



Linda Vista Planning Group

*Dedicated To Improving Linda Vista
And Implementing Our Community Plan*

BYLAWS

*Approved November 21, 2016
(Administrative Approval)*

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Revision History

Date Adopted by <i>LVPG</i>	Reason For Change
09/24/07	<p>Updated per City of San Diego Bylaws Shell Dated 06/01/07 and official name change to the Linda Vista Planning Group. The spirit of the City's shell was followed with some additions, deletions, and repositioned words and phrases.</p> <p>Special thanks to the Ad Hoc Bylaws Committee for all their excellent work. Committee Members: Donna Erickson (Chair), Wayne Bamford (Co-Chair), Gail Cole, Doug Beckham, Kathleen Morgen, Jeff Perwin, Margarita Castro, Jo-Ann Carini, and Rob Spahitz.</p>
04/28/08	<i>LVPG</i> addressed list of "deviations" from Deputy City Attorney Marianne Greene.
05/19/08	<i>LVPG</i> sent final draft of bylaws to City Council for approval and/or amendment.
08/25/08	<i>LVPG</i> corrected deviations that conflicted with the Brown Act by deleting the word "knowingly" from Art III, Sec 6 and Art IX, Sec 2.
10/26/2016	Amended and adopted by <i>LVPG</i> to comply with 2014 amendments to CP 600-24. Approved by Administrative Approval 11/21/2016.

Linda Vista Planning Group Bylaws

Approved November 10, 2016
(Administrative Approval)

ARTICLE I Name

- Section 1. The official name of this organization is the *Linda Vista Planning Group*, hereafter, referred to as *LVPG*.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the *LVPG* are the boundaries of the greater Linda Vista community, as shown in **Exhibit "A."** The community planning area boundaries which are applicable to this group are defined as that City of San Diego planning area generally bounded on the south by Friars Road, on the west by Interstate 5 (I-5), on the north by Tecolote Canyon and Mesa College Drive, and on the east by State Route 163, as indicated on the map which is on file in the Planning Department of the City of San Diego.
- Section 4. Meetings of the *LVPG* shall be held within these boundaries, except when the *LVPG* does not have a meeting facility within its boundary that is accessible to all members of the public. The planning group may then meet at the nearest appropriate meeting facility.
- Section 5. The official positions and opinions of the *LVPG* 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

**Our goal is to inform, educate, and advocate
as we strive to improve the vitality of the Linda Vista community.**

- Section 1. The *LVPG* 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, adoption, implementation of, or amendment to, the General Plan or a land use plan (ex. Linda Vista Community Plan) when a plan relates to the *greater Linda Vista* community boundaries. The planning group also advises on other land use matters as requested by the City or other agencies as detailed in Council Policy 600-24, Article II: Purpose of Community Planning Groups and General Provisions.
- Section 2. In reviewing individual development projects, the *LVPG* shall focus such review on conformance with the Land Development Code, and 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 shall 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 *LVPG* 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 *LVPG* 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. The *LVPG'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 Linda Vista 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 *LVPG* 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. Amendments to Council Policy 600-24 will apply to *LVPG*, as well as to all other community planning groups, even if individual groups' bylaws are not required to be amended with parallel language.

In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. The latest version of *Robert's Rules of Order* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

Section 7. The *LVPG* may propose amendments to these bylaws by a two-thirds vote of the voting members of the planning group. Any 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 the 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 *LVPG* shall consist of: 21 members elected 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. Council Policy 600-24 requires that elected members of the *LVPG* shall, to the extent possible, be representative of the various geographic sections of the community and of the diversified community interests.

On the *LVPG*, elected seats are filled by a geographic distribution of seats among census tracts. Each census tract shall have three representatives. See **Exhibit “B.”**

Planning group members shall be elected by and from eligible members of the community.

To be an eligible community member, whether one wishes *to run* for the *LVPG* Board and/or *to vote*, an individual must be at least 18 years of age, and shall be affiliated with the community as:

- (1) a property owner, who is an individual identified as the sole or partial owner of record, or their designee [with a letter of authorization] of a real property (either developed or undeveloped), within the community planning area, or
- (2) a resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) a local business person, who is a local business or not-for-profit owner, operator, or designee [with a letter of authorization] at a non-residential real property address in the community planning area, only one representative of a particular establishment may hold a seat on the community planning group at one time, or
- (4) a secondary or postsecondary student attending a school, college or university within the community planning area.

