



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: July 17, 2008

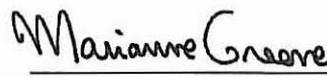
TO: Linda Colley, Chair, University Community Planning Group

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

SUBJECT: Approval of an amendment to the University Community Planning Group bylaws

The University Community 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 & Community Investment department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.


Date: 7.17.08
Mary P. Wright, AICP
Deputy Director
City Planning & Community Investment


Date: 7/17/08
Marianne Greene
Deputy City Attorney

MPW/MG/bt

Attachments: University Community Planning Group bylaws

University Community Planning Group Bylaws
Approved by UCPG with Revisions of April 8, 2008

ARTICLE I Name

- Section 1. The official name of this organization is the University Community Planning Group, hereafter called "UCPG".
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the UCPG are the boundaries of the University City community and include the main University of California at San Diego (UCSD) campus, as shown on Exhibit "A".
- Section 4. Meetings of the UCPG shall be held within these boundaries, except that when the UCPG 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 UCPG 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 UCPG 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 University City 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 UCPG 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 UCPG 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 UCPG 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 UCPG'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 University City 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 UCPG 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 UCPG may propose amendments to these bylaws a two-thirds (2/3) 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 UCPG shall consist of twenty (20) elected and duly appointed 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 UCPG shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the UCPG, eighteen (18) elected seats are filled by distribution of seats among the following interests that represent the community: nine (9) seats for residents (3 from each business District I, II and III); nine (9) seats for business representatives (3 from each resident District I, II and III). See Exhibit D for UCPG representation by District.

In addition, there are two voting members as follows: one (1) seat for UCSD Faculty/Staff jointly designated/appointed by the President, UCSD Staff Association, and the Chair, San Diego Division, University of California Academic Senate; and one (1) seat for the UCSD Student designated/appointed by the President of the Associated Students and Graduate Student Association.

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.

An individual may become an eligible member of the community by submitting a Membership Application demonstrating qualifications to the planning group Membership Secretary prior to the close of the regularly noticed February UCPG meeting. Applications that are postmarked by the deadline date will also be accepted. Normally, the annual election occurs at the next regularly noticed meeting in March. Business members must submit a copy of a current City Business Tax or County Property Tax Certificate along with the Membership Application. Any submitted membership application is subject to review and approval by the Membership Secretary. See Exhibit B attached to these bylaws for the UCPG Membership Application.

A business or non-profit organization may not designate nor be represented by more than one general or elected member regardless of being located in more than one district. The intent shall be only one vote for each business in its own right or as a designee, but not both.

Once eligibility to vote is established, an individual remains an eligible or general 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 UCPG shall require proof of eligibility during elections.

UCSD students, faculty, and staff who reside on UCSD property do not qualify as general members. These individuals are represented by the appointed UCSD voting representatives of the UCPG.

In addition to the twenty (20) elected seats in Section 2 above, the UCPG has two (2) appointed, non-voting seats to better represent specific interests of the community: one (1) of these seats represents UCSD Administration and is designated by the Chancellor of UCSD; and one (1) represents the Marine Corps Air Station (MCAS Miramar) and is appointed by the Commanding Officer, MCAS. These appointed seats are not counted in the twenty (20) members of the planning group and function in an advisory capacity.

Section 3. Members of the UCPG shall be elected to serve for fixed terms of three (3) years with expiration dates during alternate years to provide continuity. See Exhibit D for UCPG representation by district and positions elected in alternative years.

No person may serve on the planning group for more than nine (9) years. The nine year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for nine (9) 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 nine (9) consecutive years to continue on the planning group without a break in service. The number of individuals serving more than nine consecutive years shall in no case exceed twenty-five (25) percent of the voting membership. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

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

Section 5. A member of the UCPG 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 UCPG 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 UCPG 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 group's regular meetings.

Section 2. Vacancies that may occur on the UCPG 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 UCPG shall fill vacancies at the time the vacancies are declared at a noticed regularly scheduled meeting. Vacancies shall be filled by secret ballot of elected members as soon as possible after the vacancy.

If the vacancy occurs within 60 days of the expiration of the term, the elected members may elect to defer the filling of the vacancy to the regularly scheduled election.

Section 3. When the UCPG 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 twelve (12) members. If a vacancy remains for more than sixty (60) days from the time a vacancy is declared, and there are less than twelve (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 sixty (60) additional days, the planning group membership has not reached twelve (12) members, the planning group will be deemed inactive until it has attained at least twelve (12) members in good standing.

ARTICLE V Elections

Section 1. General elections of UCPG members shall be held during the month of March in accordance with the elections procedures found in Article VIII, Section 1 (e) Elections and Exhibit C of these bylaws.

The UCPG 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 subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the March election, an eligible member of the community [See Article III, Section 2] must have documented attendance at a minimum of one meeting of the UCPG's last 12 meetings prior to the February regular meeting preceding the election. The Membership Secretary shall make an announcement at each meeting of the availability of a list for potential candidates to document such attendance prior to the February regularly scheduled meeting.

Section 2. The UCPG 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 nine (9) consecutive years to leave the group for at least one year.

The UCPG holds its election at or near the location of the regularly scheduled March meeting.

The UCPG 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 two-thirds (2/3) majority of the vote due to service beyond eight or nine consecutive years of service. The numbers of individuals serving more than nine (9) consecutive years shall in no case exceed twenty-five (25) percent of the voting membership.

Write-in candidates are not allowed on the ballot.

Section 3. Voting shall be by secret written ballot. Proxy or absentee voting for elections is not allowed under any circumstances. Development and promotion of "slates" by

UCPG of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4. The UCPG 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, Planning Group Policies and Procedures, Section 1 (e) Elections, contains all planning group specific voting procedures including voting times and location, voting and candidate eligibility, managing polls and ballot counting, reporting and announcement of election results, handling election challenge criteria and other voting procedures also contained in Article V Elections Sections 1 to 4.

Article VIII Planning Group Policies and Procedures, Section 1 (d) Conduct of Meetings, (vii) Election Subcommittee contains the establishment and general responsibilities of the election subcommittee.

