THE CITY OF SAN DIEGO

MEMORANDUM

DATE: November 8, 2012

TO: Brian Curry, Chair, Pacific Beach Planning Group

FROM: Cecilia Gallardo, Deputy Director, City Planning Division and Shannon Thomas, Office of the City Attorney

SUBJECT: Approval of an amendment to the Pacific Beach Planning Group bylaws

---

The Pacific Beach Planning Group 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 Division of the Development Services Department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.

Date: 11/20/12

Cecilia Gallardo
Deputy Director
City Planning Division of Development Services Department

Date: 11/9/2012

Shannon Thomas
Deputy City Attorney

Attachments: Pacific Beach Planning Group Bylaws

Pacific Beach Planning Group By-Laws
November 8, 2012

ARTICLE I

Section 1. The official name of this organization is The Pacific Beach Planning Group (PBPG).

Section 2. All activities of this organization shall be conducted in its official name.

Section 3. The community planning area boundaries for the Pacific Beach Planning Group are the boundaries of the Pacific Beach Planning Group community, as shown on Exhibit "A."

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

Section 5. The official positions and opinions of the PACIFIC BEACH PLANNING GROUP shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

Section 1. The PACIFIC BEACH PLANNING GROUP has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the PACIFIC BEACH PLANNING GROUP community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.

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

Section 3. All activities of the PACIFIC BEACH PLANNING GROUP shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4. The PACIFIC BEACH PLANNING GROUP shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with 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 PACIFIC BEACH PLANNING GROUP'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 PACIFIC BEACH PLANNING GROUP 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 PACIFIC BEACH PLANNING GROUP operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of 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 PACIFIC BEACH PLANNING GROUP may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The PACIFIC BEACH PLANNING GROUP shall consist of: 20 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. Council Policy 600-24 requires that elected members of the PACIFIC BEACH PLANNING GROUP, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the PACIFIC BEACH PLANNING GROUP, elected seats are filled by distribution of seats among the following interests that represent the community: 15 residential members, one elected from census tract 83.01, and two elected from each of the other seven census tracts in the Pacific Beach community, and five business or professional members as described below.

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

(1) *resident*, who is an individual whose primary address of residence is an address in the community planning area or who owns any parcel of residentially zoned property in the planning area.

(2) 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 or who owns any parcel of commercially or industrially zoned real property in the planning area.

In order to be a candidate in the March election, an eligible member of the community must have documented attendance at one meeting of the PACIFIC BEACH PLANNING GROUP'S last 12 meetings prior to the February regular meeting preceding the election. Eligible candidates must submit an application demonstrating qualifications of eligibility to the planning group Eleetions subcommittee chair no later than two weeks prior to the March election.

Section 3. Members of the PACIFIC BEACH PLANNING GROUP shall be elected to serve for fixed terms of 2 years with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than eight years. 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 had 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 retain some members who have already served for eight consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the PACIFIC BEACH PLANNING GROUP must retain eligibility during the entire term of service.

Section 5. A member of the PACIFIC BEACH PLANNING GROUP found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups 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 PACIFIC BEACH PLANNING GROUP who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

Section 1. The PACIFIC BEACH PLANNING GROUP 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(s) from the planning groups regular meetings.

Section 2. Vacancies that may occur on the PACIFIC BEACH PLANNING GROUP shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The PACIFIC BEACH PLANNING GROUP shall fill vacancies at the time the vacancies are declared by selection by planning group members at the time the vacancies are declared. The PACIFIC BEACH

PLANNING GROUP will announce any vacancy at the regular meeting and ensure that petition forms are available for all interested parties. Petitions from the prior regular election will be valid. The election ad-hock committee chairperson shall be asked to notify the local media, the Pacific Beach Town Council and (if the vacancy is a business/commercial seat) the Pacific Beach Business Associations. The committee at large will try to advertise the vacancy by word of mouth. The term of this Committee position shall be for the balance of the vacated term. If there is not a minimum of three months left in the term when the Committee is notified of the vacancy, the seat then shall remain vacant until the next community election occurs. ~~After a residential census tract seat has been~~ declared vacant and there being no eligible candidates available from that tract, the vacancy may be filled by a qualified candidate who is qualified in another Pacific Beach census tract. Thirteen signatures of the candidates nominating petition must be provided by residents of the "vacant" census tract. The remaining twelve signatures must be provided by residents of the candidate's own census tract. At any one time, no more than three residential representatives to the Committee may reside in the same census tract.

