

**Uptown Planners Bylaws  
February 2020**

**ARTICLE I Name**

- Section 1. The official name of this organization is the "Uptown Planners".
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundary for the Uptown Planners are the boundaries of the Bankers Hill Park West, Hillcrest, Mission Hills communities and the portion of University Heights west of Park Boulevard, as shown on Exhibit "A" of these Bylaws, and referred to in these Bylaws as the "Uptown Boundary".
- Section 4. Meetings of the Uptown Planners shall be held within the boundaries of Uptown, except that when the Uptown Planners does not have a meeting facility within the boundaries that is accessible to all members of the public, it may meet at the closest reasonable alternative meeting facility.
- Section 5. The official positions and opinions of the Uptown Planners shall not be established or determined by any organization other than the Uptown Planners, nor by any individual member of the Uptown Planners other than individual members that are authorized to do so by the Uptown Planners.

**ARTICLE II Purpose of Community Planning Group and General Provisions**

- Section 1. The Uptown Planners has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff (referred collectively in these Bylaws as the "City") 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 matters within the Uptown Boundary. The Uptown Planners also advises on other land use matters as requested by the City Council or other governmental agency as detailed in Council Policy 600-24, Article II: Purpose of Community Planning Groups and General Provisions.
- Section 2. In reviewing individual development projects, the Uptown Planners should focus such review on conformance with the Land Development Code and the adopted community plan and/or the General Plan, and other applicable land use rules and regulations. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal Uptown Planners recommendation should be submitted no later than the end of the public review period afforded by the environmental review process.

Upon receipt of plans for projects with substantive revisions, the Uptown Planners may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

Section 3. All activities of the Uptown Planners 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 Uptown Planners 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 the Uptown Planners when endorsing candidates for public office, or taking a position on a ballot measure.

Section 5. The Uptown Planners' 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 an Uptown community- 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 Uptown community for these purposes. Such a determination resulting in the forfeiture of rights to represent the Uptown community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.

Section 6. The Uptown Planners operates under the authority of the Ralph M. Brown Act which requires that meetings of the Uptown Planners are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" or a successor policy (the "Policy"), and these Bylaws govern the operations of the Uptown Planners. Certain provisions of these Bylaws constitute Brown Act requirements as outlined in the Policy. Amendments to Council Policy 600-24 will apply to the Uptown Planners, 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 City's "Administrative Guidelines" provide explanations of the Council Policy 600-24 minimum standard operating procedures and responsibilities of the Uptown Planners. The latest version of Robert's Rules of Order is used when Council Policy 600-24, the Administrative Guidelines, or these Bylaws do not address an area of concern or interest.

Section 7. The Uptown Planners may propose amendments to these Bylaws by two-thirds vote of the voting members of the Uptown Planners. 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 the Policy 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 Uptown Planners shall consist of 17 elected members to represent the Uptown community. These members of the Uptown Planners 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 Uptown Planners shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the Uptown Planners, elected seats are filled by any eligible member identified below. There is no further restriction on the distribution of seats among interests in the Uptown community.

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

(1) 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 Uptown community planning area, or

(2) a resident, who is an individual whose primary address of residence is an address in the Uptown community planning area, or

(3) a local businessperson, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the Uptown community planning area; only one representative of a particular establishment may hold a seat on the Uptown Planners at one time.

An individual may become an eligible member of the Uptown community by attending two meetings of the Uptown Planners within the preceding 12 months and submitting an application by no later than seven days prior to the March general election.

Once eligibility to vote is established, an individual remains an eligible member of the Uptown community until a determination is made that the individual does not meet the Uptown Planners criteria and formal action is taken by the Uptown Planners. However, the Uptown Planners shall require proof of eligibility during elections.

Section 3. Members of the Uptown Planners shall be elected to serve for fixed terms of four years.

No person may serve on the Uptown Planners for more than eight consecutive years.

The eight-year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as an Uptown Planners member, an individual who had served for eight consecutive years shall again be eligible for election to the Uptown Planners.

The Uptown Planners will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the Uptown Planners may retain some members who have already served for any number of consecutive years to continue on the Uptown Planners without a break in service. Refer to Council Policy 600-24, Article III, Section 4 for further clarification.

