

OPERATING PROCEDURES FOR THE
Mira Mesa Community Planning Group
AS AN INDEPENDENT COMMUNITY PLANNING GROUP
PER CITY COUNCIL POLICY 600-24

Introduction and Background

These Operating Procedures define standards the Mira Mesa Community Planning Group (MMCPG) will adhere to and designated services MMCPG will provide in order to obtain and maintain official recognition by the City pursuant to Council Policy 600-24 (Policy 600-24). Community Planning Groups (CPGs) are independent organizations voluntarily created and operated by community members who are not City employees, City agents, or City representatives. CPGs are not City-controlled or managed organizations. The City does not direct or recommend the election, appointment, or removal of CPG voting members, or delegate authority to CPGs to act on its behalf.

MMCPG, in adopting these Operating Procedures, commits to meeting these standards and to operating in a manner that abides by and conforms with the Brown Act, is transparent to the public, is accessible to and inclusive of all community members, and reflects the diversity of the communities where they operate. MMCPG acknowledges that meeting the standards of this document is necessary to be formally recognized, and continue to be recognized, by the City Council (Council) as a CPG in the City of San Diego. MMCPG acknowledges that the City can revoke recognition if the City, in its sole discretion, determines these standards are not being met.

MMCPG will separately and independently maintain any legally required corporate documents, including articles of incorporation and corporate bylaws, or any other legally required documents related to MMCPG's founding, operation, or organization.

MMCPG Operating Procedures are defined in more detail in the MMCPG bylaws, provided together with this document.

MMCPG will submit the documents listed in Exhibit A with its application for Council recognition and maintain these documents in accordance with sections 2.5 and 7.2 herein.

In consideration of Policy 600-24 and the Terms and Conditions established herein, the MMCPG hereby agrees to abide by the following:

1. Name and Geographical Boundaries

The name of this City recognized CPG shall be the Mira Mesa Community Planning Group.

The community planning boundaries of this CPG are the boundaries of the Mira Mesa Community, as shown in Exhibit B.

2. Responsibilities

2.1 Collaboration with City Staff

As a recognized independent body, the MMCPG may 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.

2.2 Advisory CPG Review

The MMCPG may make advisory recommendations to the City and other governmental agencies on land use matters within the MMCPG's geographical boundaries or related matters associated with implementation of its community plan as shown in Exhibit B, including the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to its boundaries.

The MMCPG may, upon City request, make recommendations, or participate in, additional efforts such as identifying CIP infrastructure needs or additional City matters.

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 although the City encourages applicants to conduct robust engagement with all CPGs, the community, and project neighbors.

2.3 Timely Submittal of CPG Recommendations to the City

In order to be considered as part of the City's development review process, MMCPG project review recommendations, if any, must be submitted to the City within seven calendar days of the MMCPG taking action.

In addition, the MMCPG shall submit its recommendation and any conditions to the project proposed by the MMCPG, using Bulletin 620 Distribution Form, or reasonable facsimile.

The MMCPG will follow a uniform mandatory process for recording CPG 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.

2.4 Adherence to Ralph M. Brown Act

The MMCPG must comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act), by conducting meetings that are open to the public, properly noticed, and in compliance with each of the Brown Act provisions. Failure of the MMCPG to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the MMCPG to lose its Council recognition and may subject the MMCPG and MMCPG voting members to a loss of indemnification by the City.

2.5 Maintenance of Open Records

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, with the exception that any personal information will not be made public without the authorization of the individual.

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.

2.6 Independent Entity

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

3. Community Participation and Representation

3.1 Membership

The MMCPG will ensure that voting members of recognized MMCPGs, to the greatest extent possible, represent the entire community and community interests, including homeowners, renters, individuals with and without school age children, and diverse age groups.

The MMCPG and its voting members should routinely seek robust community participation in the CPG planning and implementation process to serve the best long-term interest of the community at large. The MMCPG shall submit a detailed written Community Participation and Representation Plan to the City Council along with its application for recognition (see Exhibit A).

