City of San Diego
Planning Department
ADMINISTRATIVE APPROVAL OF COMMUNITY PLANNING GROUP BYLAWS AMENDMENT

Date	4/15/2019
Community Planning Group	Mission Beach Precise Planning Board
Subject	Administrative Approval of Bylaws Amendment

The following amendment was reviewed by representatives of the Mayor's Office and City Attorney's office pursuant to Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and determined to conform with the Policy.

The signatures on this form constitute an Administrative Approval of the cited amendments.

Date of Bylaws being amended: April 15, 2019

Article & Section and Description of Approved Bylaws Amendment:

Article VIII, Section 1, (d) Community Recall of a Board Member, delete entirely.

Reviewed and approved for use by the community planning group:

5/14/2019

Laura C. Black — Date
Deputy Director, Planning Department
Mayor's Office Representative

5/9/19

Jeremy Jung — Date
Deputy City Attorney
City Attorney Representative

Cc: Community Planning Group Chair: Debbie Watkins
Community Planner: Lesley Henegar
Planning Administration: Patrica Duenas

Mission Beach Precise Planning Board Bylaws
Approved May 14, 2019
(Administrative Approval)

ARTICLE I Name

Section 1. The official name of this organization is the Mission Beach Precise Planning Board.

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

Section 3. The community planning area boundaries for the Mission Beach Precise Planning Board are the boundaries of the Mission Beach community, as shown on Exhibit "A" and described as follows:

The Mission Beach community planning area is located on a sand bar/peninsula two miles long and up to ¼ of a mile wide along the western edge of the mid-coastal region of the City of San Diego. It is bounded on the north by Pacific Beach, on the east by Mission Bay, on the south by the San Diego River (with Ocean Beach on the opposite bank) and on the west by the Pacific Ocean.

Section 4. Meetings of the Mission Beach Precise Planning Board shall be held within these boundaries, except that when the Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 60024, Article II: Purpose of Community Planning Groups and General Provisions.

Section 2. In reviewing individual development projects, the Mission Beach Precise Planning Board 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 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board'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 Mission Beach 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board, 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 responsibility 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 Mission Beach Precise Planning Board may propose amendments to these Bylaws by a two-thirds 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 no valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The Mission Beach Precise Planning Board shall consist of 15 elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these Bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected members of the Mission Beach Precise Planning Board shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the Mission Beach Precise Planning Board, elected seats are filled by a geographic distribution of seats among five (5) areas of representation with three members elected to serve from each area. The five (5) areas of representation are: Area I, between San Diego Place and the south side of Capistrano Place; Area II, between the north side of Capistrano Place and the south side of West Mission Bay Drive and Ventura Place; Area III, between the north side of West Mission Bay Drive and Ventura Place and the south side of El Carmel Place; Area IV, between the north side of El Carmel Place and the south side of San Jose Place; Area V, between the north side of San Jose Place and the south side of Pacific Beach Drive.

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 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, manager, 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 demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Secretary prior to the March election or at the time of voting.

Prospective Board members must attend at least one regularly scheduled meeting of the Mission Beach Precise Planning Board's last 12 meetings prior to the February regular meeting preceding the election, and provide proof of eligibility prior to nomination at the February meeting.
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 Mission Beach Precise Planning Board shall require proof of eligibility during elections.

Section 3. Members of the Mission Beach Precise Planning Board shall be elected to serve for fixed terms of 3 years with expiration dates during alternate years to provide continuity. One seat from each of the five geographic areas will expire each year and be on the ballot to fill.

No person may serve on the planning group for more than: nine consecutive 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 consecutive years shall 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 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 Mission Beach Precise Planning Board must retain eligibility during the entire term of service.

Section 5. A member of the Mission Beach Precise Planning Board found to be out of compliance with the provisions of Council Policy 600-24 or the planning group's adopted Bylaws risks loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. O-1708619883 NS, and any further 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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's report showing a 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.

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

Section 2. Vacancies that may occur on the Mission Beach Precise Planning Board 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.