- Section 4. A member of the Uptown Planners must retain eligibility during the entire term of service.
- Section 5. A member of the Uptown Planners found to be out of compliance with the provisions of Council Policy 600-24 or these Bylaws may risk loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883 NS, and any future amendments thereto.
- Section 6. Some provisions of these Bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the Uptown Planners who participates in a meeting of the Uptown Planners where actions are in violation of the Brown Act may be subject to civil or criminal consequences.

#### **ARTICLE IV Vacancies**

- Section 1. The Uptown Planners 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 Uptown Planners Secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member from the Uptown Planners regular meetings.

A vacancy may also exist following a vote of Uptown Planners 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 Uptown Planners should be filled at the following March general election, described in Article V, Section 3, if 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.

If vacancy is determined with greater than 120 days until the March general election, the Uptown Planners shall hold an interim election to be filled by a vote of all eligible members of the community by secret written ballot.

- Section 3. When the Uptown Planners is unable to fill a vacancy within 120 days, as specified above, and the Uptown Planners has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next Uptown Planners election, or these Bylaws may be amended to allow for decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected Uptown Planners members in good standing, the Uptown Planners shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the Uptown Planners membership has not reached 12 members, the Uptown Planners will be deemed inactive until it has attained at least 12 members in good standing.

#### **ARTICLE V Elections**

- Section 1. General elections of Uptown Planners members shall be held during the month of March in accordance with the adopted elections procedures found in Article V, Section 5.

The Uptown Planners elections shall be held in four year cycles - (1.) The first year three board members shall be elected; (2.) the second year and third year seven board members shall be elected each year; (3.) the fourth year there shall be no election.

The deadline to qualify for candidacy in the March general election shall be up to and including the February noticed regular or special meeting of the full Uptown Planners membership preceding the election. The Uptown Planners Election Subcommittee shall be established no later than December of the preceding year and shall begin soliciting eligible Uptown community members to become candidates. In February, the Election Subcommittee shall present to the Uptown Planners 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.

- Section 2. The Uptown Planners shall make a good faith effort to utilize means appropriate to publicize the Uptown Planners eligibility requirements for candidacy and the upcoming elections.

In the election process, the Uptown Planners shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the Uptown Planners for at least one year.

The Uptown Planners shall hold its election concurrent with the March general meeting.

The Uptown Planners will require proof of identity of those eligible Uptown community members who are seeking to vote in the election. The Uptown Planners shall ensure that voting is only by eligible members of the Uptown community.

The ballot presented to eligible Uptown community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight consecutive years of service.

Write-in candidates are not allowed.

Section 3. Voting to elect new community planning group members of the Uptown Planners shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is not allowed.

Section 4. The Uptown Planners election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly Uptown Planners meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the Council. 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 Uptown Planners 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 challenge.

Section 5. Article VIII, Section 1(e) includes all voting procedures.

1. Candidate Information: The Election Committee will provide the following information to the Board at the February Board Meeting:

- a. Number of seats open for election.
- b. Number of seats currently held by Board members eligible for a second term of four years, whether completing their first term or appointed to fill a vacant seat.
- c. Candidates with service beyond eight years who will appear on the ballot along with new candidates. The ballot must identify any candidates that exceed the Uptown Planner's allowable term limits, and the fact that the candidates must receive a 2/3 vote to be elected. *(Policy 600-24 states that such candidates will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., new candidates receive priority over candidates exceeding the term limit).*

d. Number of new eligible candidates that meet the following qualifications:

To be an eligible Uptown community member an individual must be at least 18 years of age, and shall be associated with the Uptown community as one or more of the following:

- A property owner, who is an individual identified as the sole or partial owner of record, or their designee, of real property (either developed or undeveloped), within the Uptown Boundary; or
- A resident, who is an individual whose primary address of residence is an address within the Uptown Boundary; or
- A local business person, who is a local business owner, operator, or designee at a non-residential real property address within the Uptown Boundary; or

Candidates must have submitted a membership application to the Uptown Planners Secretary or Election Committee prior to the March election and have attended two previous meetings in the last 12 months.