3.2 Community Outreach

The MMCPG and its voting members shall routinely seek community participation in the MMCPG planning and implementation process to serve the best long-term interest of the community at large.

3.3 Collection of Membership Data

To measure community representation, the MMCPG shall gather demographic data of existing and new MMCPG voting members at the time of elections or other regular periods to measure inclusion and diversity on the MMCPG. This data should be submitted to the City along with the annual rosters required by Section 2.5. Participation in this type of survey will be voluntary and will be conducted in a manner to ensure the privacy of responses and respondents.

4. MMCPG Composition

4.1 Number of Voting Members

The MMCPG will have no fewer than 10 and no more than 20 voting members, respectively, representing the various community interests set forth in these Terms and Conditions. The

Council may recognize a CPG with more than 20 voting members if the larger membership is necessary to give better representation to a community.

The MMCPG Bylaws state the following: The Mira Mesa Community Planning Group shall consist of 19 elected members to represent the community. Elected seats are filled by distribution of seats among the following interests that represent the community: 3 seats for property owners; 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. Property owners who are also residents of the community should fill residential seats instead of property owner seats.

4.2 Voting Member Eligibility

The MMCPG will ensure that voting members meet the following minimum qualifications throughout their entire term of service:

4.2.1 Minimum Age

Voting members will be a minimum of 18 years of age unless the MMCPG has an appointed youth representative.

4.2.2 Minimum Attendance Requirements

The MMCPG shall take attendance to ensure that each voting member attends at least two-thirds of the MMCPG's regularly scheduled meetings in any 12-month period throughout their term as a voting member. Failure to meet minimum attendance shall be grounds for disqualification of the voting member. No attendance requirements for voting member attendance prior to their election or appointment as a voting member are allowed.

4.3 Community Representation

The MMCPG will ensure that voting members be affiliated with the community as either a: (1) property owner, who is an individual identified as the sole or partial owner of record, or their employee, of a real property (either developed or undeveloped), within the community planning area; (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 non-profit owner, operator, or designee at a non-residential real property address in the community planning area as evidenced by a business tax certificate or other official document.

4.3.1 Appointed Seats

To ensure representation of unique stakeholder interests in the community planning area, the MMCPG may create appointed non-voting seats. These appointed non-voting seats must be described in the MMCPG bylaws.

4.4 Voting Member Term Limits

The MMCPG shall establish term limits for its voting members to ensure that the membership is not dominated over time by individual voting members or groups within the community. These term limits will conform with the following guidelines:

4.4.1 Maximum Time of Service

MMCPG voting members will not serve their service time for more than eight consecutive years if elected to two- or four-year terms, or nine consecutive years if voting members are elected to three-year terms. MMCPG voting members who accumulate this maximum service time can be eligible to serve again after a two-year break in service.

4.4.2 Waivers of Maximum Time of Service

The MMCPG may develop procedures for waiving the maximum time of service by vote of its voting members if the MMCPG cannot find sufficient new voting members to fill vacant open seats after a good faith effort to do so. Should a MMCPG choose to exercise this waiver, it will use the following guidelines:

- (1) Waivers of Maximum Time of Service shall not be granted unless necessary to ensure there are at least 10 voting members (See Section 4.1).
- (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.

5. Open and Public Elections

5.1 Equal Participation

The MMCPG shall develop election procedures to encourage equal participation by all members of the public, including term limits which voting members of a recognized MMCPG can serve.

All members of the public affiliated with the community within the geographical boundary of the MMCPG will be allowed to vote in MMCPG elections, so long as they meet minimum conditions for eligibility per Section 4.2 of these Terms and Conditions and comply with the following:

- Only one elected MMCPG voting member per business tax certificate (for business members)
- Only one elected MMCPG voting member per property tax billing (for property owner members)

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code or Section 5.1.1.