All of the above information is also available in a separate UCPG Elections Handbook, attached as Exhibit C to these bylaws, which may be distributed to voters, candidates and other interested parties.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the UCPG 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 UCPG 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 UCPG 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 UCPG 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 UCPG 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 UCPG 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 UCPG 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 twenty-four (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 UCPG and are prohibited under these bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the UCPG 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 UCPG 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 UCPG 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 strive to contain a majority of members who are members of the planning group, whenever possible.

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. See Dan's comments.

(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 UCPG 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 UCPG 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 fourteen (14) days after approval by the planning group.

The UCPG 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 – UCPG 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 UCPG 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 UCPG 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 UCPG 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 UCPG 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 twelve (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 UCPG shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson,

Secretary, and Membership 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 nine (9) 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 be responsible for the agenda and its posting prior to the monthly or any other meetings. In February the Chairperson shall present to members an annual report of the UCPG accomplishments for the past calendar year and anticipated objectives for the coming year. After approval by the elected members, the Chairperson shall submit the annual report to the City by the end of March. The Chairperson shall be responsible to follow through to completion any document that requires the City's approval and shall be the point of contact for development applicants.
- 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. Membership Secretary. The Membership Secretary shall provide and process Membership Application forms and maintain a current roster of UCPG general membership. The Membership Secretary shall be responsible for validating the eligibility of members and candidates for election and shall be responsible for conducting the annual elections, providing, however, that the Membership Secretary is either a non-voting member or is not running for a seat in the current election. The Membership Secretary shall also be responsible to maintain an up-to-date roster of the UCPG members to be provided to the City Clerk and City Planning and Community Investment Department.
- 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 UCPG 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 UCPG 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.

(a) Community Participation

The following are the UCPG procedures regarding community participation:

(i) COMMUNITY PARTICIPATION PROCEDURES –

(ii) PLANNING GROUP ACTIVITIES TO GROW INTEREST AND DIVERSITY –

(b) Planning Group Composition

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

(i) CONVERSION OF SEATS – Not applicable.

(ii) APPOINTMENT PROCESS – See Article III, Section 2 for appointed seats and Article IV, Section 2 for Vacancies.

(iii) COMMUNITY MEMBER ELIGIBILITY – See Exhibit B for Membership Application Form to determine eligibility of community member.

(c) Conduct of Meetings

The following are the UCPG procedures regarding conduct of planning group meetings:

(i) NOTICE MEETING AGENDAS – The notice and agenda of all regular monthly or other meetings shall be made electronically to UCPG members at least 72 hours prior to the meeting. In addition, the notice and agenda shall be made available electronically to any general member or the general public provided, however, that they have registered their email address with the Chairperson.

Other distribution shall include notice to the local community newspapers and newsletters, posted on the community bulletin boards at the University City libraries and other community bulletin boards, made available to community organizations and to any other interested individuals and groups, and provided to the City of San Diego for at SDPlanningGroups@sandiego.com for posting to the City's web site for community planning group agendas.

A notice of elections shall be provided to the City website, City TV24 programming, the City's webpage, electronic mail, or any other effective means of distribution available to the UCPG from the City to publicize as stated in Council Policy 600-24 Article V, Section 2.

(ii) MONTHLY AGENDA – The UCPG monthly agenda provides for public information and public/audience participation by reports and discussion items on the agenda and includes:

- A monthly report shall be provided by the Chairperson on subjects of interest to the community, announcements of current events, or actions by the Community Planners Committee (CPC), the City of San Diego Planning Commission, City Council or other City departments. The Chairperson shall also provide status on key development projects and other announcements deemed appropriate by the Chairperson (up to 15 minutes).
- Reports from representatives of local, county, state or federal government agencies shall be encouraged and, in particular, to focus on land use issues pertaining to the University City community. Also reports from any ad hoc subcommittee chairpersons, the Membership Secretary, and UCSD and MCAS representatives (20 minutes total).
- Public comment on non-agenda items shall be encouraged with three (3) minutes per speaker (15 minutes).
- Presentations of projects shall be permitted (up to 20 minutes each).
- Comments by members shall be encouraged to speak for five (5) minutes on each agenda item with specific questions and speaker reply not included in the five (5) minutes limited.
- Public audience questions and comments on agenda items shall be encouraged following each presentation with three (3) minutes per speaker (15 minutes total).

Length of available time shall be determined by the specific meeting agenda.

(iii) CONSENT AGENDAS – See Article VI, Section 2, (v).

(iv) MAINTAINING A CIVIL ENVIRONMENT – See Article VI, Section 1 and Article VI, Section 2, (a), (xiii).

(v) NUMBER AND ORDER OF AGENDA ITEMS – Agenda items are ordered and number as follows:

1. Call Meeting to Order – Chairperson
 2. Pledge of Allegiance followed by Moment of Silence – Chairperson
 3. Agenda: Call for additions/deletions: Adoption.
 4. Approval of Minutes: Adoption by Month.
 5. Announcements by Chair
 6. Reports by government officials or their representatives, Membership Secretary, ad hoc subcommittee Chairpersons, and UCSD and MCAS representatives.
 7. Public Comment: Non-Agenda Items.
 8. and up as needed: Review of Individual Development Projects or Community Issues.
- Next number: Old/New Business.
Last number: Adjourn

(v) SUBCOMMITTEES – Subcommittees are useful in helping a planning group carry out its responsibility of advising the City and have proven to shorten the meeting of the full planning group by developing recommendations upon which the planning group can vote.

The Chairperson shall create ad hoc subcommittees as necessary to fulfill the purpose of the UCPG as stated in Article II, Section 1 and such subcommittees shall adhere to all of the provisions of Council Policy 600-24 that might apply. Subcommittees may be formed, for example, to conduct elections, to review development proposals of Draft Environmental Impact Reports (DEIR), to consider amendments to the bylaws or Community Plan, or to review the annual Facilities Benefits Assessments (FBA).

