Serra Mesa Planning Group Bylaws
Approved June 5, 2015
(Administrative Approval)

ARTICLE I Name

Section 1. The official name of this organization is the *Serra Mesa Planning Group.*

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

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

West – Highway 163
East – Extends to the slopes of the Stonecrest Specific Plan
North – The northern boundaries of the residential areas near Aero Drive with the commercial/research and development and city-owned areas excluded
South – The southern boundaries of the residential areas of Birdland, Phyllis Place and Mission Village, with the sand and gravel areas excluded

Section 4. Meetings of the *Serra Mesa Planning Group* shall be held within these boundaries, except that when the *Serra Mesa 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 *Serra Mesa 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.

Section 6. Unless otherwise specified, the term "planning group" in these bylaws refers to the 15 elected members. Community members vote only in Elections as described in Article V.

ARTICLE II Purpose of Community Planning Group and General Provisions

Section 1. The *Serra Mesa 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, community plan or a land use plan when a plan relates to the *Serra Mesa* community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency as detailed in Council Policy 600-24, Article II: Purpose of Community Planning Groups and General Provisions.

Section 2. The purpose of the *Serra Mesa Planning Group*:

(a) The *Serra Mesa Planning Group* shall review development projects within the community boundaries. In reviewing individual development projects, the *Serra Mesa Planning Group* should 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 should be submitted after staff's initial review and 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. Also, development projects adjacent to the community boundaries can be reviewed in response to community concerns.

(b) Define the neighborhood/residential make-up of Serra Mesa to cooperatively advise the City Council, City Planning and other governmental agencies concerning any general community plans being implemented or amended, including zoning or rezoning, so that the make-up of the Serra Mesa Community remains intact. Also, in regards to surrounding community plans, advise upon request by the City or in response to community concerns.

(c) Monitor development planned in areas surrounding the Serra Mesa boundaries to ensure that any and all impaction is mitigated.

(d) Monitor any redevelopment planned due to condemnation/ abandonment/rezoning in Serra Mesa and adjacent areas, ensuring that any/all impaction is mitigated.

Insofar as the efforts of the planning group are engaged in the diligent pursuit of the above purpose, professional planning staff assistance shall be provided by the Planning Department, upon request of the planning group.

Section 3. All activities of the *Serra Mesa 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 *Serra Mesa 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. The *Serra Mesa 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 *Serra Mesa* 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 *Serra Mesa 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. Amendments to Council Policy 600-24 will apply to the Serra Mesa Planning Group, 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 *Serra Mesa Planning Group* may propose amendments to these bylaws by 2/3 (two-thirds) vote of the voting 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 *Serra Mesa Planning Group* shall consist of 15 elected members to represent the community. These elected 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 *Serra Mesa Planning Group* shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

The *Serra Mesa Planning Group* elected seats are filled by a geographic distribution of seats. The planning group shall make every effort to seek at least two community members from each of the six elementary school areas: Juarez, Cubberly, Wegeforth, Jones, Angier, and Fletcher (or as revised by the San Diego Unified School District).

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

(1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
(2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
(3) local business person, who is a local business or not-for-profit owner, operator, or designee 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.

An individual may become an eligible member of the community by attending two meetings of the *Serra Mesa Planning Group* and demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Committee prior to the March election or at the time of voting.

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

Section 3. Members of the *Serra Mesa 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 consecutive 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 *Serra Mesa Planning Group* must retain eligibility during the entire term of service.

Section 5. A member of the *Serra Mesa 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 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 *Serra Mesa Planning Group* who participates in a meeting of the planning group where actions are proven to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

Section 1. The *Serra Mesa 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, or upon receiving evidence of a member's death.

A vacancy may also exist following a vote of the 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.

A single vacancy that occurs in a community planning group shall be filled by the group in a manner specified by the group's adopted bylaws.

Two or more concurrent community planning group vacancies shall be filled by a vote of all eligible members of the community by secret written ballot.

Section 2. Vacancies that may occur on the *Serra Mesa Planning Group* 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.

The *Serra Mesa Planning Group* shall fill vacancies at the time the vacancies are declared. Vacancies shall be filled by selection by planning group members at the time the vacancies are declared.

Section 3. When the *Serra Mesa Planning Group* 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 *Serra Mesa Planning Group* members shall be held prior to the regularly scheduled meeting in the month of March in accordance with the elections procedures found in Article VIII of these bylaws.

The *Serra Mesa Planning Group's* general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election Committee 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. If a candidate is unable to attend the forum, their application is read instead.

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 two meetings of the *Serra Mesa Planning Group*'s last six meetings prior to the February regular meeting preceding the election.

Section 2. The *Serra Mesa 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 *Serra Mesa Planning Group* holds its election prior to the March regular meeting. For details refer to Article VIII.