5.1.1 Voter Identification for Resident Community Members

Consistent with state and federal law, proof of residency or identity, should consist of

presenting an original or copy of any of the documents described below in either paragraph (1) or (2). These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

- (1) Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents: (A) driver's license or identification card of any state; (B) passport; (C) employee identification card; (D) identification card provided by a commercial establishment; (E) credit or debit card; (F) military identification card; (G) student identification card; (H) health club identification card; (I) insurance plan identification card; or (J) public housing identification card.
- (2) Any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (A) utility bill; (B) bank statement; (C) government check; (D) government paycheck; (E) document issued by a governmental agency; (F) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity; (G) voter notification card issued by a governmental agency; (H) public housing identification card issued by a governmental agency; (I) lease or rental statement or agreement issued by a governmental agency; (J) student identification card issued by a governmental agency; (K) tuition statement or bill issued by a governmental agency; (L) insurance plan card or drug discount card issued by a governmental agency; (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency; (O) identification documents issued by governmental disability agencies; (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities; (Q) drug prescription issued by a government doctor or other governmental health care provider; (R) property tax statement issued by a governmental agency; (S) vehicle registration issued by a governmental agency; or (T) vehicle certificate of ownership issued by a governmental agency.

5.1.2 Voter Identification for Community Business Owners

Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business address within the MMCPG boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community business owner to vote in the election.

5.1.3 Voter Identification for Community Non-Profits

Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated address within the MMCPG boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.1.4 Voter Identification for Community Non-Resident Property Owners

Non-residents who own property within the community should present documents similar to those described in 5.1.1 above, however at least one of these documents should show the address of the property in the community owned by the non-resident and be sufficient to prove ownership. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.2 Transparency and Inclusion in Operations

The MMCPG will adopt provisions within its operating procedures that will govern the election or appointment of voting members of the MMCPG, their removal if necessary, and the process to fill vacancies, among other provisions. These provisions will provide for a fair and transparent process, intended to ensure broad outreach to the community, sufficient time for community members to participate in elections, and the principles of inclusion and diversity in MMCPG operations.

MMCPG operating procedures should address the following. Election procedures are defined in Article V of the MMCPG bylaws and define all of the following procedures consistent with the requirements of 600-24.

- Cut-off date for candidates to submit nominations, which generally should be a CPG's regular February meeting before an annual March election
- Verification of candidate eligibility prior to printing a ballot
- Creation of a ballot with all candidates identified by name
- Handling of write-in candidates, if applicable, including how to verify eligibility for a write-in candidate's name on a submitted ballot
- Handling of a candidate's absence from a scheduled candidates' forum
- Location(s) of polls, including managing multiple concurrent polling locations, if allowed
- Management of the polls
- Verification of voter eligibility as referenced in Sections 5.1.1-5.1.4 in these Terms and Conditions
- Ballot construction & content
- Setting election date(s)
- Setting voting time(s)
- Mail-in ballot procedures, if applicable
- Closing the polls
- Counting the ballots, including when, by whom, and how to account for a candidate continuing beyond eight or nine consecutive years of service
- Clarifying whether a plurality voting system is being used, or if a majority is required for a seat to have a declared winner
- Ballot record keeping
- Tie-breaking procedures
- Election challenge procedures
- Timing of installation of newly elected voting members

- Maintaining confidentiality of secret written ballots
- Discouragement of electioneering (individuals actively trying to convince voters to vote for a specific candidate at the time and place of the election)
- Next steps if a seat remains unfilled due to lack of, or ineligibility of, a candidate, or as a result of a successful election challenge.

5.3 Election Timing

The MMCPG will endeavor to host its elections during the month of March each year to be consistent with other CPGs.

The MMCPG Bylaws state that: 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.

6. Conduct of Meetings

6.1 Professional Conduct

The MMCPG and its voting members will conduct themselves reasonably and professionally and refrain from disrupting the public process as set forth on the MMCPG's agenda.