The Chairperson shall appoint the Chairperson of the subcommittee from the elected members, and the Chairperson of the subcommittee shall, in turn, appoint the members of the subcommittee. Subcommittees may consist of elected and appointed members of the planning group, eligible members of the community, i.e., general members, as well as members of the public.

All subcommittees shall strive to contain a majority of planning group members, whenever possible. Only general and elected members of the subcommittee appointed by the Subcommittee Chairperson shall vote to bring forward a recommendation to the full planning group.

The planning group shall encourage all who want to fully participate in future

subcommittee meetings to attend one of the City's Community Orientation Workshops (COW) to learn the role and responsibility of community planning volunteers. This workshop will also comply with Ordinance No. O-17086 NS and any future amendments and satisfy all requirements of the Administration Guidelines to become indemnified and legally protected by that City ordinance. The UCPG Chairperson shall announce these workshops as scheduled and recommend individuals who express interest in attending to the City Planning and Community Investment Department representative in order to accommodate in the next regularly scheduled workshop. The City's mini-Community Orientation Workshop consisting of a one-day (1/2) day Saturday workshop is recommended for such individuals.

The subcommittee Chairperson shall schedule meetings within the University City community in locations, such as, University Towne Center, the Jewish Community Center or local business offices. The Chairperson shall also distribute an agenda and notice publically all such subcommittee meetings.

All subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a 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.

(vi) DEVELOPMENT REVIEW SUBCOMMITTEE OPERATIONS – A development review subcommittee shall provide recommendations to the planning group on how well a proposed development project complies with the goals and objectives of the adopted community plan for an area in their primary responsibility of the planning group. If the subcommittee feels that there are conflicts, the subcommittee may clearly indicate the specific provisions of the plan or aspects of the project design that conflict with the community plan.

A development review subcommittee may review City-provided documents relative to the project to include notice of application, development summary, site plans, cycle reviews, assessment letters, and draft Environmental Impact Reports (EIR). At any time during a cycle review, but no later than the public review period of the environmental review process (draft EIR), the subcommittee shall make a recommendation to the planning group commenting on the provisions of the plan or aspects that conflict with the community plan or the California Environmental Quality Act (CEQA).

Subsequent copies of the City's assessment letters, the final EIR, and other documents shall be made available to the subcommittee by the City for review as required. Upon receipt of plans for projects with substantive revisions, the UCPG Chair may choose to rehear the project, reform the subcommittee, and may choose to provide a subsequent formal recommendation to the City.

In the event the subcommittee or planning group requires additional time above and beyond the project schedule to review and make their recommendations, a request in writing for an extension shall be directed to the development review manager. This request shall outline the circumstances necessitating this need and the length of time of the extension.

Upon recommendation by the subcommittee to the planning group, the elected members shall vote whether or not to forward the subcommittee comments or recommendations to the City.

(vii) ELECTIONS SUBCOMMITTEE – Not later than January of each year, the Membership Secretary, appointed by the UCPG Chairperson as Chair of the election subcommittee, shall establish an election subcommittee to supervise and conduct the annual election. The Membership Secretary shall serve as Chairperson provided, however, that the Membership Secretary is a non-voting member of the planning group or is not currently running for election.

Members of the subcommittee shall include eligible community members and any persons selected by the Membership Secretary. The subcommittee shall be composed of an adequate number of individuals to perform the anticipated tasks inherent with the upcoming elections; a minimum of six (6) persons shall constitute the subcommittee. Individuals selected as subcommittee members should be perceived by the community as fair and impartial individuals who, in their conduct of the election, will not directly or indirectly influence voters or be overtly prejudiced to any candidate or issue. A representative cross-section of eligible community members shall be sought.

Other duties of the Membership Secretary as Chair of the election subcommittee shall include the promotion of elections, preparation of the rosters and ballots, the arrangements for the polling site, verification of eligibility to vote, securing the ballot box, overseeing the counting of votes, reporting of results, and the reporting of any election challenges.

(viii) CHAIR'S VOTING OR NON-VOTING OPTIONS – See Article VI, Section 5.

(d) Member and Planning Group Responsibilities

The following are the UCPG procedures regarding member and planning group responsibilities:

(i) NON PROJECT REVIEW RECOMMENDATIONS –

(ii) BYLAWS AMENDMENT PROCESS – An elected member of the UCPG may propose an amendment to the bylaws by a motion to the other members. If seconded and approved by a majority of elected members, the Chairperson shall,

thereafter, appoint a subcommittee to study the proposed amendment further to make a recommendation to the members. See Council Policy 600-24 Administrative Guidelines, Section 4.9 for the process to propose such an amendment to the City.

(iii) VOLUNTARY FINANCIAL CONTRIBUTIONS – Not Applicable.

(iv) REGULAR PARTICIPATION ON OTHER COMMITTEES OR OTHER ORGANIZATIONS –

(e) Elections

Voting by eligible members of the community shall be conducted for the election of members of the University Community Planning Group.

The City of San Diego Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The UCPG Elections Handbook, which is attached to the UCPG bylaws as Exhibit C, contains the planning group election rules and procedures from the bylaws.

Following are the UCPG bylaws for elections:

(i) VOTER ELIGIBILITY – Eligible members and voters shall be established in according with Article III, Section 2 of the bylaws. The UCPG Membership Secretary shall announce the membership procedures at each UCPG meeting.

(ii) ELIGIBLE MEMBER ROSTER – The Membership Secretary shall maintain a roster of all general members who are eligible to vote in elections. The roster shall be arranged by districts. The contents of membership roster shall be held in confidence by the Membership Secretary except that, upon request, the Membership Secretary may disclose the name, membership category, and district of any general or elected members.

Each eligible member shall be provided with one ballot for either resident or business and for the appropriate district as registered.

(iii) CANDIDATE ELIGIBILITY – Candidate eligibility for elected member seats shall occur in accordance with Article V, Section 1 of the bylaws. The Membership Secretary shall announce candidacy procedures at the regular UCPG meetings beginning in November of each year. Seats that will be open for election in the annual election shall be announced at that time as well.