Mid-term vacancies shall be filled by a special election scheduled at the time the vacancies are declared. Once the board confirms that a vacancy exists, nominations will be declared open. Nominees must register in person with the Secretary and show proof of eligibility prior to their nomination. Nominations will be announced on the Agenda and will be finalized at the next regularly scheduled meeting. If a seat in a given area cannot be filled by an eligible member from that area, an eligible member from another area may fill that seat until the next regular election. The seat is filled by a majority vote of voting members of the Planning Board.

Section 3. When the Mission Beach Precise Planning Board is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than 10 members, a search for a new member should continue, however either the seat may remain vacant until the next planning group election. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 10 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 10 members, the planning group will be deemed inactive until it has attained at least 10members in good standing.

ARTICLE V Elections

Section 1. General elections of Mission Beach Precise Planning Board members shall be held during the month of March in accordance with the Article IX Planning Group Policies and Procedures, Section 1, (d) and Exhibit B Elections Procedures.

The Mission Beach Precise Planning Board'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 Secretary shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election Secretary 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: one regular scheduled meeting of the Mission Beach Precise Planning Board's last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The Mission Beach Precise Planning Board 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 new candidates to exceed the number of seats open for election in order to allow those who have served for nine consecutive years to leave the group for at least one year.

The Mission Beach Precise Planning Board holds its election current with but separate from the March regular meeting.

The Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board's planning group's policy related to writein candidates is that write-in candidates are not allowed.

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 Mission Beach Precise Planning Board'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 Elections Secretary in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5. Article VIII, Section 1(c) contains additional voting procedures

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the Mission Beach Precise Planning Board 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 purpose 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 Mission Beach Precise Planning Board 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 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 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of the Mission Beach Precise Planning Board.

All other Mission Beach Precise Planning Board actions, including subcommittee votes, only require a simple majority of the voting members of the group in attendance when a quorum is present.

The Mission Beach Precise Planning Board's planning group's Chair participates in discussion 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 position on the planning group identified in Article III, Section 1 of Council Policy 60024.

(ix) COLLECTIVE CONCURRENCE – Any attempt to develop a collective concurrence of the members of the Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board, 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 Mission Beach Precise Planning Board and are prohibited under these Bylaws.

(xii) RIGHT TO RECORD – Any person attending a meeting of the Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 an Elections Subcommittee).

(ii) AD HOC SUBCOMMITTEES – Ad hoc subcommittees may be established for a 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. O19883 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 Mission Beach Precise Planning Board 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 - E-mail distribution of agenda and minutes is the Standard method utilized by the planning group and a request can be made to receive these directly by contacting the planning group Chair. The requestor shall indicate whether the items are to be sent by mail or e-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, which 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 costrecovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

(iii) MINUTES – For each planning group meeting, a report of Mission Beach Precise Planning Board member attendance, and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the group's next regularly scheduled meeting. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g., electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The Mission Beach Precise Planning Board 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 – Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board's operations and compliance. The Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, and Secretary. The length of an officer's term shall be one year, except that no person may serve in the same planning group office for more than nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer. The Mission Beach Precise Planning Board and shall set agendas, notify project managers that their project will be on the agenda, and preside over all planning group and community- wide meetings organized by the planning group.

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

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 4. Secretary. 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. Additional election duties are outlined in Exhibit B. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

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

Section 6. The Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Article I through VIII 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 Mission Beach Precise Planning Board procedures regarding community participation:

Community participation is encouraged. It is the desire to grow interest in planning group activities and to encourage diversity on the board. It is the responsibility of all members of the board to represent their specific areas as well as the community at large.

(b) Member and Planning Group Responsibilities

The following are the Mission Beach Precise Planning Board procedures regarding member and planning group responsibilities:

Mission Beach Precise Planning Board positions may be represented to the City on planning issues that are not project review recommendations. These positions are represented in the following ways:

- The Board Chair may schedule a public workshop to discuss a specific issue and prepare a Board position. At the discretion of the Board, the Board Chair or other Board Member(s) may be authorized to present Board positions in person on in writing as specified in a motion made at a regular meeting of the Board. The duration and limits to this authorization will be reflected in the motion. A record of all such presentations and any written documents shall be submitted to the Secretary.

- Internal Bylaws amendment process shall be that the Ad Hoc committee recommendations shall be submitted to the board for review prior to submission to the City staff.

- Decisions regarding voluntary financial contributions will be considered by the Board. Requests for funding must include purpose and use.