Additionally, in order to be a **candidate** in the March election, an eligible member of the community [see qualifications listed above] must submit an application along with documentation of eligibility. The candidate should also have attended three of the last six meetings of the *LVPG*. The application and documentation must be given to the election committee no later than at the end of the February meeting.

Once eligibility to run for a Board position 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 *LVPG* shall require proof of eligibility during elections.

Section 3. Members of the *LVPG* shall be elected to serve for fixed terms of two years with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than eight consecutive years, except as noted below, and their name shall not appear on a ballot for a fifth consecutive term.

The eight-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 has served for eight consecutive years shall again be eligible for election to the planning group.

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 appoint for one year at the following month's meeting and with public notice some members who have already served for eight consecutive years to continue on the planning group without a break in service. Appointed members shall have the same voting rights as elected members. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the *LVPG* must retain eligibility during the entire term of service.

Section 5. A member of the *LVPG* found to be out of compliance with the provisions of Council Policy 600-24 or the planning group's bylaws risks loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 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 *LVPG* 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 *LVPG* should declare that an elected member 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 group's regular meetings.

A vacancy may also exist following a vote of a community planning group as described in Article III, Section 5 of Council Policy 600-24 related to ineligibility, or following conclusion of a member-removal process conducted under Article IX of the Policy, or due to adopted bylaws violations.

Section 2. Vacancies that may occur on the *LVPG* should 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.

A single vacancy or concurrent vacancies shall be filled with (a) nominee(s) [note: non-elected candidates from the list mentioned in Article V, Section 3 shall be given notice of the available vacancy] whose name(s) shall be presented by the Chair and/or election committee and voted upon by the members present at a regular noticed meeting. Individuals proposed for Board membership should have attended at least three of the last six meetings of the Group, and where possible reside, volunteer, or work in the same designated area as that represented by the member being replaced. Vacancies shall be filled by a majority vote of the seated planning group Board members. A community planning group vote to fill a vacancy or concurrent vacancies, if done by written ballot, must be publicly reported according to the Brown Act Section 54953(c)(2) , including who voted for, against, or abstained. If a vote is conducted verbally, it should be recorded in the minutes.

Section 3. When the *LVPG* is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, a search for a new member should continue, however 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 *LVPG* members shall be held prior to the regularly scheduled meeting in the month of March in accordance with the election procedures found in Article VIII of these adopted bylaws.

The *LVPG*'s general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be at the end of the February noticed regular meeting of the full planning group.

The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee 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 meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] should have attended three of the last six meetings of the *LVPG* up to and including the February regular meeting preceding the election.

Section 2. The *LVPG* shall make a good faith effort to utilize appropriate means to publicize the planning group's eligibility requirements for candidacy, and to publicize the upcoming election.

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

The *LVPG* holds its election prior to the March regular meeting. For details refer to Article VIII.

The *LVPG* Election Committee shall require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote shall clearly identify which seat a candidate is running for, how many candidates can be selected, and which candidates, if any, must receive a two-thirds majority of the vote due to service beyond eight consecutive years.

The *LVPG* policy related to write-in candidates is that: write-in candidates are not allowed.

Section 3. Voting to elect new community planning group members shall be by secret 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.

The number of individuals on a community planning group serving more than eight consecutive years and/or those serving in at-large positions, shall in no case exceed twenty-five percent of the elected members of the group.

Section 4. The *LVPG's* election becomes final after announcing the election results prior to the conclusion of the noticed, regular March planning group meeting. The

Chair, with assistance from the election committee, is responsible for preparing, certifying and forwarding the election report to the City.

At the beginning of the April *LVPG* meeting, newly elected members shall be seated in order to fully participate in the business of the Planning Group, including the election of new officers. The previous Chair (if still on the board) or most senior member shall conduct the meeting until all officers are elected by the new board, and then the newly elected Chair shall conduct the remainder of the meeting.