The UCPG's election subcommittee shall be established no later than January of each year and shall begin soliciting eligible community members to become

candidates. The deadline to qualify for candidacy in the March general election shall be prior to or not later than midnight of the February noticed regular or special meeting of the full planning group membership preceding the election. In February, the Membership Secretary, Chair of 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.

Prospective candidates shall also submit a written notice of intent to become a candidate to the Membership Secretary prior to or not later than the day of the regular UCPG meeting in February. The notice of intent letter must state the seat for which the candidacy is made and shall contain biographical information about the candidate, as well as any information that the candidate chooses to supply regarding goals and objectives. The candidate must be an eligible community member at the time of submission of intent letter.

(iv) ELECTION SUBCOMMITTEE – The establishment and general responsibilities of the election subcommittee shall be conducted in accordance with Article VIII, Section 1 (d) (vii). Other duties shall be referenced in this Section 1 (e) as applicable.

Candidate information shall be announced by the Membership Secretary in February and March, and each candidate shall be provided an opportunity to make a brief statement and/or presentation regarding their candidacy.

(v) PROMOTION OF ELECTIONS – The election subcommittee shall be responsible for the distribution of information concerning upcoming elections, including candidacies. Appropriate information shall be made available at UCPG meetings, provided to the UCPG Chairperson to include in the monthly agendas, posted at University City libraries and other community bulletin boards, distributed to area newspapers and newsletters, and made available to community organizations and to any other interested individuals or groups. The Membership Secretary shall report at the January meeting as to a planned election outreach program.

In addition, a notice of elections shall be provided to the City web site, City TV24 programming, electronic mail or any other effective means of distribution available to the UCPG from the City to publicize elections as stated in Council Policy 600-24 Article V, Section 2.

(vi) ROSTERS AND BALLOTS – The Membership Secretary shall be responsible for the preparation of rosters and ballots used in the election. Rosters containing the names and addresses of eligible community members shall be prepared by district. Eligible members shall be recorded as voting in accordance with Section 12 of the Election Handbook and shall be provided with one (1) ballot.

Ballots shall be prepared for each seat open for election. The ballot shall clearly contain the seat being voted upon, the names(s) of the candidate(s) in last-name alphabetical order, the business (if applicable), the number of seats open for election, and a statement of the maximum number of votes that may be cast. The ballot shall also contain a statement indicating that write-in candidates are not allowed. Color-coded ballots (by seat) are preferable.

A ballot box shall be prepared for the deposit of voted ballots which shall allow for the insertion of voted ballots and shall remain otherwise closed until the end of the election and the count of ballots.

(vii) CONDUCT OF ELECTIONS – The election shall be conducted in a manner that respects the importance of the vote of the individual while, at the same time, is both efficient and professional. Adequate arrangements for tables, chairs, and lighting shall be made by the Membership Secretary.

(viii) ELECTION TIME AND PLACE – The UCPG general elections shall be held annually between 5:00 p.m. and 8 p.m. at or near the location of the regularly scheduled March meeting so as to not cause undue disruption to the progress of the regular meeting. The Membership Secretary shall announce the planned closure of the polls at the UCPG regular meeting in progress when both thirty (30) minutes and fifteen (15) minutes of polling time remains. The polling place must be accessible for persons with disabilities.

(ix) ELIGIBILITY VERIFICATION – Eligible voters shall be required to present one piece of government-issued photo identification showing the address at which they are registered. Alternatively, photo identification and a copy of a current utility bill, or similar document, may be presented for eligibility to vote. All eligibility verification is subject to approval by the Membership Secretary.

(x) VOTING RULES – Voting shall be by secret, written ballot. Valid votes may be cast only for candidates who are listed on the official ballot. Write-in candidates are not permitted. Voters shall be present in person to vote. Proxy voting for elections is not allowed under any circumstances. Development and promotion of “slates” of candidates is also not allowed.

(xi) COUNTING OF VOTES – Upon closing of the polls, the Membership Secretary shall ensure that all persons other than the election subcommittee members leave the room or area where the elections have been conducted and/or where the ballot counting will occur. The Membership Secretary shall also immediately close and secure the ballot box. All unused ballots, rosters, and elections supplies shall be separately secured.

A plurality vote shall be the basic method for determining how many votes cast will determine the election of a candidate, except as noted. A plurality vote is the largest number of votes to be given any candidate who will be declared the

winner. New candidates or members seeking reelection who are not termed out after nine (9) years will need only a plurality of votes to win. Candidates who have served more than nine (9) consecutive years must receive a two-thirds (2/3) majority of the vote.

The election subcommittee shall first segregate the voted ballots by district. The voted ballots shall be tallied and recorded by one or more members of the subcommittee. Each group of ballots shall be separately counted and tallied in writing by another member or members of the subcommittee. If the two separate tallies are not consistent, the subcommittee shall proceed with a verification count. If the subcommittee members are unable to adequately reconcile the ballot count, that information shall be reported to the UCPG by the Membership Secretary. All tally and record sheets shall be retained as part of the election's official records.

The rosters used for the election shall be examined by the subcommittee and a determination made of the number of eligible members (by district) voting in the election. This district total shall be recorded in writing and compared to the total number of votes cast in the election (by district). Attempts should be made to resolve discrepancies and any unresolved differences shall be reported to the UCPG.

All cast ballots, all unused ballots, all rosters, and all tally and reporting sheets shall be secured after the election by the Membership Secretary and held in a secure location for at least 12 months following the election or as otherwise directed by the City of San Diego. At the end of the required retention period, the Membership Secretary may dispose of the retained materials.

(xii) REPORTING OF ELECTION RESULTS – The results of the elections shall be announced by the Chair of UCPG or by the Membership Secretary, at the direction of the Chair, at the conclusion of the regular UCPG meeting at which the election occurs. The announced results shall include the number of votes cast for each candidate and the total number of votes cast for each seat.

The UCPG Chair is responsible for 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.

The UCPG 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.