- Liaison positions may be appointed by the Chair.

(c) Elections

The Administrative Guidelines provides general guidance for planning group elections. As referenced in Article V, Section 1, detailed procedures pertaining to the elections provisions of these Bylaws have been specified and are attached as a separate document. (See: Exhibit B.)

(1) Voting time

- **Regular Elections** of the Planning Board Members shall be held concurrent with but separate from a regular scheduled meeting in March from commencement of said meeting for a period of 60 minutes.

- **Special Elections** shall be held from the commencement of the meeting for a period of 60 minutes.

(2) Voting location is the same as the regularly scheduled meeting location.

(3) Voting eligibility is determined by demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Secretary prior to the March election or at the time of voting.

(4) Terms of elected members shall be 3 years with expiration dates during alternate years unless:

- The individual has been elected to fulfill an unexpired term as referenced in Article IV Vacancies, Section 2.
- A vacancy occurs with no eligible candidates. Then an individual community member, who does not meet the eligibility for the area to be represented, may be nominated and elected to represent that area until the next regular election.

(5) Candidate eligibility is outlined in ARTICLE III Community Planning Group Organizations, Section 2.

(6) In February, the Election Secretary 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.

It shall be the further responsibility of the Election Secretary to:

- Request a list of eligible community members who have expressed interest in becoming nominees or have previously registered with the Board Secretary
- Prepare a ballot with sufficient copies for the election

- Run the election at the noticed meeting
- Tabulate results

(7) Promotion of elections

- The planning group will actively seek new members to the extent feasible.

- Board members shall participate in the recruitment of nominees from the community and their respective areas.
- The Board Secretary or another person assigned to this task shall make a good faith effort to cause notices to be published in an issue of the community press, requesting candidate nominations, prior to the February meeting, and announcing member elections and candidates prior to the March meeting.

(8) Counting votes: Eligible Community Members may only vote for candidates in their own area and shall have one vote for each open seat. Votes will be counted by the Election Secretary and submitted to the Chair.

(9) Ballots will be prepared by the Election Secretary and made available at the noticed planning board meeting at which elections will be held and will include the following information:

- Notice regarding restriction of voting by eligible members only to their own area of representation and number of votes to be cast;
- Name of candidates by area, term being sought, number of consecutive years served, and special notice of 2/3 vote requirement

(10) Poll location shall be at the entrance of the meeting location

(11) Managing polls and counting ballots shall be handled by the appointed Elections Secretary

(12) Election results will be tabulated during the March meeting and reported to the Chair by the Elections Secretary. Results will be announced as soon as the results are available. If no challenge is registered at the time of the announcement, the Chair will declare that the election results are certified to be final.

(13) Election challenge criteria and procedures: Any challenge to the election results must be filed with the Election Secretary in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board 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 Mission Beach Precise Planning Board

In cases of alleged violations of the Mission Beach Precise Planning Board 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 an individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

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

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds of the voting members 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 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 Mission Beach Precise Planning Board 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, 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 Mission Beach Precise Planning Board would best be served by the removal of the planning group member, then the Chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

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

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of 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 Mission Beach Precise Planning Board as 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 Mission Beach Precise Planning Board 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 right 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-19883 NS, and any future amendments thereto.