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

Section 5. Article VIII, contains all voting procedures, including voting time; voting location; voting eligibility; candidate eligibility; elections committee establishment and responsibilities; promotion of elections; counting votes; ballots; write-in candidates; reporting election results to the Chair, and, election challenge criteria and procedures.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the *LVPG* 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 *LVPG* 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 an agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

The agenda shall be offered to the City for posting on the City's website and should be posted on the LVPG website at <http://www.lindavista.org/lvpg/> or the meeting site if the website is not available at least 72 hours in advance of the meeting.

(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 LVPG 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:

- (1) A subcommittee of the planning group has discussed the item at a noticed committee meeting,
- (2) All interested members of the public were given an opportunity to address the committee, and

(3) 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 shall 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.

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 LVPG 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 such a 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 voting members of a community planning group, or every member if less than two-thirds of the voting members of the community planning group 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.

A two-thirds vote of the voting members of the community planning group is required to remove an elected community planning group member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the voting members of the community planning group for the purpose of ratifying the findings presented by the Secretary to the group.

Amendments to adopted bylaws require a two-thirds vote of the voting members of the *LVPG*.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of a community planning group.

All other community planning group actions, including subcommittee votes, only require a simple majority of the voting members of the community planning group in attendance when a quorum is present.

The *LVPG*'s Chair participates in discussions but does not vote except to break a tie.

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 members on the planning group identified in Article III, Section 1 of Council Policy 600-24.

(ix) COLLECTIVE CONCURRENCE - Other than at a properly noticed public meeting, any attempt to develop a collective agreement among *LVPG* members as to action to be taken on an agenda item, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited.

(x) SPECIAL MEETINGS - The Chair of the *LVPG* 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 *LVPG* and are prohibited under these bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the *LVPG* 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 a *LVPG* meeting is willfully disrupted by a person or group of persons, the planning group may first cause removal of the individual or individuals. If this is not successful then the planning group may order the room cleared and continue the meeting of scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The individual or individuals who were not responsible for the disruption may be readmitted.

(b) Subcommittees

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

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the *LVPG* as defined in Article II, Section 1, the planning group has numerous standing subcommittees. The standing subcommittees include the following:

- Bylaws & Elections Subcommittee
- Traffic & Transportation Subcommittee
- Zoning & Land Use Subcommittee
- Maintenance Assessment District

A detailed discussion of the standing subcommittees is available in Exhibit “C”.

(ii) AD HOC COMMITTEES - Ad hoc committees shall be established for a finite period of time to address a particular planning or operational matter and to review more focused issue areas and shall be disbanded following their review.

(iii) COMMITTEE COMPOSITION – 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 committee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) RECOMMENDATIONS – 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 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 *LVPG* 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 recuse 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, 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.

(d) Meeting Documents and Records

(i) AGENDA BY MAIL/EMAIL - Requests to mail/email 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 of the materials requested by an individual or individuals.

(iii) MINUTES – For each planning group meeting, a report of *LVPG* member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the group’s next regularly scheduled meeting. 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 *LVPG* 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.

(iv) RECORDS RETENTION – *LVPG* records must be retained for public review. Community planning group records are meeting agendas and any other writings that are distributed to at least a majority of the group members in connection with a matter subject to consideration at an open meeting of the group. Community planning group records do not include writings that are required to be submitted to the City in accordance with Council Policy 600-24 to substantiate and document the *LVPG* operation and compliance. The *LVPG* also receives materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community planning group records, and non-records.

- Section 3. It shall be the duty of the *LVPG* 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 *LVPG* to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City an annual report of accomplishments for the past 12 months and anticipated objectives for the coming year related to Article II, Section 1 above. A draft report will be submitted to the planning group members for review and approval at the January meeting, and submitted to the City's Planning Department by February. Rosters and annual reports constitute disclosable records under the Brown Act.
- Section 5. The *LVPG* 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 *LVPG* 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-19883 NS, and any future amendments thereto. As required by O-19883, newly seated planning group members must complete a basic orientation training session within 60 days of being elected or appointed to a planning group or the member will be ineligible to serve. The basic orientation training session will be scheduled within 60 days of the last day of March each year to meet this ordinance requirement. If it is not possible for a new member to attend the training session as required, or if a new member is seated through a special election or in a month other than March, then the member shall successfully complete the online orientation training.