(xii) ELECTION QUESTIONS AND CHALLENGES – Any questions related to the conduct of an election which are not clearly resolved by the examination of the UCPG Bylaws shall be submitted to the Membership Secretary.

Any challenge to the election results must be filed with the Membership Secretary in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve. The membership secretary shall either provide a response or consult with the UCPG Chair and/or Vice-Chair and/or City of San Diego staff. In any case, the Membership Secretary's response shall be promptly reported to the UCPG Chair, Vice-chair, and City staff member assigned to UCPG. All matters related to elections are subject to review by UCPG and the City of San Diego.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The UCPG 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 UCPG 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 UCPG

In cases of alleged violations of the UCPG 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 ninety (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 UCPG 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 UCPG 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 two-thirds (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 two-thirds (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 two-thirds (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 UCPG 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 UCPG 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.

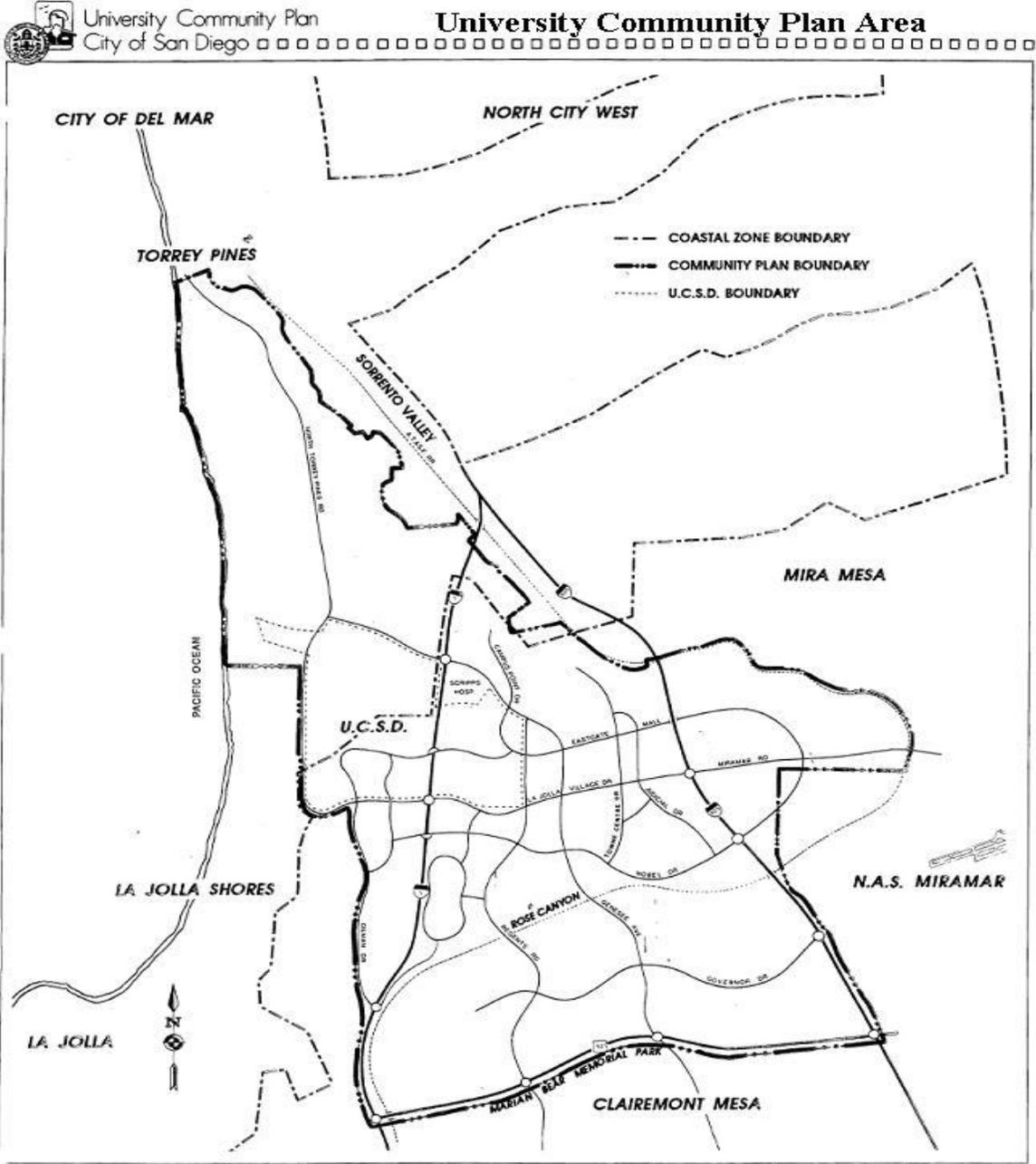
If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting 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: University Community Plan Area
- Exhibit B: UCPG General Membership Application Form
- Exhibit C: UCPG Election Handbook
- Exhibit D: University Community Plan Area District Boundaries and Representation by District – Schedule of Positions Elected by Year

City of San Diego Bylaws Shell of June 1, 2007 as updated by UCPG on November 13, 2007 and revised on April 8, 2008.

Exhibit "A"



The community plan area is bounded by Los Peñasquitos Lagoon and the toe of the east-facing slopes of Sorrento Valley on the north; the tracks of the Atchison, Topeka, and Santa Fe Railroad, NAS (now MCAS) Miramar and Interstate 805 (I-805) on the east; State Route 52 (SR-52) on the south; and, Interstate 5 (I-5), Gilman Drive, North Torrey Pines Road, La Jolla Farms and the Pacific Ocean on the west.

Source: Page 9, University Community Plan

The University Community Planning Group (UCPG) is the officially recognized organization representing North and South University City in the City of San Diego's planning process. There is no cost to be a general member. General members are responsible for notifying the membership secretary of any change of address. General members are eligible to vote for and be elected to the UCPG. The UCPG makes land use recommendations to the City. UCPG meetings are held the second Tuesday of each month beginning at 6:00 p.m. at [location].