6.2 Rules of Procedure

The MMCPG shall adopt rules of procedure for its meetings, such as Robert's Rules of Order or Rosenberg's Rules of Order, to provide a uniform means for the MMCPG to facilitate public meetings, conduct public business, and resolve disputes.

6.3 Transparency in Operations

The MMCPG will maintain transparency in its operating procedures as outlined herein and in Policy 600-24 to ensure open meetings with appropriate public notice to invite community participation in MMCPG meetings.

7. Additional MMCPG Responsibilities

7.1 Commitment to Non-Discriminatory Practices

The MMCPG, in conducting its responsibilities, will not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability.

7.2 Records Retention

The MMCPG will maintain its official records, including its rosters, annual reports, meeting agendas, 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, with the exception that any personal information will not be made public without the authorization of the individual.

7.3 Ethical Standards

The MMCPG will outline and adopt ethical standards for all MMCPG voting members to guard against potential conflicts of interest and undue influence on any recommendation. These standards should include how MMCPG voting members can recuse themselves or abstain from voting on decisions when such a conflict exists. The MMCPG shall submit its adopted ethical standards to the City Council in its application for recognition by the City Council (see Exhibit A). The MMCPG will use the City's Ethics Ordinance as a guide in drafting its ethical standards. The following are MMCPG ethical standards:

7.3.1 Standards of Conflicts of Interest

MMCPG voting members with a potential conflict of interest should recuse from participation in a recommendation if they have a direct economic interest. A direct economic interest includes, but is not limited to, investments in or positions with a business entity, interest in real property, source of income, source of gifts, and personal finances.

7.3.2 Example Exceptions to Conflicts of Interest

Exceptions to conflicts of interest may be granted by a MMCPG board to other MMCPG voting members who can show that the decision will not have an effect on their economic interest.

7.3.3 Abstentions for Potential Conflicts of Interest

MMCPG voting members may voluntarily choose to abstain from voting when that member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, cast doubt on that member's ability to make a fair decision, or a where that voting member lacks sufficient information upon which to cast a vote. The MMCPG's record of the vote on the item will reflect an abstaining voting member in the vote and they are still counted in a community planning group quorum for that item, regardless of the point in time they declare their abstention.

7.3.4 Political Actions

Neither the MMCPG nor voting members in their capacity as such may use their title from or position on a MMCPG for political endorsements of individuals. The MMCPG may, however, upon majority vote, take a position on pending legislation that is within the MMCPG's purview.

7.3.5 Donations

Neither the MMCPG nor its voting members may accept donations on behalf of any individual running for office.

7.3.6 Equal Time for Candidates or Ballot Measures

The MMCPG will endeavor to grant equal time for candidates or ballot measures if docketed on the MMCPG agenda. Equal time does not apply to individuals speaking during non-agenda public comment.

7.4 Voting Member Training

The MMCPG will require all MMCPG voting members to complete the formal education program in- person or on-line offered by the City.

The MMCPG will require voting members to complete the training each year within 60 days of being initially elected or appointed to the MMCPG, and by no later than June 1st of each succeeding year for as long as the voting member is serving or re-elected.

Evidence of completion of annual training shall be part of the MMCPG's official records. Failure of voting members to complete the specified training each year will make the member ineligible to serve.

7.5 Collaboration with City Staff

MMCPG voting members will collaborate with the City on an ongoing basis and as requested by the City to increase its voting members' understanding of the role and responsibilities of the MMCPG.

