

Mira Mesa Community Planning Group Bylaws

Draft for approval by the Mira Mesa Community Planning Group 10/11/2023

ARTICLE I Name

- Section 1. The official name of this organization is the *Mira Mesa Community Planning Group* (MMCPG).
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the MMCPG are the boundaries of the *Mira Mesa* community, as shown on Exhibit "A".
- Section 4. Meetings of the MMCPG shall be held within these boundaries, except that when the MMCPG 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 MMCPG 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. As a recognized independent body, the MMCPG will work with City staff throughout the City’s planning process when requested by the City, including during the formation of long-range community goals, objectives, and proposals or revisions for inclusion in a General or Community Plan. The MMCPG will, upon City request, make recommendations, or participate in, additional efforts such as identifying Capital Improvement Project (CIP) infrastructure needs or additional City matters.
- Section 2. In reviewing individual development projects, the MMCPG should focus such review on conformance with the Land Development Code and the adopted community plan and/or the General Plan. The MMCPG recognizes that City staff and development project applicants are not required by the City to present their project or application before the MMCPG. CPG project review recommendations will be submitted to the City within seven calendar days of the CPG taking action. The MMCPG shall submit its recommendation and any conditions to the project proposed by the MMCPG, using the Bulletin 620 Distribution Form.
- Section 3. All activities of the MMCPG 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 MMCPG 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 MMCPG will follow a uniform mandatory process for recording MMCPG project review recommendations through the use of an annual report that includes all project recommendations which shall be part of the MMCPG's official records.
- Section 6. The MMCPG 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, properly noticed, and in compliance with each of the Brown Act provisions.
- Section 7. The MMCPG shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, evidence of completion of annual trainings, and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.

Written applications submitted to the MMCPG by individuals wishing to serve as voting members, and records of election results, are considered official records and will be maintained by the MMCPG in accordance with Policy 600-24. The MMCPG will submit to the City the rosters of MMCPG voting members by May 1st of each year and will also submit to the City any changes to rosters as a result of MMCPG elections.

- Section 8. The MMCPG is an independent entity from the City and must be able to operate as such. The City may provide assistance to the MMCPG at the discretion of the City Manager and subject to the availability of City resources. In addition, the MMCPG may be allocated funds by the City when such funding is approved by the City Council

ARTICLE III Community Planning Group Organizations

Section 1. The MMCPG shall consist of 19 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 members of the MMCPG shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

The MMCPG elected seats are filled by distribution of seats among the following interests that represent the community: 3 seats for property owners (who do not also qualify as residents); 11 seats for residents; and 5 seats for business representatives. If the executive committee is reduced or expanded in size by revision of these bylaws, there shall always be three (3) more resident members than members from the other two (2) categories of voting members, combined.

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, and who does not also qualify as a resident, or
- (2) Resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) Local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area; only one representative of a particular establishment may hold a seat on the community planning group at one time.

An individual may become an eligible member of the community by attending a meeting of the MMCPG and submitting an application to the planning group Secretary demonstrating qualifications to be an eligible member of the community. The individual will then immediately become an eligible member of the community.

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 MMCPG shall require proof of eligibility during elections.

Section 3. Members of MMCPG shall be elected to serve for fixed terms of 4 years. To provide continuity, expiration dates shall alternate so that half expire at each biennial election. See Article V, Section 2 which describes which seats expire during which election.

No person may serve on the planning group for more than eight consecutive years.

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

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

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for 8 consecutive years to continue on the planning group without a break in service, subject to the following conditions:

- (1)Waivers of Maximum Time of Service shall not be granted unless necessary to ensure there are at least 10 voting members.
- (2)Waiver of Maximum Time of Service to ensure there are at least 10 voting members shall be ratified by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election; and
- (3)The term of a voting member elected by a two-thirds vote serving beyond the Maximum Time of Service should count as time served beyond the required break in service as required by this section.

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

Section 5. A member of the MMCPG found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups adopted bylaws risks loss of indemnification (legal protection and representation) pursuant to Ordinance No. O-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 MMCPG 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 MMCPG shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning group's regular meetings.

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

Section 2. Vacancies that may occur on the MMCPG shall be filled by selection by planning group members not later than 120 days following the date of the determination of the vacancy. The replacement member must be an eligible member of the community as defined in Article 3, Section 2. The term of office of any member filling a vacancy shall be for the balance of the vacated term. Any vote taken in a MMCPG meeting to fill a vacancy must be recorded in the minutes and state who voted for or against any candidate.

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

Section 3. When the MMCPG is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 10 members.

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 10 members in good standing.

ARTICLE V Elections

Section I. General elections of MMCPG members shall be held during the month of March in accordance with the adopted elections procedures found in this Article of these bylaws.