UNIVERSITY COMMUNITY PLANNING GROUP
APPLICATION FOR GENERAL MEMBERSHIP
(Please Print)

Membership Classification (see definitions below) (check one): [] Resident [] Business

NAME _____ DATE _____

BUSINESS NAME (if applicable) _____

ADDRESS _____ PHONE _____

CITY _____ STATE _____ ZIP CODE _____

DISTRICT _____ (See map for district number corresponding to your location.)

_____ E-MAIL _____

(SIGNATURE)

Mail or Fax completed form to:

Name
Address
City / State / Zip Code
Tel: xxx-xxx-xxxx Fax: xxx-xxx-xxxx
E-mail: xxx@xxx.xxx

[] Receipt of membership application can be confirmed by checking roster available at UCPG meeting; or by e-mail. Fill-in e-mail address above and check box here if you want e-mail confirmation.

Definition of Classifications:

RESIDENT: Must reside in the Plan Area. Each adult member of a household is eligible for resident membership. Each member must complete a separate application form.

BUSINESS: 1) Shall own or represent a business or non-profit institution at a non-residential property address located in the Plan Area; or, (2) own developed or undeveloped property (other than the principal residence) located in the Plan Area. A representative other than the Owner, President, or CEO must be designated in writing. A copy of a City of San Diego business tax certificate must be submitted. Eligibility must be verified by the Membership Secretary.

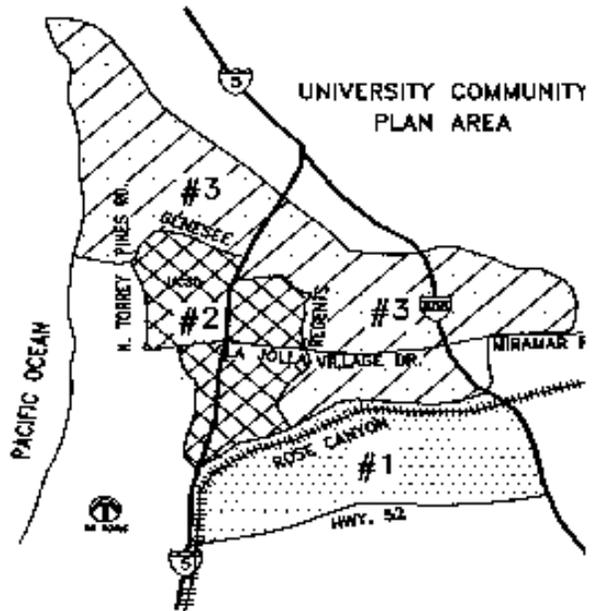


EXHIBIT “C”

ELECTIONS HANDBOOK

2007



University Community Planning Group

The handbook represents a compilation of the applicable Council Policy 600-24, the Administrative Guidelines, both as related to community planning groups, and the current UCPG bylaws. The Handbook will be revised to reflect any changes, therein.

EXHIBIT “C”

UNIVERSITY COMMUNITY PLANNING GROUP

ELECTIONS HANDBOOK

Introduction

The University Community Planning Group, hereinafter called UCPG, is the officially recognized land use advisory committee to the City of San Diego in University City. The role of the UCPG is to review and provide recommendations to the City on land use and development-related projects and issues that fall within the University City planning area including the main University of California at San Diego (UCSD) campus. As an advisory body – not a decision-making body – the UCPG provides advice to the City officials and decision-makers, the Planning Commission, and City Council.

Purpose of the Handbook

The purpose of this UCPG Elections Handbook is to help promote effective elections by the UGPG in accordance with City Council Policy 600-24, the guiding policy that frames the roles and responsibilities of all planning group committees. As a self-governing private organization, however, the UCPG has modified their bylaws in some cases and has detailed the election procedures to fit the uniqueness of the University City community. This Handbook is provided so that all community members have a clear understanding of the applicable bylaws and election procedures.

- Section 1. Purpose of Elections Voting by eligible members of the community shall be conducted for the election of members of the University Community Planning Group.
- Section 2. Voter Eligibility Eligible members and voters shall be established in accordance with Article III, Section 2 of the Bylaws. In general, Article III, Section 2 states that to be an eligible community member, an individual must be at least 18 years of age, and shall be affiliated with the community as a:
- (a) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
 - (b) resident, who is an individual whose primary address of residence is an address in the community planning area, or
 - (c) 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.

An individual may become an eligible member of the community by submitting a Membership Application demonstrating qualifications prior to the close of the regularly noticed February UCPG meeting. Applications that are postmarked by the deadline date will also be accepted. Normally, the annual election occurs at the next regularly noticed meeting in March. Business members must submit a copy of a current City Business Tax or County Property Tax Certificate along with the Membership Application. Any submitted membership application is subject to review and approval by the Membership Secretary.

Once eligibility to vote is established, an individual remains an eligible or general 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 UCPG shall require proof of eligibility during elections.

A business or non-profit organization may not designate nor be represented by more than one general or elected member regardless of being located in more than one district. The intent shall be only one vote for each business in its own right or as a designee, but not both.

UCSD students, faculty, and staff who reside on UCSD property do not qualify as eligible community members. These individuals are represented by the appointed UCSD voting representatives of the UCPG.

Each eligible community member shall be responsible for the maintenance of accurate and up-to-date address information with the Membership Secretary. Members whose residence addresses changes from one district to another shall not be eligible to vote unless an updated membership application has been submitted and approved in accordance with the above-stated membership deadline.

The UCPG Membership Secretary shall announce membership procedures at each UCPG meeting.

Section 3. Eligible Member Roster The Membership Secretary shall maintain a roster of all members who are eligible to participate in elections. The roster shall be arranged by districts and shall also contain a list of all eligible members whose membership expires before the next general election. The contents of the membership roster shall be held in confidence by the Membership Secretary. Upon request, the Membership Secretary may disclose the name, membership category, district, and membership expiration date of any member or members. The mailing addresses, phone numbers, and e-mail addresses shall not be released to anyone.