8. MMCPG Rights and Liabilities

8.1 Indemnification

Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the MMCPG or its individual voting members, acting in their capacity to the City, under the specified terms set forth in San Diego Ordinance No. O-19883 NS, adopted July 28, 2009, titled "An Ordinance Providing for Defense and Indemnification of Community Planning Groups," (Ordinance), which may be amended from time to time. Defense and indemnification cover any claim or action of civil wrongdoing against the MMCPG or its duly elected or appointed voting members resulting from their obligations to advise and assist the City and its agencies with land use matters as specified herein, so long as their conduct was in conformance with these Terms and Conditions, all of the findings specified in the Ordinance can be made, and the rights to defense and indemnification are consistent with state law. The right to defense and indemnification do not apply to allegations of criminal wrongdoing, including alleged criminal violation of the Brown Act.

When the MMCPG or one of its individual voting members is found to be out of compliance with the provisions of Policy 600-24, or with these Terms and Conditions, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.

8.2 Violations and Remedies Related to Provisions Citing the Brown Act

Pursuant to provisions required by the Brown Act, including civil remedies (California Government Code sections 54960 through 54960.5) and criminal penalties (Government Code section 54959) for violation of the provisions, the MMCPG will ensure good faith, voluntary compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void MMCPG actions. Individual voting members of the recognized MMCPG, as well as the group as a whole, could be subject to civil remedies. Civil remedies may include relief to prevent or stop future or ongoing violations of the Brown Act, or to void past actions of the MMCPG, and may in some cases include payment of court costs and attorney's fees.

Individual voting members of the MMCPG may also potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, if the voting member intended to deprive the public of information to which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions. The MMCPG, or any of its individual voting members, may seek assistance, as well as training, from the City to better understand, implement, and comply with the Brown Act.

Any member of the public may refer alleged violations of the Brown Act by the MMCPG to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney's Criminal Division. The MMCPG, or any of its individual voting members, accused of criminal violations of the Brown Act does not have the right to legal protection or representation under these Terms and Conditions or San Diego Ordinance O-19883.

8.3 Violations of Membership Eligibility

Any MMCPG voting member who violates membership eligibility as defined in Section 4.2, may be removed by the remaining MMCPG voting members as outlined in Section 5.2.

8.3.1 Removal of Ineligible Voting Members

A MMCPG shall include in their Operating Procedures a procedure for removal of voting members for failure to retain eligibility, which should provide affected voting members with fair notice and require ineligibility determinations to be supported by documentation.

8.4 Violations and Remedies

If the MMCPG violates these Terms and Conditions, it may forfeit its status as a recognized CPG and lose its right to indemnification and defense by the City. A MMCPG voting member and the MMCPG itself risks loss of defense and indemnification pursuant to current San Diego ordinances and any future amendments.

In the case of an alleged violation of these Terms and Conditions by a MMCPG voting member, the MMCPG will conduct an investigation consistent with Policy 600-24.

In the case of an alleged violation of Policy 600-24, the violation will be forwarded in writing to the City for review by the Mayor or their Designee. The MMCPG will respond to the City in a dialogue to determine the validity of the complaint and to seek resolution of the issue or dispute.

The MMCPG acknowledges that if the Mayor or their Designee is unable to resolve a dispute or determines that there has been a violation, the Mayor or their Designee may seek to resolve the dispute or violation informally, with the cooperation of the MMCPG, or may recommend to the City Council that the MMCPG's recognition be revoked.

The MMCPG acknowledges that if the City Council determines through a recommendation from the Mayor or their Designee that a MMCPG has violated their Terms and Conditions or Policy 600-24 and the MMCPG has failed to take corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke the MMCPG's recognition under

this Policy. The City Council may also prescribe conditions under which official recognition may be reinstated.

8.5 Disciplinary Actions of Individual Voting Members in Violation of Terms and Conditions

The MMCPG acknowledges that any of its voting members found to be in violation of these Terms and Conditions shall only be disciplined or removed by the MMCPG at a scheduled MMCPG meeting. This discipline or removal will be advertised on the agenda as an action item and the investigation or complaint will be reported to the City within 60 days of the allegation so as to ensure a fair and public process.