The MMCPG's general elections shall be held every two years.

The deadline to qualify for candidacy in the March general election shall be the February noticed regular meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. Members of the Election subcommittee may not be running for election. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting. If a forum is held and a candidate is unable to attend, they may submit a written statement to be presented at the forum.

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

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

The MMCPG holds its election on the date of the March regular meeting, but separate from that meeting.

The MMCPG 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 the individual candidates by name, which seats individual candidates are running for, how many candidates can be elected, 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 consecutive years of service. Terms of office will be scheduled so that 3 business seats expire at the same time, and the other 2 business seats and the elected property owner seats expire at the alternate election two years later. Residential seats are scheduled so that 5 seats expire at one election and the other 6 at the alternate election two years later.

The MMCPG policy related to write-in candidates is that write-in candidates are allowed if they are an eligible member of the community. If a write-in candidate receives enough votes to be elected, they must provide proof of eligibility before the election results are finalized.

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

Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5. This Section includes additional election procedures of the MMCPG.

(A) All eligible members of the community may vote by secret ballot. The election subcommittee will distribute a ballot of all eligible members who are qualified to run (see Article 3, section 2) and have stated that they want to run for the planning group. The ballot will have space for write-in candidates for each seat.

(B) Planning group elections will be held in March of odd-numbered years at the same location, time and date as the March planning group meeting. The election will precede the regular meeting, and the regular meeting will begin after voting is concluded. The regular meeting may proceed while votes are being counted.

(C) Eligibility to vote shall be verified by the secretary or a member of the election subcommittee before a member receives a ballot.

(D) The ballot shall be a standard letter-sized page with each seat up for election clearly identified with all eligible persons seeking election to that seat. Voters shall place a check mark next to a name or circle the name. Only one vote may be cast for each candidate (cumulative voting is not allowed).

(E) Ballots shall be made available to eligible voters for 60 minutes from the noticed time of the election. The Secretary shall announce the closing of ballots at 60 minutes past the noticed election time and that ballots are no longer available except to those present and waiting to receive a ballot. Voting is closed when all ballots have been returned. The Secretary shall keep time by use of an ordinary device such as a watch or cell phone for the purposes of this paragraph and his or her determination of time shall be final.

(F) Eligibility may be established by driver's license/state identification card, or property tax, utility bill or other proof of residency in conjunction with a photo ID, as consistent with Section 5.1.1 of the Operating Procedures for the **Mira Mesa Community Planning Group**.

(G) Ballots shall be collected by the Election Subcommittee upon conclusion of balloting. Ballots shall be counted by the Election Subcommittee. The regular Planning Group meeting may start at this time or after counting of ballots has concluded.

(H) Upon completion of the counting of the ballots, the Secretary shall inform the Chair of the results. The Chair will announce the results. Newly elected members will assume their seat at the next (April) meeting.

(I) For any member having served eight consecutive years, if no other candidate is available for the seat, and the vacancy leaves fewer than 10 voting members, that member shall be considered re-elected if receiving 2/3 of the votes cast for that seat. If that candidate does not receive 2/3 of the votes cast, the seat shall be declared vacant. No more than 25% of the Planning Group may be over the 8-year limit. In the event that more than 25% of the newly elected Planning Group are over the 8-year limit, those with the least seniority will be elected and the members who have served the longest will not.

(J) For any seat with more than one candidate, the candidate receiving a plurality of votes cast for that seat shall be elected.

(K) In the event of a tie, a second ballot shall be taken for the seat(s) subject to the tie vote. Only the two candidates receiving the most votes on the first ballot shall appear on the second, and only those who voted in the first ballot shall vote in the second. In the event of a tie on the second ballot, a coin toss by the Secretary shall decide the election. The elder of the two candidates shall be offered the option of calling “heads” or “tails.”

(L) In the event the count is questioned, the Secretary shall request two other members to count the ballots. In the event the second count conflicts with the first, there shall be additional counts until two successive counts agree. Any additional challenge to the count or the election should follow the procedure of Section 4 above.

(M) The Secretary shall keep all ballots in a single envelope and hold them until the election is settled.

(N) Any challenge to the election shall be made in accordance with these Bylaws and must be presented to the Chair within 24 hours of the noticed date and time of the meeting.

(O) Candidates must provide proof of eligibility prior to printing of the ballot.

(P) “Electioneering” on the day of the meeting, within 100 yards of the meeting location, is prohibited. Such electioneering is understood to be, but not limited to, posting flyers or engaging in personal contact with others members so as to persuade the member(s) to vote for a candidate or candidates.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the MMCPG to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.

It is the duty of a planning group as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning group or its purposes under Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

Section 2. **(a) Meeting Procedures**

It shall be the duty of each member of the MMCPG to attend all planning group meetings.