ARTICLE VII Planning Group Officers

Section 1. The officers of the *LVPG* shall be elected from and by the voting members of the *LVPG* Board. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary, Treasurer, and may include such other officers as the group may deem necessary. The length of an officer's term shall be one year at a time, not to exceed more than eight consecutive years. After a period of one year in which that person did not serve as an officer said person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and community-wide meetings organized by the planning group.

Appeals of discretionary decisions to the City shall be made by the Chairperson or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the planning 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 and Treasurer.

a) Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, 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, or the *LVPG* Board may elect more than one secretary as required. It shall be the responsibility of the *LVPG* through its Secretary to provide a current roster of the planning group's members on file in the office of the Planning Department of the City of San Diego.

b) Treasurer. The Treasurer shall be responsible for receiving monies on behalf of the *LVPG*, making deposits, writing of two-signature checks to carry out the business of the planning group, and presenting reports at the *LVPG*'s regular noticed meetings regarding the status of the treasury.

Section 5. CPC Representative. The Chairperson shall be the recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the Chair may be selected as the official representative to the 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 for the planning group's alternate to the CPC shall be forwarded in writing to the staff representative to the CPC prior to extension of voting rights and member attendance.

NOTE: Usually, the Vice Chairperson shall be the alternate representative at the CPC meeting.

Section 6. The *LVPG* 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.

ARTICLE VIII Planning Group Policies and Procedures

Section 1. The *LVPG* bylaws incorporate policies and procedures directed by Article 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 IX 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.

(a) Community Participation

The *LVPG* invites community participation by implementing many of these listed actions:

1. Streamline the general meetings so they are interesting, informative, and still fulfill the planning group's duties.
2. Create an environment of WELCOME.
3. Advertise *LVPG* meetings, special speakers, activities and events with flyers, handouts, announcement, posters, agendas, etc. at the Linda

Vista Library, USD, Bayside Community Center, local city, charter and private schools, Linda Vista and Kearny Mesa Recreation Centers, and with neighborhood churches, businesses, community organizations, etc.

4. Make personal contact by telephoning/visiting with neighbors et al.
5. Reach out to our diverse ethnic population through their business and social organizations, and if possible, provide information in their native languages.
6. Mail agendas and other materials through our elected Council Representative.
7. Utilize, if allowed, the electronic marquees at the Kearny High School and Montgomery Academy.
8. Conduct an Open House Social once a year to gather input from the greater Linda Vista community.
9. Make use of the City Channel and other media sources, including the community newsletters.

(b) Conduct of Meetings

The *LVPG* procedures regarding conduct of planning group meetings can be found in Article VI, Section 2.

There are no excused absences. If a member is unable to attend a meeting, common courtesy dictates that the member phone or email one of the group's officers.

(c) Member and Planning Group Responsibilities

The *LVPG's* duties and responsibilities are stated throughout Article VI of these bylaws.

Voluntary financial contributions are allowed to be received by the treasurer, as necessary, to cover printing expenses, community participation items, etc. This is in addition to any annual budget provided by the city for these same purposes.

(d) Elections

The Administrative Guidelines provide general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws:

VOTING ELIGIBILITY - To receive a ballot, when members of the community arrive for the election, they must present evidence of residence or community based business affiliation: e.g., driver's license, DMV ID, business card, utility bills.

CANDIDATE ELIGIBILITY - Refer to Article III, Section 2 for requirements. Additionally, candidates must have agreed to stand for election, and have submitted an application signed by the candidate, stating the applicant's eligibility by the end of the regularly scheduled February planning group meeting.

ELECTION COMMITTEE ESTABLISHMENT AND RESPONSIBILITIES – Duties of election committees are to perform required elections of planning group members once a year, including verifying eligibility of candidates and voting community members, creating ballots, performing the election, counting ballots, announcing results, filing/storing ballots with meeting minutes, and presiding over any election challenges. If at all possible, these individuals should not be candidates whose names appears on the ballot.