8.6 Potential Conflicts of Interest

MMCPG voting members found to have a conflict of interest who did not recuse from a vote may be subject to disciplinary action by the officers of the MMCPG, which may include expulsion from the board. The MMCPG will report in writing instances of disciplinary action to the City within 60 days of any allegation.

8.7 Violations and Remedies for Quorum and Attendance Requirements

If the MMCPG is unable to meet quorum and attendance requirements for three consecutive months, then City may place the MMCPG in a temporary inactive status, to allow the MMCPG to work through its membership issues to return to active status. If the MMCPG remains unable to meet quorum and attendance requirements for six consecutive months, then the Mayor or their Designee may recommend to the City Council that the MMCPG's recognition be revoked.

8.8 Violations of City Requests for Input

The MMCPG acknowledges that a consistent 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 plans may result in revocation of recognition as referenced in Policy 600-24. Consistent failure to provide input on private development applications or public infrastructure projects may result in revocation of recognition. Further, that such a determination resulting in the forfeiture of rights to represent its community for these purposes will be made by the Council upon the recommendation of the Mayor or his/her Designee.

9. Collective Action of the MMCPG

The official positions and opinions of the MMCPG will not be established or determined by any organization other than the recognized MMCPG, nor by any individual voting member or subcommittee of the MMCPG.

10. Term of the Terms and Conditions

These Terms and Conditions will be effective in perpetuity of the life of the MMCPG unless recognition of the MMCPG is revoked by the City as described in Section 8.4 or the Terms and Conditions are updated to be consistent with Policy 600-24 as it may be amended.

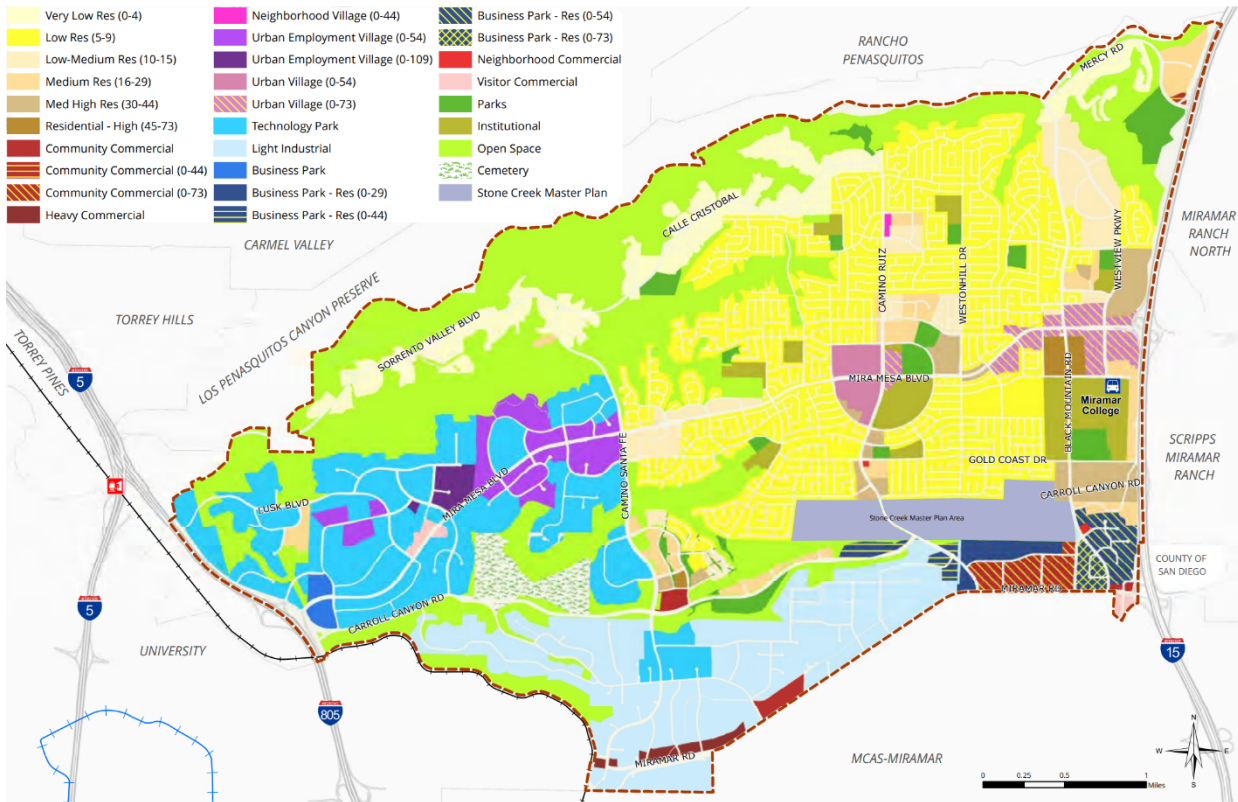
EXHIBIT A: REQUIRED COMMUNITY PLANNING GROUP DOCUMENTS FOR AN
APPLICATION FOR CITY COUNCIL RECOGNITION