2. Voting: Before receiving a ballot, an eligible voter must present identification proving residency, property ownership, or business ownership within the Uptown Boundary. Documents or photocopies such as valid driver's business license, tax bills, utility bills or rent receipts with both name and address are acceptable identification.

3. Election Committee: Members of the Election Committee will be seated at a table where they will sign in eligible voters, check identification, and issue ballots.

4. Quorum: Ballots should not be issued until a quorum of the Board is present, and it is determined if there are any nominations from the floor. The election will take place as part of a regular Board meeting, and the Board will ensure that the election is conducted in a fair and open manner.

5. Candidate Speeches: Each candidate will be given three minutes to speak. No questions may be addressed to the candidates. Although eligible voters have a right to cast their ballots once issued, the Chair will request that voters first listen to the candidates' speeches before completing their ballots.

6. Close of Voting and Counting of Ballots: The balloting ends once eligible voters have had an opportunity to vote, and the votes are counted. The Election Committee will count the ballots. All individuals that are present may observe, but no one is permitted to participate in, or interfere with, the work of the Election Committee.

7. Announcement of Results: After the ballots are counted, the Election

Committee will seal all ballots in a sealed container, and present them to the Board in a visible location. The Board may supervise a recount of the ballots if the count is challenged. The Election Committee will then announce the results. The candidates who receive the most votes will be elected and take their seats at the April meeting.

**ARTICLE VI Community Planning Group and Planning Group Member Duties**

Section 1. It is the duty of the Uptown Planners 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 Uptown Planners members to conduct official business of the Uptown Planners in a public setting. It is recognized that the officers of the Uptown Planners may oversee administrative business of the Uptown Planners, 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 noticed Uptown Planners meetings.

It is the duty of the Uptown Planners as a whole, and of each individual member, to refrain from conduct that is detrimental to the Uptown Planners or the Policy. No member shall be permitted to disturb any public meeting so as to disrupt the public process as set forth on the Uptown Planners agenda.

(a) Section 2. Meeting Procedures

It shall be the duty of each member of the Uptown Planners to make a good faith effort to attend all Uptown Planners 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 each agenda item shall include the intended action of the Uptown Planners regarding that item (e.g., information item, action item).

The agenda shall be offered to the City for posting on the City's website and should be posted on the Uptown website ([www.uptownplanners.org](http://www.uptownplanners.org)) at least 72 hours in advance of the meeting.

(ii) Public Comment- Any interested member of the public may comment on



agenda items during regular or special Uptown Planners meetings. In addition, each agenda for a regular Uptown Planners 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 Uptown Planners. Uptown Planners members may make brief announcements or reports to the Uptown Planners on their own activities under the public comment section of the agenda. The Uptown Planners may adopt time limits for public comment to ensure operational efficiencies.

(iii) Adjournments and Continuances- If the Uptown Planners 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 Uptown Planners were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) Continued Items - If an agenda item is continued from a prior regular meeting to a subsequent meeting more than five days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is deemed adequate.

(v) Consent Agenda- For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the Uptown Planners 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 agenda 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 the Uptown Planners, must be present in order to conduct business, to vote on projects, and to take actions at regular or special Uptown Planners meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the Uptown Planners, 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 Uptown Planners 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; provided, however, that the Uptown Planners may require applicants to come to present agenda items with copies of all information and materials that are required to be submitted as part of the City's application review process.

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

The Uptown Planners 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 2/3 of the voting members of the Uptown Planners, or every member if less than two-thirds of the voting members of the community planning group are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the Uptown Planners subsequent to the agenda being posted.

A two-thirds vote of the voting members of the Uptown Planners 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 Uptown Planners 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 Uptown Planners.

Amendments to adopted bylaws require a two-thirds vote of the voting members of Uptown Planners.

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

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

The Uptown Planners Chair participates in Uptown Planners discussions but

does not vote on action items unless necessary to break a tie vote.

The Uptown Planners 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 Uptown Planners identified in the Policy.

(ix) Collective Concurrence - Any attempt to develop a collective concurrence of the members of the Uptown Planners as to action to be taken on an item by members of the Uptown Planners, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by electronic means other than at a properly noticed public meeting, is prohibited.

