



THE CITY OF SAN DIEGO

MEMORANDUM


DATE: June 10, 2008


TO: Bill Crooks, Chair, Miramar Ranch North Planning Committee

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

SUBJECT: Approval of an amendment to the Miramar Ranch North Planning Committee bylaws

The Miramar Ranch North Planning Committee bylaws amendment has been reviewed and determined to be in conformance with the provisions of City of San Diego (City) Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups). The Council Policy 600-24 requires each community planning group, as a condition of official recognition by the City, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws." Amendments may be approved by the Mayor's office and the City Attorney's office if determined to conform to Council Policy 600-24. The amended bylaws have been reviewed and approved by the City Attorney's office and the City Planning & Community Investment department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.


Mary P. Wright, AICP Date: 6/10/08
Deputy Director
City Planning & Community Investment


Marianne Greene Date: 6/11/08
Deputy City Attorney

MPW/MG/bt

Attachments: Miramar Ranch North Planning Committee bylaws

MIRAMAR RANCH NORTH PLANNING COMMITTEE
- BYLAWS -
(Adopted October 2007)

ARTICLE I **Name**

- Section 1. The official name of this organization is the **Miramar Ranch North Planning Committee** (hereinafter “**MRNPC**”).
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the MRNPC are the boundaries of the Miramar Ranch North community, as shown on City maps.
- Section 4. Meetings of the MRNPC shall be held within these boundaries, except that when the MRNPC 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 MRNPC shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

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

- Section 1. The MRNPC has been recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Miramar Ranch North community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.
- Section 2. In reviewing individual development projects, the MRNPC should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear

the project and may choose to provide a subsequent formal recommendation to the City.

- Section 3. All activities of the MRNPC 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 MRNPC shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.
- Section 5. Pursuant to the provisions of City Council Policy 600-5, the MRNPC's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects may result in the forfeiture of rights to represent the Miramar Ranch North community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor.
- Section 6. The MRNPC operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.
- Section 7. The MRNPC may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The MRNPC shall consist of 20 elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

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

On the MRNPC the elected seats are filled by any eligible member identified below. There is no requirement nor any restriction on the distribution of seats among interests in the community.

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

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

An individual may become an eligible member of the community by becoming one of the above and attending the meeting when the vote will be held.

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 MRNPC shall require proof of eligibility during elections.

Section 3. Members of the MRNPC shall be elected to serve for fixed terms of 4 years with expiration dates during alternate years to provide continuity.

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

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

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

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

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

Section 5. A member of the MRNPC found by the City Council to have planning group related conduct out of compliance with the provisions of Council Policy 600-24 or the planning group's adopted bylaws risks loss of defense and indemnification [legal representation and financial protection] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto or superseding ordinance

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the MRNPC who participates in a meeting of the planning group where actions in violation of the Brown Act are effected may potentially be subject to civil or criminal consequences.

ARTICLE IV Vacancies

Section 1. The MRNPC shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning groups regular meetings.

Section 2. Vacancies that may occur on the MRNPC shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The MRNPC shall fill vacancies at or after the time the vacancies are declared. Vacancies shall be filled by majority vote for announced and

qualified candidates of planning group members, after the vacancies are certified by the Chairperson of the planning group.

- Section 3. When the MRNPC is unable to fill a vacancy within 120 days, as specified above, and the planning group still has more than twelve members the seat may remain vacant until the next planning group election. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

- Section 1. General elections of MRNPC members shall be held during the month of March.

The MRNPC's general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at two meetings of the MRNPC's last 12 meetings prior to the February regular meeting preceding the election.

- Section 2. The MRNPC 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 MRNPC holds its election at the March regular meeting.

The MRNPC will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community. The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service.

The MRNPC planning group's policy related to write-in candidates is that write-in candidates are not allowed.

Section 3. Voting 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 MRNPC's election becomes final after the Chairperson announces the election results at the voting meeting. The Chairperson is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the next regular meeting, in order to allow their full participation as elected members.

Any challenge to the election results must be presented to the Chairperson in writing within 48 hours of the announcement of the election results by the Chairperson.

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

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the MRNPC 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 MRNPC to attend all planning group meetings.

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

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

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

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

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

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

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

The MRNPC planning group's Chairperson 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 members of the planning group identified in Article III, Section 1 of Council Policy 600-24.