Section 4. Candidate Eligibility Candidate eligibility shall occur in accordance with Article V, Section 1 of the Bylaws. Prospective candidates must submit a written notice of intent to be a candidate to the Membership Secretary prior to or at the regular UCPG meeting in February. The notice of intent letter must state the seat for

which the candidacy is being made and should contain biographical information about the candidate, as well as any information that the candidate chooses to supply regarding their goals and objectives. The candidate must be an eligible community member at the time of submission of their candidacy intent letter.

The UCPG Membership Secretary shall announce candidacy procedures at regular UCPG meetings beginning in November of each year. Seats that will be open for election in the annual election shall be announced.

- Section 5. Election Sub-Committee No later than January of each year, the Membership Secretary, after consultation with the UCPG Chair, shall establish an election subcommittee to supervise and conduct the annual election. Members of the subcommittee shall include eligible community members and any other persons selected by the Membership Secretary. The subcommittee shall be composed of an adequate number of individuals to perform the anticipated tasks inherent with the upcoming elections; a minimum of six persons shall constitute the subcommittee. Individuals selected as subcommittee members should be perceived by the community as fair and impartial individuals who will in their conduct of the election not directly or indirectly influence voters or be overtly prejudiced to any candidate or issue. A representative cross-section of eligible community members shall be sought.
- Section 6. Candidate Information At both the February and March regular UCPG meetings, candidates will be announced and each candidate will be provided an opportunity to make a brief statement and/or presentation regarding their candidacy.
- Section 7. Promotion of Elections The election committee shall be responsible for the distribution of information concerning upcoming elections, including candidacy. Appropriate information shall be made available at UCPG meetings, shall be posted at community library and other community bulletin boards, shall be distributed to area newspapers and newsletters, and shall be made available to community organizations and to any group or individual who may be interested. The Membership Secretary shall report at the January meeting as to a planned election outreach program.
- Section 8. Rosters and Ballots The Membership Secretary shall be responsible for the preparation of rosters and ballots used in the election. Rosters containing the names and addresses of eligible community members shall be prepared by district. Eligible members shall be recorded as voting in accordance with Section 12 and shall be provided with one ballot.

Ballots shall be prepared for each seat open for election. The ballot shall contain the seat being voted upon, the name(s) of the candidate(s) in last-name alphabetical order, the name of the business (if applicable), the number of seats open for election, and a statement of the maximum number of votes that may be

cast. The ballot shall also contain a statement indicating that write-in candidates are not allowed. Color-coded ballots (by seat) are preferable.

A ballot box shall also be prepared for the deposit of voted ballots. The box shall allow for the insertion of voted ballots and shall remain otherwise closed until the end of the election and the counting of ballots.

- Section 9. Conduct of Election The election shall be conducted in a manner that respects the importance of the vote of the individual while at the same time is both efficient and professional. Adequate arrangements for tables, chairs, and lighting shall be made by the Membership Secretary. The meeting facility must be accessible to disabled persons.
- Section 10. Voting Time Voting shall occur from 5:00 p.m. until 8:00 p.m. The Membership Secretary shall announce the planned closure of the polls at the UCPG regular meeting when both 30 minutes and 15 minutes of polling time remain.
- Section 11. Voting Location Voting shall occur at or near the location for the UCPG regular meeting. The polling area should be located so as to not cause undue disruption to the progress of the regular meeting. The polling place shall be accessible for persons with disabilities.
- Section 12. Verification of Voter Eligibility at Time of Election Eligible voters shall be required to present one piece of government-issued photo identification showing the address at which they are registered. Alternately, photo identification and a copy of a current utility bill, or similar document, may be presented for eligibility verification. All eligibility verification is subject to approval by the Membership Secretary.
- Section 13. Write-In Candidates Valid votes may be cast only for candidates who are listed on the official ballot. Write-in candidates are not permitted.
- Section 14. Proxy or Absentee Balloting Eligible voters must be present in person to cast ballots. Proxy or absentee balloting is not allowed in any circumstance.
- Section 15. Counting of Votes Upon the closing of the polls, the Membership Secretary shall ensure that all persons other than election subcommittee members leave the room or the area where the elections have been conducted and/or where the ballot counting will occur. The Membership Secretary shall also immediately close and secure the ballot box. All unused ballots, rosters, and election supplies shall be separately secured.

The election subcommittee shall first segregate the voted ballots by district. The voted ballots shall be tallied and recorded by one or more members of the subcommittee. Each group of ballots shall be separately counted and tallied in writing by another member or members of the subcommittee. If the two separate

tallies are not consistent, the subcommittee shall proceed with a verification count. If the subcommittee is unable to adequately reconcile the ballot count, that information shall be reported to the UCPG by the Membership Secretary. All tally and record sheets shall be retained as part of the election's official records.

The rosters used for the election shall be examined by the subcommittee and a determination made of the number of eligible members (by district) voting in the election. This district total shall be recorded in writing and compared to the total number of votes cast in the election (by district). Attempts should be made to resolve discrepancies and any unresolved differences shall be reported to the UCPG.

