remote ballot boxes are collected; voting continues at the Tierrasanta Recreation Center through 8PM at which point the elections are declared closed.

28. **Election Timeline for the evening of the March meeting of the TCC.** The following is a timeline for the conduct of election night at the TCC meeting held in Rooms 2 and 3 of the Tierrasanta Recreation Center, 11220 Clairemont Mesa Blvd, on the third Wednesday of March:

- Approximately 6:00 PM: Ballot boxes around the community are collected by the EC and any ballots in the TCC mailbox at the Tierrasanta Library are collected. Voting continues at the ballot box that stays in place at the Tierrasanta Recreation Center.
- 7:00 PM: TCC meeting convenes; TCC conducts normal business while the EC validates and accepts ballots cast in person.
- 7:30 PM (time certain): suspend meeting of the CPG and convene annual meeting of the TCC as a corporation.
- 8:00 PM (time certain): polls are closed, voting is ended. EC proceeds to count the votes.
- When the vote count is completed: EC announces the results of the vote.
- After announcement of the election results: carry on with the business of the annual meeting of the TCC as a corporation and/or adjourn the annual meeting and recommence work as a CPG (as appropriate).