Section 3. When the PACIFIC BEACH PLANNING GROUP is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the 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 PACIFIC BEACH PLANNING GROUP members shall be held during the month of March in accordance with the elections procedures of these bylaws.

The PACIFIC BEACH PLANNING GROUP *'s* general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be two weeks prior to the March noticed regular or special meeting of the full planning group membership preceding the election. 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 to the roster up to two weeks prior to the March 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] must have documented attendance at one meeting of the PACIFIC BEACH PLANNING GROUP's last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The Pacific Beach Planning Group shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

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 consecutive years to leave the group for at least one year.

The Pacific Beach Planning Group holds its election at the March regular meeting. The election of the Planning Group shall be open to the participation of all eligible "community members" as defined under Article III, Section 2 of the standard operating procedures.

The Pacific Beach Planning Group will 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 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 or nine consecutive years of service.

The Pacific Beach Planning Group's policy related to write-in candidates is that write-in candidates are not allowed.

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 Pacific Beach Planning Group's election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning group's monthly 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 Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5. Article VIII, Section 1(e) contains all voting procedures. The election will be conducted by an "election subcommittee." The election subcommittee chairperson shall be named by the chairperson of the PACIFIC BEACH PLANNING GROUP. The election subcommittee shall be made up on a minimum of 6 persons; at least 3 committee members of which one is required to be the chairperson of the subcommittee. At least two other representatives from the general public, or related community organizations such as the PB Town Council, BIA, etc. or as recommended by the election subcommittee. Any subcommittee members who are up for reelection will not be able to serve as Chairperson of the election committee or assume any duties related to aspects of election day activities—specifically regarding the staffing of polls and and/or counting the ballots. The duties of the subcommittee will include publicizing the elections, certifying candidates and votes, staffing, manning the poles, and counting the ballots. Ballot counting shall be supervised at all times by the Election Sub-committee chairperson. The election subcommittee shall make a report to the full Planning Committee at the regular November meeting in order to obtain approval of the details and procedures relative to the coming annual elections. Election packets will be made available seven weeks prior to the election date at a location in the community that is convenient and readily accessible. Election packets may be picked up only by the candidates. Prior to receiving the election packet, the candidate must fill out and sign the official candidate log book and enter their name in ink on all petition papers. The polling place is to be at the publicly accessible building within the community. There is to be a clearly visible sign outside the polling place. The date of the election and specific polling hours are to be publicly announced by the Elections Subcommittee and approved by the Pacific Beach Planning Group. The polling space will be supervised at all times by two persons, one of which must be a Planning Committee Member. No campaigning or distribution of campaign material shall take place within 500 feet of the polling place.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the PACIFIC BEACH PLANNING GROUP 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 PACIFIC BEACH PLANNING GROUP 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, 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 Pacific Beach Planning Group 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 subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. 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 Pacific Beach Planning Group may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

(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 PACIFIC BEACH PLANNING GROUP planning group's chair participates in discussions but does not vote except to make or 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 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 PACIFIC BEACH PLANNING GROUP as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS - The chair of the PACIFIC BEACH PLANNING GROUP, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before 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 PACIFIC BEACH PLANNING GROUP and are prohibited under this bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the PACIFIC BEACH PLANNING GROUP must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(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) Subcommittees

The PACIFIC BEACH PLANNING GROUP may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the PACIFIC BEACH PLANNING GROUP as identified in Article II, Section 1, the planning group has established the following subcommittees: Residential/Commercial Project Review, Traffic and Parking, Neighborhood Code Compliance, Communications and Elections.

The Chairperson shall have the power to establish and appoint Subcommittees.