The Mira Mesa Community Planning Group submits the following documents for City Council Recognition:

1. Mira Mesa Community Planning Group Operating procedures - These operating procedures follow the guidelines established by the City and include our Ethical Standards.
2. Updated bylaws of the Mira Mesa Community Planning Group - The bylaws add definition to the operating procedures and are consistent with all new City policies.
3. Community Representation and Participation Plan - This document defines the MMCPG goals and guiding principles for outreach and communication, and a strategy for meaningful, ongoing engagement.

EXHIBIT B: Boundaries of the Mira Mesa Community, from the Mira Mesa Community Plan

Figure 2-2. Planned Land Uses



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

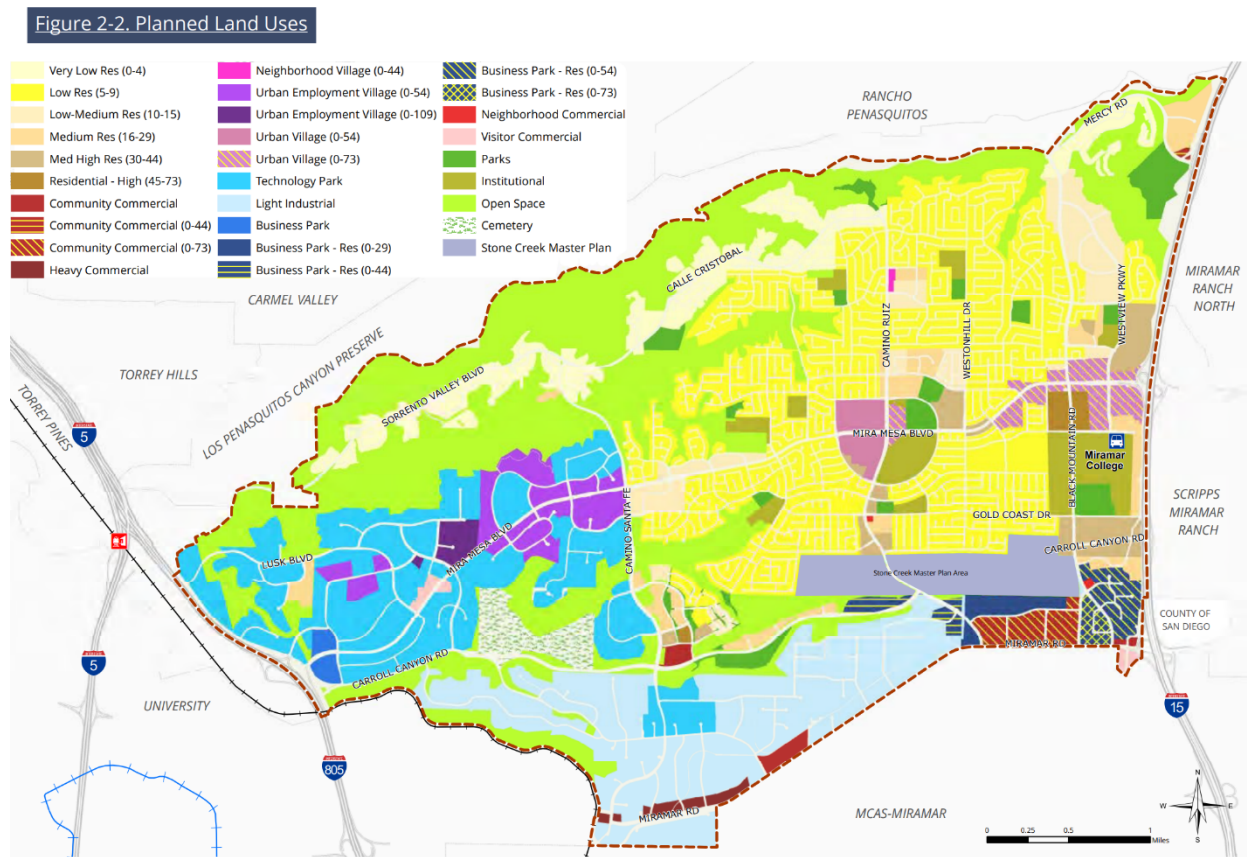
In the case of an alleged violation of the planning group's bylaws or of Council