The *Serra Mesa 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 *Serra Mesa Planning Group's* policy related to write-in candidates is that write-in candidates are allowed. If it is later determined by the Election Committee that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

No person may campaign for votes within one hundred feet of the building in which the polling place is located.

Section 3. Voting to elect new community planning group members 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 *Serra Mesa Planning Group's* election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning group meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the 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 6 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 *Serra Mesa 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 *Serra Mesa 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].

The agenda shall be offered to the City for posting on the City's website.

(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 *Serra Mesa 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 *Serra Mesa 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 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 Serra Mesa Planning Group.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of the 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 *Serra Mesa Planning Group's* chair fully participates in planning group discussions and votes on all action items.

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

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

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the *Serra Mesa 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 *Serra Mesa 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 *Serra Mesa Planning Group* and are prohibited under these bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the Serra Mesa Planning Group must be allowed to record or photograph the proceedings unless there is a reasonable finding by the planning group that noise, illumination or obstruction is constituting 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 *Serra Mesa 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 *Serra Mesa Planning Group* as identified in Article II, Section 1, the planning group has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter [such as the Elections subcommittee].

(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 *Serra Mesa 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 charged for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES – For each planning group meeting, a report of *Serra Mesa Planning Group* 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 during 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 *Serra Mesa 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 – *Serra Mesa Planning Group* 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 Serra Mesa Planning Group's operation and compliance. The Serra Mesa Planning Group 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 *Serra Mesa 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 *Serra Mesa 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 an annual report of accomplishments for the past 12 months 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 *Serra Mesa 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 *Serra Mesa 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-19883 NS, and any future amendments thereto. 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.

As required by O-19883 NS, 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.

ARTICLE VII Planning Group Officers

Section 1. The officers of the *Serra Mesa Planning Group* shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary, and Treasurer (if the Board determines the Treasurer position is needed). 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 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. The Chairperson shall set the agenda for meetings and serve as the point of contact for development applicants.

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. The Vice Chairperson shall be the chair of the Elections Committee and shall be responsible for implementing the elections in accordance with the Bylaws.

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. Treasurer. The Treasurer shall receive all monies and deposit same in a bank in the name of the Planning Group. This officer shall pay all bills as directed by the Planning Group. An account shall be kept of all financial transactions and of the financial condition of the planning group, preparing a monthly financial report. All checks shall be signed by any two of the officers.

Section 6. 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 7. The *Serra Mesa 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 *Serra Mesa 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.

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

Section 2. **Community Participation**

It shall be the duty of the Planning Group to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II. The following are the *Serra Mesa Planning Group* procedures regarding community participation:

(a) AGENDA - The Agenda for the next planning group meeting as well as the draft minutes from the previous meeting shall be posted at the Serra Mesa Library and

forwarded to the City for posting on the City's website. Also, if possible the planning group will send out email notices to interested parties.

(b) PROJECT REVIEW PARTICIPATION - It shall also be the duty of the planning group, when reviewing proposed projects, to allow participation of affected property owners, residents, and business establishments with proximity to the proposed project. Any interested member of the public shall be given an opportunity to comment on proposed projects during planning group meetings. Such interested member should submit a request to be placed on the agenda prior to the opening of that meeting. At the start of each item, the Chairperson will identify how much time can be allocated to public comment, based on the number of items before the *Serra Mesa Planning Group*.

(c) APPLICANT NOTIFICATION - The planning group shall inform, in writing, the project applicant or representatives each time that such review will take place and provide the applicant or representative with an opportunity to present the project.

(d) COMMUNITY NOTIFICATION - Project applicants should inform, in writing, all affected property owners, residents, and business establishments within the community. Such notices should include the time and location of the planning group meeting where the project will be discussed, as well as a description of the project in sufficient detail to indicate how the project will affect the community. The planning group will make available a template for these notices.

Section 3. **Planning Group Composition**

The following are the *Serra Mesa Planning Group* procedures pursuant to Article III, Section 2 regarding planning group composition:

(a) APPLICATION FOR VOTING MEMBER - In order to be considered for an elected seat on the planning group, a community member must submit a signed application and biography stating the applicant's eligibility, viewpoints, and interested in the community not later than the regularly scheduled February planning group meeting.

(b) SIGN-IN SHEET - In order to verify eligibility to vote and run for elected seats, the Elections Committee shall, by means of a voluntary sign-in sheet, track attendance by community members at regular planning group meetings.

(c) REPRESENTATION - The planning group shall make every effort to elect at least two community members from each of the six elementary school areas in Serra Mesa, which are: Angier, Cubberley, Fletcher, Jones, Juarez, and Wegeforth (or as revised by the San Diego Unified School District). If a position within a school area is unfilled, an eligible member residing outside that school area may be elected to the vacant position and will serve as an at-large member.