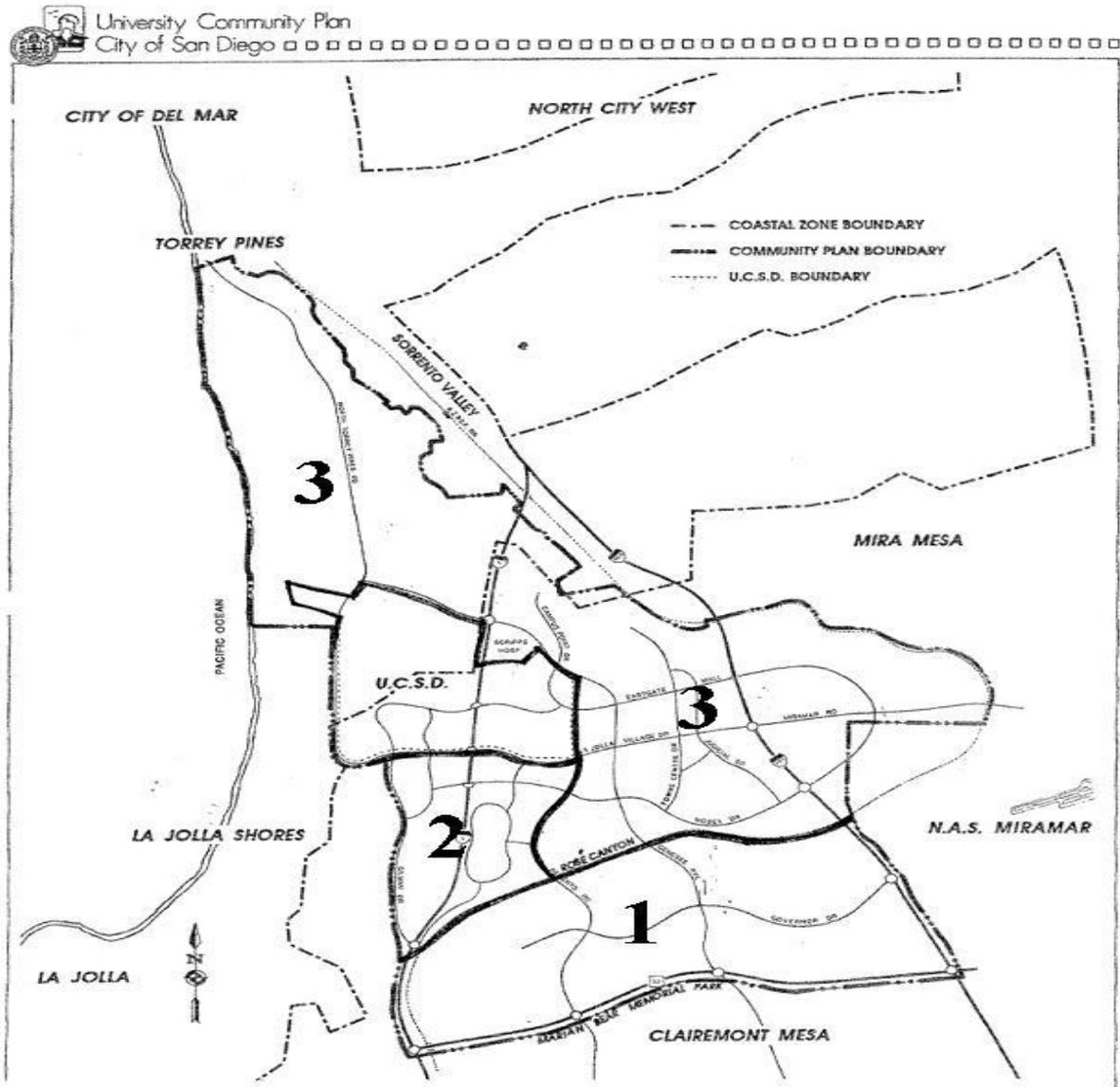
All cast ballots, all unused ballots, all rosters, and all tally and reporting sheets shall be secured after the election by the Membership Secretary and held in a secure location for at least 12 months following the election or as otherwise directed by the City of San Diego. At the end of the required retention period, the Membership Secretary may dispose of the retained materials.

- Section 16. Determination of Election Winners. A plurality vote shall be the basic method for determining how many votes cast will determine the election of a candidate, except as noted. A plurality vote is the largest number of votes to be given any candidate who will be declared the winner. New candidates or members seeking reelection who are not termed out after nine (9) years will need only a plurality of votes to win. Candidates who have served more than nine (9) consecutive years must receive a two-thirds (2/3) majority of the vote.
- Section 17. Reporting of Election Results Election results shall be reported in writing by the Membership Secretary to the Chair of UCPG immediately upon the conclusion of the counting of votes.
- Section 18. Announcement of Voting Results The results of the elections shall be announced by the Chair of UCPG or by the Membership Secretary, at the direction of the Chair, at the conclusion of the regular UCPG meeting at which the election occurs. The announced results shall include the number of votes cast for each candidate and the total number of votes cast for each seat. The UCPG Chair is responsible for 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.
- Section 19. Election Questions and Challenges Any questions related to the conduct of an election which are not clearly resolved by the examination of the UCPG Bylaws shall be submitted to the Membership Secretary. Any challenge to the election results must be filed with the Membership Secretary in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve. The Membership Secretary shall either provide a response or consult with the UCPG

Chair and/or Vice-Chair and/or City of San Diego staff. In any case, the Membership Secretary's response shall be promptly reported to the UCPG Chair, Vice-chair, and City staff member assigned to UCPG. All matters related to elections are subject to review by UCPG and the City of San Diego.

Exhibit "D"

Community Plan Area District Boundaries



District 1 -- That portion of the Plan Area south of the railroad tracks located in Rose Canyon.

District 2 -- That portion of the Plan Area north of the Rose Canyon railroad tracks; east of Regents Road; and, south of La Jolla Village Drive.

District 3 -- All portions of the Plan Area not contained within Districts 1 and 2, including Scripps Memorial Hospital and the Salk Institute, but not including the U.C.S.D. campus.

U.C. S. D. -- The University of California, San Diego campus including Mesa Apartments, One Miramar Street (East Campus Graduate Housing), La Jolla del Sol, and the University portion of the Torrey Pines Gliderport.

Exhibit “D”
University Community Planning Group
Representation by District – Schedule of Positions Elected

Members of the UCPG shall be elected to serve for fixed terms of three (3) years with expiration dates during alternate years to provide continuity. The representation by district and the schedule of positions is show in the table below.

Year 1	Year 2	Year 3
2008, 2011, 2014, 2017, 2020	2009, 2012, 2015, 2018, 2021	2010, 2013, 2016, 2019, 2022
R-1-A	R-1-B	R-1-C
R-2-A	R-2-B	R-2-C
R-3-A	R-3-B	R-3-C
B-1-A	B-1-B	B-1-C
B-2-A	B-2-B	B-2-C
B-3-A	B-3-B	B-3-C

Source: Article III, UCPG Bylaws