PROMOTION OF ELECTIONS - The planning group shall make a good faith effort to contact community newspapers and utilize other means to advertise the elections, such as posting notice in the local post office, library, local newsletters, community websites and recreation center – at least ten (10) days prior to the meeting of election.

MANAGING THE POLLS – The poll will be sited at the location of the March meeting of the planning group and will be open for one-half hour concurrent, but separate to the meeting. The poll will close prior to the convening of the meeting. The Election Subcommittee is responsible for managing or assigning the management of the poll.

BALLOTS - Voting shall be by secret written ballot of eligible community members and planning group voting members. Ballots shall be available at the noticed election which will be held prior to and at the same location of the noticed planning group meeting. Refer to Article V, Section 2.

WRITE-IN CANDIDATES – Write-in candidates are not allowed.

ELECTION PROCEDURES – Elections will be held concurrent with the regular March meeting where each candidate has an opportunity to speak for up to five minutes on their qualifications for election. No surrogates are allowed to speak for the candidate. After all candidates have the opportunity to speak, ballots will be distributed to all qualified community members and a ballot box will be open for thirty minutes, during which time other regular business may continue until the voting time has expired.

COUNTING VOTES - The Election Subcommittee will assign two people (e.g., community member, or board member not running for office) to tally the votes. Candidates are elected by the plurality method of counting votes.

AT-LARGE MEMBERS – All *eligible* community members may vote for any of the candidates from the various census tracts in the Linda Vista planning

area. If all census tract positions are not filled, member at-large positions shall be filled with the candidates who did not win in their census tract, based on the highest number of votes garnered, until all positions are filled. Any remaining non-elected candidates shall be placed on a list for consideration should a vacancy occur. At-large positions are for the full term. All at-large positions will return to census track positions at the end of the term.

TIE BREAKING PROCEDURE – In the case of a two or three-way tie, the winner will be determined by one or more tosses of a coin by the Chairperson or member of the Election Subcommittee.

RETENTION OF THE BALLOTS – All ballots from the election shall be retained and kept securely by the Secretary for a minimum of 24 hours, which is the allotted period for challenges to election results.

REPORT ELECTION RESULTS - The Election Subcommittee Chair will announce the results of the election prior to the conclusion of the March meeting.

ELECTION CHALLENGE AND PROCEDURE - Refer to the Administrative Guidelines.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. **Indemnification and Representation.** The *LVPG* 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-19883 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 plus any other designated responsibilities or obligations as specified in Council Policy 600-24, Article II, Section 1; their conduct was in conformance with the Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. **Brown Act Remedies.** The *LVPG* 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 or where the member intended to deprive the public of information. 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 LVPG

In cases of alleged violations of the LVPG 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 group may remove a member by a two-thirds vote of the voting members of the community 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 is 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-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the LVPG 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 or 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 cite a specific bylaw or Council Policy 600-24 provisions of which the action is claimed to violate. If the written complaint is from someone other than another planning group member, the Chair, and other members, may assist in providing appropriate citations to assist the complainant.
- The Chair shall confer with planning group members regarding the complaint. [Exception: if the Chair is the subject of the grievance or has a business or personal relationship with the alleged violator regarding the complaint, then the Vice Chair will confer with the planning group members].
- 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 members, shall 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 members, 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 members, 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 shall outline the necessary actions to achieve the remedy.
- If the Chair, with assistance from the planning group members, determines that the situation cannot be remedied and that the interests of the community and *LVPG* would best be served by the removal of the planning group member, then the Chair shall set the matter for discussion at a 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 shall 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 shall be made available to the elected planning group members at least 72 hours to the meeting.

- The matter shall be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present his/her case and/or rebut documentation gathered by the Chair with the assistance of the planning group members. The member may also request a continuance of the item to gather more information to present to the planning group at the next meeting.
- At the end of the discussion, the planning group may, by a two-thirds vote, choose to remove the member.