Section 4. **Conduct of Meetings**

The following are the *Serra Mesa Planning Group* procedures regarding conduct of planning group meetings:

(a) MEETING NOTIFICATION - Agendas and Minutes will be posted and publicized as stated in Subsection (a) of this Section.

(b) AD HOC SUBCOMMITTEES

From time to time, it may be necessary to appoint ad hoc committees for particular projects and/or involving other community organizations. Examples are review of a proposed community project, a change in land use, a plan amendment, or response to inquiries from the city or community. These committees are established to accomplish a particular task, such as, gathering and analyzing information concerning the issue and to make recommendations to the planning group. The Ad Hoc Committee will cease to exist once that purpose has been served.

(c) ELECTION SUBCOMMITTEE CHAIR shall be the planning group vice-chair unless the vice chair is a candidate in the election.

Section 5. **Member and Planning Group Responsibilities**

The following are the *Serra Mesa Planning Group* procedures regarding member and planning group responsibilities:

(a) LIAISON WITH COMMUNITY - The chair shall seek members of the *Serra Mesa Planning Group* to serve as monitors/liaisons to the planning groups and community organizations for communities that border Serra Mesa and to community organizations within Serra Mesa.

(b) POSITION ON ISSUE - The planning group's position on an issue may be represented to the City by a letter, written by the Chair or a member of the planning group appointed by the Chair, that communicates a motion approved by the planning group and may indicate the content of planning group discussion on the issue.

(c) REPRESENTATION - Officers and Ad Hoc Committee Chairs, or their designee, may represent the *Serra Mesa Planning Group* at meetings conducted by the city, other governmental agencies or groups on actions or positions taken by the group.

1. Such assignments shall be made by the planning group chair.

2. No written or oral communication may be made at such meetings as representing a position of the planning group on an issue until the planning group has taken an appropriate official position.

3. Any presentation materials or presentations that have been updated/modified after the planning group has taken its official position must be reviewed and approved by the planning group chair or vice chair before being presented. Any group member has the individual right to comment at public hearings or to the press, but the member must state that his/her comments are personal and do not reflect those of the planning group.

(d) FINANCIAL – Voluntary financial donations or contributions of goods or services from the citizens of the community may be sought to support the efforts of the planning group, to promote understanding and participation in the planning review process. However, no membership dues shall be required.

Section 6. **Elections**

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

(a) 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.

(b) CANDIDATE ELIGIBILITY - Refer to Article III, Section 2 for requirements. Additionally, candidates must have agreed to stand for election, and have submitted an application and biography signed by the candidate, stating the applicant's eligibility, viewpoints, and interests in the community, not later than the regularly scheduled February planning group meeting.

(c) ELECTION COMMITTEE ESTABLISHMENT AND RESPONSIBILITIES – Duties of election committee are to perform required elections of planning group members once a year, including verifying eligibility of candidates and voting community members, creating ballots, performing election, counting ballots, announcing results, filing/storing ballots with meeting minutes, and presiding over any election challenges.

(d) 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, and recreation center – at least ten (10) days prior to the meeting of election.

(e) MANAGING THE POLLS – The poll will be sited at the location of the March meeting of the planning group and will be open for at least one-half hour prior 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.

(f) 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.

(g) WRITE-IN CANDIDATES – Write-in candidates are allowed and subject to the eligibility requirements listed in Article III, Section 2. Refer to Article V, Section 2 and Article VIII, Section 6 (b). If a write-in candidate wins, the Election Subcommittee is responsible for verifying eligibility.

(h) 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. The candidates of the stated school district areas (Angier, Cubberley, Fletcher, Jones, Juarez, and Wegeforth, or as revised by the San Diego Unified School District), with the most votes will be elected to the planning group. Refer to Article VIII, Section 3 (c). In the event that an area remains unfilled, any candidate with the next highest votes will be elected to the open position on the planning group and will serve as an at large member. It is understood that a candidate may be elected to the planning group with fewer votes than another candidate if the first candidate is unopposed in a non-represented area.[unenforceable to assign staff – even though staff will likely assist]

(i) 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.

(j) RETENTION OF THE BALLOTS – All ballots from the election shall be retained and kept confidential by the Secretary for a minimum of 120 days.

(k) REPORT ELECTION RESULTS - The Election Subcommittee chair will announce the results of the election at the meeting when they become available.

(l) ELECTION CHALLENGE AND PROCEDURE - Refer to the Administrative Guidelines.