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

(xii) **RIGHT TO RECORD** - Any person attending a meeting of the MRNPC 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 MRNPC 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 MRNPC as identified in Article II, Section 1, the planning group has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter [such as the Elections subcommittee].

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

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

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be defended and indemnified by the City in accordance with Ordinance No. O-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) **RECOMMENDATIONS** – Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal

recommendation of the planning group without a formal vote of the full planning group.

(c) Abstention and Recusal

(i) RECUSAL - Any member of the MRNPC 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) ABSTENTION – 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 member attendance and a copy of approved minutes shall be retained by the planning group until the City’s records retention policy is implemented, and shall be available for public inspection.

The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded.

Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group.

If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant offering the applicant an opportunity to appear before the planning group at a meeting.

A copy of the approved minutes shall be submitted to the City within 14 days after final approval by the planning group.

The MRNPC 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 – MRNPC records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of the MRNPC and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community inputs 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 MRNPC to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The MRNPC 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 MRNPC member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII Planning Group Officers

Section 1. The officers of the MRNPC shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary-Treasurer and any such other officer as the MRNPC shall find appropriate. The length of an officer's term shall be one year, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and community-wide meetings organized by the planning group. It shall be a duty of the Chairperson to direct the MRNPC to operate in accordance with these Bylaws and City policy and regulation. The Chairperson may also have such other duties as assigned by 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. In addition the Vice Chairperson shall act as parliamentarian and help ensure that all meetings are run in accordance with the Bylaws and City policy and procedure. The Vice Chairperson may also have such other duties as assigned by the planning group.

Section 4. Secretary-Treasurer. The Secretary shall be responsible for the planning group's correspondence, MRNPC membership roll, 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-Treasurer may take on these responsibilities or may identify individuals to assist in these duties and may also have such other duties as assigned by the planning group. The Secretary-Treasurer shall receive all monies, deposit same in a bank in the name of the MRNPC, pay bills as directed by the planning group, and keep an accurate and timely account of all funds and transactions. All checks or orders for the payment of money shall be signed by such officers and in such manner as shall from time to time be determined by resolution of the planning group.

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 MRNPC 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 MRNPC bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

Section 2. Elections. The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Defense Representation. The MRNPC and its duly elected or appointed members have a right to no-cost representation by the City Attorney and a right to financial indemnification of defense costs and any judgment or settlement under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified

in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act. The MRNPC 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 when 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 MRNPC

In cases of alleged violations of the MRNPC 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 Chairperson by any individual, including another planning group member. The complaint should be presented within 30 days of the alleged violation.

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

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

If the planning group member is found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group member risks loss of defense and loss of indemnification [loss of

legal protection and loss of financial protection] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto or superseding ordinance.

Investigation procedures for elected member violations are outlined below:

Any action by the MRNPC 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 in writing to the planning group Chairperson. If the complaint is about the Chairperson, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and time-frame 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 Chairperson, or other officer, may assist in providing appropriate citations to assist the complainant.
- The Chairperson 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 Chairperson 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 Chairperson, 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 Chairperson, with assistance from the planning group officers, determines that no violation has actually occurred, the Chairperson may record this in the written record of the complaint.
- If the Chairperson, 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 Chairperson will outline the necessary actions to achieve the remedy.
- If the Chairperson, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and MRNPC would best be served by the removal of the planning group member, then the Chairperson 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 Chairperson 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 allegedly committed the violation to present his/her case and / or rebut documentation gathered by the Chairperson 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 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) Violations Alleged Against the MRNPC 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, a description of the alleged violation shall be forwarded in writing to the City. The Mayor, or a designated Mayoral staff member, will engage in a dialogue with the planning group and seek informal resolution of the issue or complaint. The Mayor will determine the threshold validity or non-validity of the complaint. The MRNPC will work with the City toward a solution and in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If the Mayor determines that a violation by the planning group as a whole has occurred, the Mayor shall provide to the MRNPC a written description of the violation with citation to the relevant policy or bylaws. If there is thereafter a failure of the planning group to take corrective action, the planning group may lose its right to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the potential loss of a seated group's rights to represent its community shall be based on a recommendation by the Mayor to the City Council. A planning group shall not lose its recognized status until there is an action by the City Council that removes 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 these bylaws, Council policy, or the Brown Act, it and its members risk loss of defense representation and loss of indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto or superseding ordinances.

/approved/ **MRNPC**, October 2007