(ii) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

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

(c) Abstentions and Recusals

(i) RECUSALS - Any member of the *PACIFIC BEACH PLANNING GROUP* with a direct economic interest in any project that comes before the planning group or its subcommittees 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 - 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 charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES – For each planning group meeting, a report of the PACIFIC BEACH PLANNING GROUP member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. 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 PACIFIC BEACH PLANNING GROUP is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv) RECORDS RETENTION –PACIFIC BEACH PLANNING GROUP 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 PACIFIC BEACH PLANNING GROUP 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 *Pacific Beach Planning Group* 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, 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 *Pacific Beach Planning Group* may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. 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 *Pacific Beach Planning Group* 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 *Pacific Beach Planning Group* shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary. The length of an officer's term shall be one year, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by 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. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties

Section 5. The Chairperson shall be a 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 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 CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

Section 6. The *Pacific Beach Planning Group* 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 *Pacific Beach Planning Group* 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 VII of the bylaws. They are separated into exhibits for ease of understanding.

(a) Planning Group Composition

Pacific Beach Planning Group members must meet the following qualifications for a seat on the PBPG:

A residential member shall be defined as any community member who resides in, or owns any parcel of residentially zoned property in the planning area. Only one person per household may serve on the committee at the same time.

A business or professional member shall be defined as any community member who has a business or professional license in a non-residential zone, or who owns any parcel of commercially or industrially zoned real property in the planning area. A business or professional license whether an individual, a partnership, a corporation or a branch operation, may be represented on the committee at any one time by only one person who, if not the managing officer of the business, shall maintain an ownership interest or be a permanent employee of the entity. The tenure of the designated member is dependent upon the ability of the subject business to continue qualifying as a business member as defined in Article III, Sec. 2B. The action of the entity to designate a representative member must be in writing and included in the application package. A permit or license required to operate apartments in a residential zone, is for this purpose not considered a "business license."

(b) Elections

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

Eligible community member *residents* vote for PBPG *residential member* candidates. Eligible voters must vote only for the candidate within their census tract. The planning area is divided into eight community based census tracts (see Exhibit A). A resident voter's address may be verified to insure that they are voting in the correct census tract.

Candidates interested in running as a *residential member* PBPG seat, must obtain the printed name, signature, address, and date of 25 resident members.
These resident members must be from within the candidate's community census tract. The completed petition and Candidate Membership application must be submitted to the Election Committee for verification, no later than two weeks before election day. Only original petition packets issued to that candidate during that calendar year will be accepted.

Should there be no qualified candidates entered to run for a vacant *residential member* seat in any census tract, then a vacancy may be declared at the next regular meeting after the election, and the procedures set out in Article IV, Section 2 will be followed.

Eligible community member *business persons* vote for PBPG *business and professional member* candidates. Candidates shall be elected "at large" by business persons within the planning area. Voters will be required to register their status as community members by signing an official vote registration log. A business voter's address may be verified to ensure their business owner/ representative status.

Candidates interested in running as a *business and professional member* PBPG seat, must obtain the printed name, signature, residential address, business name and address and date of 25 business members in the community.

The completed petition and candidate membership application must be submitted to the Election Subcommittee for verification no later than two weeks before election day. Only original petition packets issued to that candidate during that calendar year will be acceptable.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The *Pacific Beach Planning Group* and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

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

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

(a) Alleged Violations by a Member of the *Pacific Beach Planning Group*

In cases of alleged violations of the *Pacific Beach Planning Group* bylaws or Council Policy 600-24 by a planning group member, the planning group may conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

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

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these bylaws.

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

Investigation procedures for elected member violations are outlined below:

Any action by the *Pacific Beach Planning Group* to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

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

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

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom

the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.

- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and *Pacific Beach Planning Group* would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

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

Recourse for expelled member:

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

(b) Alleged Violations Against the *Pacific Beach Planning Group* 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 *Pacific Beach Planning Group* will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

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

Exhibit A: *Pacific Beach Planning Group* Boundary Map

Bylaws Shell Date: 6/1/07