Recourse for expelled member

- There is no appeal available to an elected planning group member removed by a two-thirds vote of the voting members 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 two-thirds vote of the voting members of their recognized community planning group shall not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations Against the *LVPG* 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 *LVPG* 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, the Group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

EXHIBIT "A"



Exhibit A: Boundary Map - Linda Vista

LVPG Boundary Map

The community planning area boundaries which are applicable to this group are defined as that City of San Diego planning area generally bounded on the south by Friars Road, on the west by Interstate 5 (I-5), on the north by Tecolote Canyon and Mesa College Drive, and on the east by State Route 163.

***EXHIBIT “B”
Census Tracts Within
Linda Vista’s Planning Area***

On the Linda Vista Planning Group, elected seats are filled by a geographic distribution among the following seven census tracts.

CENSUS TRACTS:

***86.0, 87.01, 88.00
89.01, 90.00, 91.06, 91.07***

Note: Census Tract boundaries are based on the 2010 Census Tract Map. If census tract boundaries change, the voting districts remain the same unless amended.

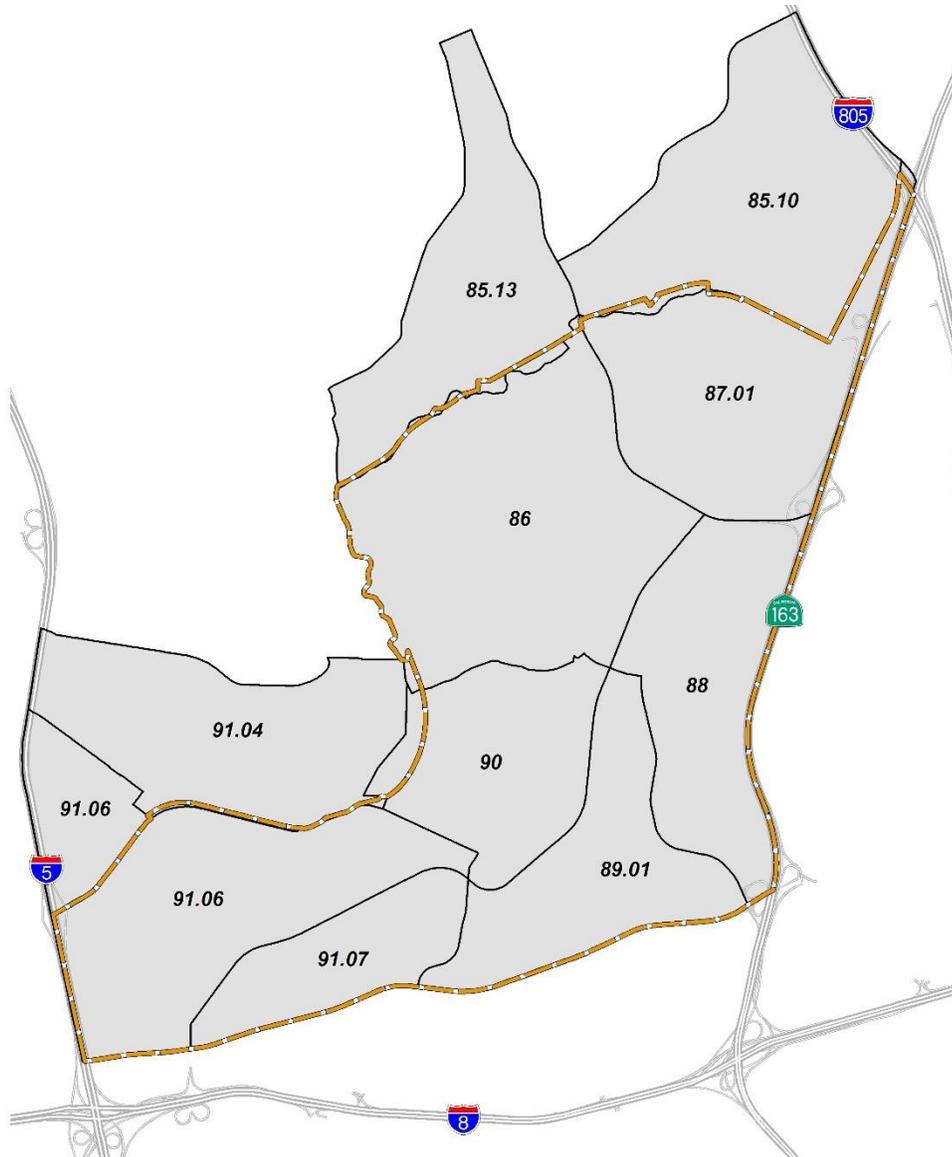


EXHIBIT “C”
LVPG Subcommittees

The following Standing Committees are part of the Linda Vista Planning Group: **Bylaws & Elections, Traffic & Transportation, Zoning & Land Use [Development Project Review], and Maintenance Assessment District [MAD].**

Each committee is composed of one or more *LVPG* Board members, as well as interested individuals from the community. MAD meets monthly, while the other committees meet as needed throughout the year.