EXHIBIT A: Mission Beach Precise Planning Board Boundary Map

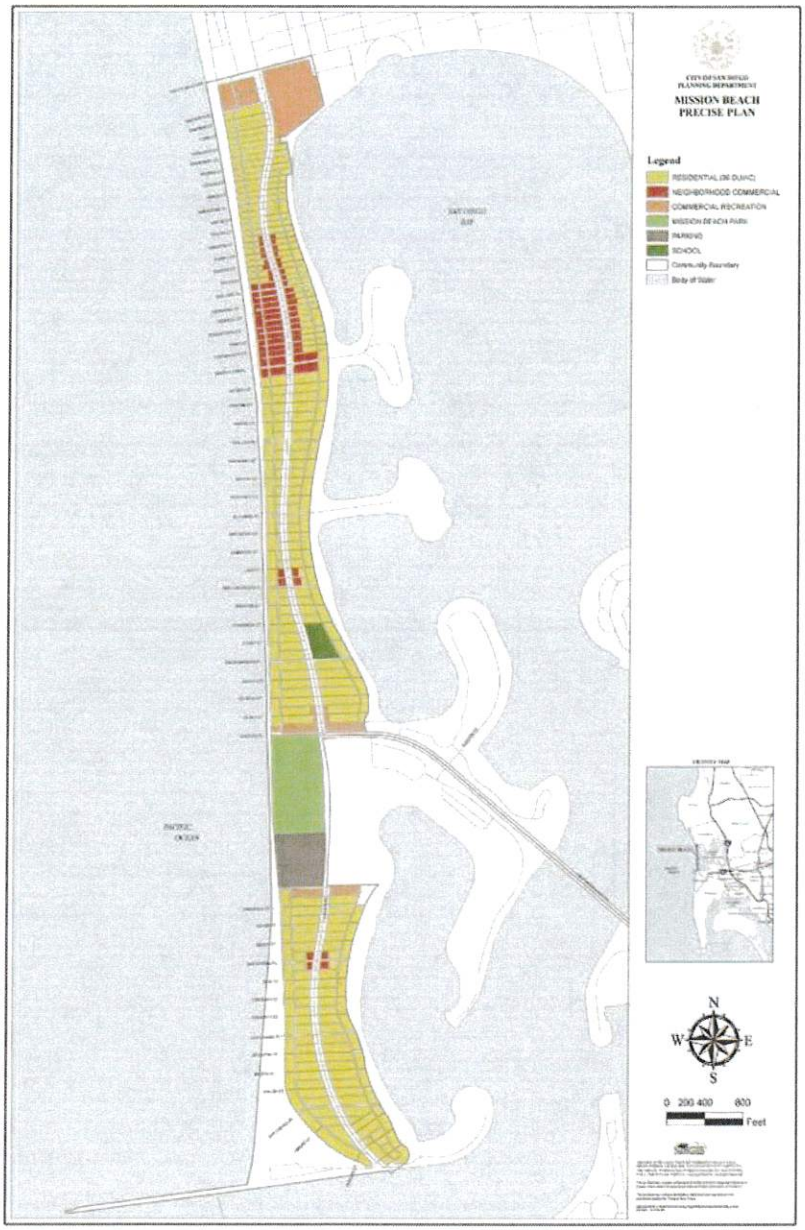

EXHIBIT B: Mission Beach Precise Planning Board Election Procedures

Elections for vacant positions are held in March each year and nominations for vacant positions will be made in February each year. You may nominate yourself, but in order to be nominated you must show proof you are a resident, property owner or business representative in Mission Beach.

Nominees must attend at least one regularly scheduled meeting of the Mission Beach Precise Planning Board's last 12 meetings prior to the February regular meeting preceding the election prior to being nominated and must be present in order to confirm their interest in being nominated. If a nominee is eligible to represent multiple areas, they must state which area they wish to represent for the entirety of their term. Please note that attendance at the regularly scheduled February meeting would meet the attendance qualifications.

Nominees must also be present at the regularly scheduled March meeting while the polls are open. Nominees may petition the Chair in writing for an exception, noting the reason for being unable to attend and stating their desire to be elected. Exceptions may only be approved by a majority vote of the Board.

Elections are held each year concurrent with but separate from the regularly scheduled March meeting. Polls open at 7 PM and close at 8 PM. To vote in an election, community members must meet the eligibility requirements to serve on the Board, as described in Article III, Section 2. There are no exceptions. If a community member is eligible to vote in multiple areas, they must state which area they intend to vote for when arriving at the polling location. Community members are not allowed to vote in multiple areas.

During the February meeting, the Board will select an Election Secretary whose role is to ensure a fair election by secret ballot is conducted. The Election Secretary's main duties are, but not limited to, promoting community member turnout, opening and closing the polls, designing a ballot and verifying community member eligibility. Only after the polls have closed will the Election Secretary count ballots. During the ballot counting, the Election Secretary must be assisted by a member of the community to ensure fairness and transparency. Election results will be provided in writing to the Chair by the close of the regularly scheduled March meeting.

In the event that no Board seat is contested, the Chair may propose to elect the proposed of candidates by acclamation followed by a majority vote of the Board.