(x) Special Meetings - The Chairperson of the Uptown Planners or a majority of Uptown Planners 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 Uptown Planners 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 Uptown Planners 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 the 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 Uptown Planners and are prohibited under these Bylaws.

(xii) Right to Record - Any person attending a meeting of the Uptown Planners must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the Uptown Planners that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(xiii) Disorderly Conduct - In the event that a person or group of persons willfully interrupts any Uptown Planners meeting, so as to make the orderly conduct of the meeting infeasible, the Uptown Planners may first cause removal of the individual or individuals. If that is unsuccessful then the Uptown Planners 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 Uptown Planners may also

readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The Uptown Planners may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular Uptown Planners meetings.

(i) Standing Subcommittees - Pursuant to the purpose of the Uptown Planners as identified in Article II, Section 1 of these Bylaws, the Uptown Planners has established a standing Design Review Committee, a Historic Resources Committee, and a Public Facilities Committee.

(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 – A majority of the members of Subcommittees shall be members of the Uptown Planners.

Non-members, who are duly appointed by the Uptown Planners to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. 0-19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) Recommendations – Subcommittee recommendations must be brought forth to the full Uptown Planners for formal vote at a noticed public meeting. In no case may a subcommittee recommendation be forwarded directly to the Council as the formal recommendation of the Uptown Planners without a formal vote of the full membership of the Uptown Planners.

(c) Abstentions and Recusals

(i) Recusals - Any member of the Uptown Planners with a direct, or the appearance of a direct, economic interest in any project that comes before the Uptown Planners or its subcommittees must recuse themselves from voting and not participate in any manner as a member of the Uptown Planners for that item on the agenda.

(ii) Abstentions – In limited circumstances, Uptown Planners 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 Uptown Planners, 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 Uptown Planners 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 Uptown Planners 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 Uptown Planners 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 Uptown Planners meeting, a report of Uptown Planners member attendance and a copy of approved minutes shall be retained by the Uptown Planners, 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 and posted to the Uptown Planners website ([www.uptownplanners.org](http://www.uptownplanners.org)). The minutes of each Uptown Planners 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 Uptown Planners. If an applicant did not appear before the Uptown Planners 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 Uptown Planners meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the Uptown Planners and posted to the Uptown Planners website ([www.uptownplanners.org](http://www.uptownplanners.org)).

The Uptown Planners 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- Uptown Planners 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 Uptown Planners operations and compliance. The Uptown Planners 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 Uptown Planners to periodically seek Uptown community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1 of these Bylaws. The Uptown Planners shall give due consideration to all responsible Uptown community attitudes insofar as these are deemed to be in the best long-range interest of the Uptown community at large.

Section 4. It shall be the duty of the Uptown Planners to maintain a current, up-to-date roster of the names, terms, and category/qualifications of the Uptown Planners members in its possession, and to forward the current roster, as well as any updates, to the Council. The Uptown Planners must also submit to the Council an annual report of accomplishments for the past 12 months and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The Uptown Planners may develop a policy for financial contributions from the citizens of the Uptown community for the purposes of furthering the efforts of the Uptown Planners 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 Uptown Planners meeting. All contributions must be voluntarily made, and no official Uptown Planners correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each elected Uptown Planners member is required to attend an orientation training session administered by the City as part of Uptown Planners and individual member indemnification pursuant to Ordinance No. 0-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

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 Uptown Planners shall be elected annually from and by

the members of the Uptown Planners. The officers shall consist of a Chair, Vice Chair and Secretary. The length of an officer's term shall be one year, except that no person may serve in the same Uptown Planners office for more than eight consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chair. The Chair shall be the principal officer of the Uptown Planners and shall preside over all Uptown Planners and Uptown community-wide meetings organized by the Uptown Planners and may appoint subcommittee Chairs with the consent of the Uptown Planners.

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. In the absence of the Chair, the Vice Chair shall perform all the duties and responsibilities of the Chair.

Section 4. The Secretary shall be responsible for the Uptown Planners correspondence, attendance records, and minutes and actions (including identification of those Uptown Planners members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons), and shall assure that the Uptown Planners and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. The Chair shall be a recognized Uptown Planners representative to the Community Planners Committee ("CPC"). However, by vote of the Uptown Planners, an Uptown Planners member other than the Chairperson 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 Uptown Planners alternate to the CPC shall be forwarded in writing to the staff representative of the CPC prior to extension of voting rights and member attendance.