Standing Subcommittees

Bylaws & Elections Subcommittee

This subcommittee serves a dual role. The Bylaws & Elections Subcommittee provides a paper or word document copy of the bylaws to new/old members of the planning group as needed. This subcommittee makes the Group aware when the bylaws are not being followed, and recommends when changes would be beneficial. The duties of the Bylaws & Elections Subcommittee are to seek eligible candidates, to prepare the ballots, to qualify voters, and to conduct the *LVPG*'s elections at the March meeting or when a vacancy occurs. The subcommittee shall maintain a list of candidates for future elections, a roster of members for the City and the *LVPG* secretary, and a record of past elections as well as the number of years a member has served on the Board.

Traffic & Transportation Subcommittee

The *LVPG* Traffic & Transportation Subcommittee follows the mass transit component of the Linda Vista Community Plan. As such, public transportation issues affecting the greater Linda Vista area are addressed by the committee which includes members who use public transit. Meetings are held as needed, although members attend MTS meetings 5-6 times a year, ride the routes that serve our community noting the quality of service provided, and interview bus riders for their input. If there are concerns, we report our findings to the *LVPG* Board, make recommendations, speak at the Metropolitan Transit System Board meetings, write letters, circulate petitions if necessary, etc. The goal is to ensure that the current level of service is maintained or enhanced.

Other duties focus on the vehicular, bicycle, and pedestrian components outlined in the Linda Vista Community Plan. The subcommittee monitors areas of traffic congestion and offers suggestions on appropriate land uses, traffic flow, etc. to alleviate the problem. Input is received and gathered in neighborhoods where traffic safety issues are a concern. Meetings are then held to discuss solutions like crosswalks, stop signs, street lights, speed bumps, and traffic signals. Recommendations are offered to the full *LVPG* Board for approval, which could include letters of support to City staff and the City Council.

Zoning & Land Use Subcommittee

The City's Development Services Department submits project plans and land use proposals to the *LVPG* Chairperson, who immediately forwards the materials to the Zoning/Land Use Subcommittee Chair. The subcommittee may visit the project site and meet to look over the documentation provided by the City which might include maps, drawings, reports, diagrams, etc. plus the sign off sheet. Subcommittee members assess whether the project documentation meets City requirements and conforms to the goals of the Community Plan. A recommendation is made to the *LVPG* Board at a regular meeting, and after, the vote along with the sign off sheet is sent to the City as required. The project developer is kept informed by email and telephone and is given every opportunity to make a presentation of the project at a *LVPG* meeting.

MAD Subcommittee

The purpose of the Linda Vista Community Maintenance Assessment District [MAD] Subcommittee is to advise the *LVPG* and City staff about the community's desires regarding the landscape beautification, enhancements, improvements, and maintenance of areas within the MAD geographic boundaries. The committee also provides input to City staff when the annual budget is prepared and reports to the *LVPG* with a recommendation to support the proposed budget. The MAD committee monitors all contractual agreements for the District assuring that the community has the level of service it desires and that these services are provided in the most fiscally responsible fashion possible. *See Article VI, Section 2(b) for more details.*

Representative Subcommittees

In addition, there are numerous **Representative Subcommittees** who keep the *LVPG* informed about items of interest in the neighboring communities. They include the **Mission Bay Park Committee, Tecolote Canyon Citizen's Advisory Committee, Linda Vista Collaborative, Linda Vista Historical Society, Linda Vista Town Council, Mission Valley River Preserve, Linda Vista Recreation Council, Kearny Mesa Recreation Council** and so forth.