Section 7. **Amendments**

Proposed amendments to these bylaws must be submitted in writing, noticed to the community and announced at the monthly meeting preceding the monthly meeting at which the vote is taken. Amendments to these Bylaws shall not become effective until approved by the City Planning Department and the City Attorney or by the San Diego City Council if deviations from Council Policy 600-24 and the Bylaws shell are proposed

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ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The *Serra Mesa 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-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 as specified in Council Policy 600-24, Article II, Section 1; their conduct was in conformance with the Policy and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The *Serra Mesa 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 *Serra Mesa Planning Group*

In cases of alleged violations of the *Serra Mesa 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 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 *Serra Mesa 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 or 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 the alleged violation, the timeframe within which the alleged violation was committed, and who was responsible for the alleged 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 *Serra Mesa 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.

- If the Chair is the alleged violator, the Vice Chair shall perform the duties described above.

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 vice 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 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 2/3 vote of the voting members 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 *Serra Mesa 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 *Serra Mesa 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, it risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Exhibit A: *Serra Mesa Planning Group* Boundary Map

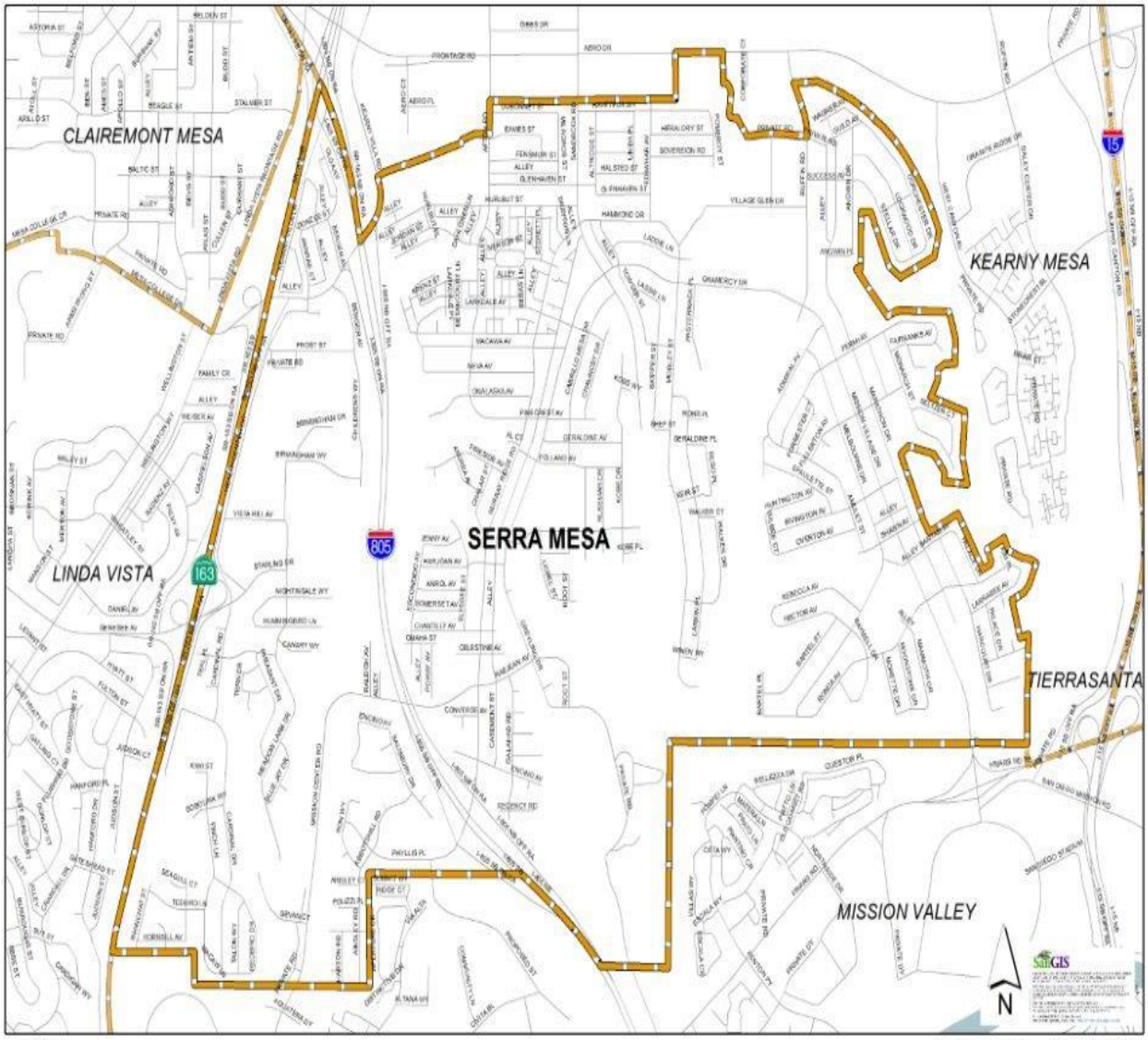

Exhibit A: Boundary Map - Serra Mesa