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



Mira Mesa Community Planning Group Community Participation & Representation Plan

The Mira Mesa Community Planning Group (MMCPG) is committed to engaging a broad and diverse cross-section of our community members in monthly meetings and to electing Planning Group members who are representative of the community and community interests, including, but not limited to renters, youth, people with disabilities, and intergenerational households. Soliciting and obtaining broad input on projects and initiatives is critical to the success of our Planning Groups to serve as a recognized advisory body to the City.

The goal of this participation and representation plan is to communicate our MMCPG goals, guiding principles for outreach and communication, and a strategy for meaningful, ongoing engagement.

Our plan is crafted to reflect the unique demographics and characteristics of our community.

Overarching Goal

- Educate community members about the role of our Planning Group and opportunities for involvement.
- Increase and diversify participation in monthly Planning Group meetings and decision-making.
- Communicate about our CPG's work and goals in simple, easy-to-understand language that is accessible for anyone regardless of their background in or knowledge of community planning.
- Obtain meaningful input from a broad range of community members on land use matters (e.g. General Plan and Community Plan Amendments, Community Plan Updates, project reviews, and other land use matters referred to them by the City).
- Be proactive in listening to community needs and effectively communicating these to the City.

Guiding Principles for Public Participation and Strategies for Community Involvement

In the aim of achieving our community participation and representation goals, we plan to do the following.

- Provide all meeting information necessary to encourage community members to participate in a simple and accessible manner.

- Work to communicate in ways that are inclusive, transparent and respectful.
- Consistently share information with community members using a variety of methods
- Ensure a safe, accessible meeting space.
- Share meeting information in digital formats including social media pages and the MMCPG website
- Consistently post printed monthly meeting information at the Mira Mesa Public Library
- Develop a social media policy approved by the MMCPG, with the aim of increasing outreach and involvement.
- Design inclusive and educational language to be included with the MMCPG meeting agendas
- Add educational information, aimed at decreasing barriers to involvement with the MMCPG, as part of the MMCPG website
- Work with the council office and the Mayor's Office to amplify outreach.

Measuring Success

- Monitor month-over-month and year-over-year meeting attendance, number of voters in elections, social media metrics when available, type and frequency of outreach efforts, events attendance lists, change in composition of voting members as evidenced in annual surveys, etc.
- Success should also be qualitatively measured by the intentional efforts made to bring in community members that have historically faced barriers to participation in Planning Groups. Document information in annual report and submit to the City via email: SDPlanningGroups@sandiego.gov within 14 days of the approval of the March minutes.