Section 6. The Uptown Planners officers and representatives to the CPC shall promptly disseminate to all elected Uptown Planners members pertinent information that is received by Uptown Planners regarding its official business.

## **ARTICLE VIII Planning Group Policies and Procedures**

Section 1. These Bylaws incorporate policies and procedures directed by the Policy. These Bylaws also include certain policies and procedures recommended in Article VIII of Council Policy 600-24. These Bylaws list additional procedures which are found in the exhibits to these Bylaws.

Any procedures included in exhibits to these Bylaws have the same effect as if they were incorporated directly into Articles I through VII of these 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

It is the intent of the Uptown Planners to cultivate interest in Uptown Planners meetings and to encourage diversity by reaching out through various community or neighborhood groups or events. Uptown Planners are encouraged to invite Uptown community members to attend.

(b) Planning Group Composition

The Uptown Planners procedures pursuant to Article III, Section 2 regarding planning group composition are found in Exhibit "B" of these Bylaws.

(c) Conduct of Meetings

The following are the Uptown Planners procedures regarding conduct of Uptown Planners meetings: the latest version of *Roberts Rules of Order*, and maintaining a civil meeting environment.

At any time, a board member may be appointed Time Keeper by the Board with a majority vote. The role of the Time Keeper will be to assist in maintaining the civil meeting environment (ie. having speakers adhere to time limits, silencing those speaking out of turn). The Time Keeper may continue to serve in this role until a new board member is appointed by the board or it is voted to leave the role vacant.

**ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups**

Section 1. Indemnification and Representation. The Uptown Planners 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 0-19883 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, 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 Uptown Planners and its duly elected members may be subject to both violations of the Policy 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 Uptown



Planners, as well as the Uptown Planners itself, may be subject to civil remedies. Under certain circumstances, individual Uptown Planners 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 Uptown Planners**

In cases of alleged violations of these Bylaws or the Policy by an Uptown Planners member, the Uptown Planners 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 these Bylaws or Policy may be submitted to the Uptown Planners Chairperson by any individual, including another Uptown Planners member. The complaint should be filed within 90 days of the alleged violation.

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

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

If an Uptown Planners member is found to be out of compliance with the provisions of these Bylaws or the Policy, the Uptown Planners risks loss of indemnification (legal protection and representation) pursuant to Ordinance No. 0-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the Uptown Planners to discipline or remove a member must occur at a scheduled Uptown Planners 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 by a member are listed below:

Documenting a violation:

- A complaint that a violation of these Bylaws or the Policy has

occurred will be presented to the Uptown Planners Chair. If the complaint is about the Chair, it may be presented to any other officer of the Uptown Planners.

- 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 the Policy that the action is claimed to violate. If the complaint is from someone other than another Uptown Planners member, the Chair, or other officer, may assist in providing appropriate citations to authority to assist the complainant.
- The Chair will confer with the Uptown Planners officers, unless 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 provide to the alleged violator.

Procedures for administering and acting on investigation a violation:

While the authority for this process rests with Uptown Planners, City staff may be contacted for assistance 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 the assistance from planning group officers, determines no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from 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 the assistance from planning group officers, determines that the situation cannot be remedied and that the interests of the community and Uptown Planners would best be served by 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 planning group discussion.

Presenting an alleged violation to the Uptown Planners:

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

Recourse for removed member:

- There is no appeal available to an elected Uptown Planners member removed by a 2/3 vote of the voting members of the Uptown Planners.
- The Uptown Planners member's seat shall be immediately deemed vacant and subject to the provisions of Article *N* of these Bylaws.
- The removal of an Uptown Planners member by a 2/3 vote of the voting members of the Uptown Planners will not prohibit the member from running for an Uptown Planners seat in future scheduled elections.

(c) Alleged Violations Against the Uptown Planners as a Whole

In the cases 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, determine the validity of the complaint, and seeking resolution of the issue of dispute. The Uptown Planners 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 right 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 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: Uptown Planners Boundary Map