(i) **REGULAR AGENDA POSTING** - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information item, action item].

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

(ii) **PUBLIC COMMENT**- Any interested member of the public may comment on agenda items during regular or special planning group meetings. In addition, each agenda for a regular planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) **ADJOURNMENTS AND CONTINUANCES** - If the MMCPG 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 MMCPG may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

(viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the voting members of a community planning group, or every member if less than two-thirds of the voting members of the community planning group are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning group subsequent to the agenda being posted.

A two-thirds vote of the voting members of the MMCPG is required to remove an elected or appointed 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 MMCPG 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 MMCPG.

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

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

The MMCPG's chair fully participates in planning group discussions and votes on all action items.

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

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

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the MMCPG 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 MMCPG, 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 MMCPG and are prohibited under these bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the MMCPG 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 MMCPG 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 MMCPG as identified in Article II, Section I, the planning group has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter [such as the Elections subcommittee].

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

(iii) **SUBCOMMITTEE COMPOSITION** - Subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. 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 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 MMCPG with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.

(ii) **ABSTENTIONS** - In limited circumstances, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

(d) Meeting Documents and Records

(i) AGENDA BY MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES - For each planning group meeting, a report of MMCPG 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 MMCPG 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 - MMCPG 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 planning group operations and compliance. The planning group also receives materials that do not qualify as records. The Administrative Guidelines

discuss categories of material that are City records, community planning group records, and non-records.

(v) The MMCPG shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, evidence of completion of annual trainings, and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request, except that any personal information contained in these documents will not be provided without the consent of the people identified.

Section 3. It shall be the duty of the MMCPG and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section I. 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 MMCPG to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City an annual report of accomplishments for the past 12 months and anticipated objectives for the coming year related to Article II, Section I above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The MMCPG 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 MMCPG member is required to attend an orientation training session annually 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.

ARTICLE VII Planning Group Officers

Section 1. The officers of the MMCPG 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 two years except that no person

may serve in the same planning group office for more than eight consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group.

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. 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 MMCPG 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 MMCPG bylaws incorporate policies and procedures directed by Council Policy 600-24.

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

(a) Community Participation

The following are the MMCPG procedures regarding community participation:

All residents within the MMCPG Boundary Map, property owners and business representatives are encouraged to attend and participate in planning group meetings, and are further encouraged to register with the planning group as eligible members of the community.

Agendas and other information relevant to upcoming meeting topics are sent by email to all persons who have stated an interest in receiving this information. Information about the MMCPG is posted on a local website, which is currently <https://www.MiraMesaCommunityPlanningGroup.org>.

(b) Planning Group Composition

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

A business or property owner seat on the planning group belongs to the business or property owner, rather than to the representative of the business or property owner. In the event that a representative resigns from the planning group, the business or property owner can appoint a replacement for the representative to serve the remainder of the term, provided that the name of the representative is given to the planning group chair and an application submitted within 45 days after the resignation. The 8 year rule applies to the business, not to a particular representative, although the 8 year rule also applies to an individual who serves for 8 consecutive years even if the individual changes membership category from a business representative to another. Only one representative at the time can be an eligible member of the community.

(c) Conduct of Meetings

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

Public comment shall be limited to three minutes per speaker regarding a matter not on the agenda for the meeting. The public comment period in any one meeting shall not exceed 15 minutes from the time the meeting is called to order. The time may be extended by a vote of the planning group.

Courteous response by others in attendance to comments made by members of the public, including clapping, are allowed, but must remain courteous and not interfere with the speaker's access to his or her allocated three minutes.

Any effort by others in attendance to interfere with a speaker's access to his or her allocated time by heckling or otherwise discourteous retort is expressly prohibited. The Chair reserves the right to require any person(s) conducting themselves in this manner to leave the meeting.

In the event the Chair's admonitions go unheeded, the Chair reserves the right,

pursuant to the Brown Act, to clear the meeting of all attendees except voting members and media as stated in Article VI, Section 2(a)(xiii).

(d) Member and Planning Group Responsibilities

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

The MMCPG may review and vote on matters raised by City Staff or elected representatives seeking community input.

No solicitations of funds or sponsorships shall occur during a meeting of the MMCPG.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The MMCPG 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 MMCPG 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 MMCPG

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

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another

planning group member. The complaint should be filed within 90 days of the alleged violation.

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

If corrective action or measures are not feasible, the group may remove a member by a two-thirds vote of the voting members of the 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 MMCPG to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

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

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

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and MMCPG 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 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 MMCPG as a Whole

In the case of an alleged violation of the planning group's bylaws or of Council

Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The MMCPG will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

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

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Exhibit A: Boundaries of the Mira Mesa Community, from the Mira Mesa Community Plan

