

OPERATING PROCEDURES FOR CITY COUNCIL RECOGNITION OF
THE **MISSION BEACH PRECISE PLANNING BOARD**
AS AN INDEPENDENT COMMUNITY PLANNING GROUP PER
CITY COUNCIL POLICY 600-24

Introduction and Background

Through this document, the **Mission Beach Precise Planning Board** (“MBPPB”) adopts Council Policy 600-24’s Terms and Conditions. In the Terms and Conditions, the City established minimum standard procedures that the MBPPB will adhere to and designated services the MBPPB will provide in order to obtain and maintain official recognition by the City pursuant to Council Policy 600-24. Planning groups are independent organizations voluntarily created and operated by community members who are not City employees, City agents, or City representatives. The MBPPB is not City-controlled or managed organization. The City does not direct or recommend the election, appointment, or removal of planning group voting members, or delegate authority to planning groups to act on its behalf.

The MBPPB, in adopting these Operating Procedures, commits to meeting these minimum 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. The MBPPB 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 planning group in the City of San Diego. The MBPPB acknowledges that the City can revoke recognition of any planning group through binding arbitration, if the City Attorney, in its sole discretion, determines these standards are not being met.

The MBPPB will separately and independently maintain any legally required documents related to the MBPPB’s founding, operation, or organization.

The MBPPB will also include with these Operating Procedures, a Community Participation and Representation Plan and Ethical Standards and maintain these documents in accordance with sections 2.5 and 7.3 herein.

In consideration of Council Policy 600-24 and its attached Terms and Conditions, the MBPPB hereby agrees to abide by the following as part of their Operating Procedures:

1. Name and Geographical Boundaries

The name of this City-recognized planning group is the Mission Beach Precise Planning Board (“MBPPB”).

The community planning area boundaries for the MBPPB are the boundaries of the Mission Beach community, as shown on Exhibit “A” and described as follows:

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

2. Responsibilities

2.1 Collaboration with City Staff

As a recognized independent body, MBPPB will work cooperatively 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 MBPPB is responsible for approving the annual Mission Boulevard Maintenance Assessment District budget, and overseeing the maintenance, repair and replacement of the street trees and tree wells along Mission Boulevard.

2.2 Advisory Planning Group Review

MBPPB may make advisory recommendations to the City and other governmental agencies on land use matters within the planning group's geographical boundaries or related matters associated with implementation of its community plan and the Mission Beach Planned District Ordinance ("PDO"), including the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan is within its boundaries.

MBPPB may, on its own accord or upon City request, make recommendations, or participate in, additional efforts such as identifying Capital Improvement Projects ("CIP's"), infrastructure needs or additional City matters.

MBPPB recognizes that City staff and development project applicants are not required by the City to present their project or application before the MBPPB, although the City encourages applicants to conduct robust engagement with all planning groups, the community, and project neighbors.

2.3 Timely Submittal of Planning Group Recommendations to the City

In order to be considered as part of the City's development review process, MBPPB project review recommendations, if any, shall be submitted to the City within seven (7) calendar days of MBPPB taking action.

In addition, the MBPPB shall submit its recommendations and any conditions to the project proposed by the MBPPB, using a Bulletin 620 Distribution Form, or a reasonable facsimile of that document (e.g., letter or memo from the chair) indicating the following information: project name/number, community/planning group name, the date of meeting which the project was heard by the planning group, vote results, the MBPPB's conditions/recommendation, name and signature of chair or designated representative.

MBPPB shall follow a uniform mandatory process for recording planning group project review recommendations through the use of an Annual Report that includes the project recommendations that shall be part of MBPPB's official records.

2.4 Adherence to Ralph M. Brown Act

MBPPB 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 in a publicly accessible location 72 hours in advance of the meeting, and in compliance with each of the Brown Act provisions. Failure of MBPPB to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for MBPPB to lose its Council recognition and may subject MBPPB and MBPPB voting members to a loss of indemnification by the City.

It is the duty of all MBPPB members to conduct official business of the MBPPB in a public setting. It is recognized that the officers of the MBPPB may oversee administrative business of the MBPPB, such as 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 MBPPB meeting.

2.5 Maintenance of Open Records

MBPPB 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 (5) 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 MBPPB by individuals wishing to serve as voting members a/k/a Area Representatives, and records of election results, are considered official records and will be maintained by MBPPB in accordance with Council Policy 600-24. MBPPB will submit to the City the Annual Roster of MBPPB voting members by May 1st of each year and will also submit to the City any changes to rosters as a result of MBPPB elections.

2.6 Independent Entity

MBPPB is an independent entity from the City and must be able to operate as such. The City may provide assistance to planning groups at the discretion of the Mayor and/or City Attorney and subject to the availability of City resources. In addition, planning groups may be allocated funds by the City when such funding is approved by the City Council.

3. Community Participation and Representation

3.1 Membership

MBPPB will ensure that its voting members, to the greatest extent possible, represent the entire community, community interests, and the entire demographic diversity of the entire community.

3.2 Community Outreach

MBPPB and its voting members should routinely seek diverse community participation in MBPPB planning and implementation process to serve the community at large.

3.3 Collection of Membership Data

To measure community representation, MBPPB shall gather demographic data of existing and new MBPPB voting members at the time of elections or other regular periods to measure inclusion and diversity on MBPPB. 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. Planning Group Composition

4.1 Number of Voting Members a/k/a Area Representatives

The MBPPB shall consist of 15 elected members to represent the community. These members of the MBPPB shall constitute the officially recognized community planning group for the purposes of Council Policy 600-24. The MBPPB will have no fewer than 10 and no more than 15 voting members, representing the various community interests set forth in these Operating Procedures.

On the MBPPB, elected seats are filled by a geographic distribution of seats among five (5) areas of representation with three (3) members elected to serve from each area. The five (5) areas of representation are:

Area I, between San Diego Place and the south side of Capistrano Place; **Area II**, between the north side of Capistrano Place and the south side of West Mission Bay Drive and Ventura Place; **Area III**, between the north side of West Mission Bay Drive and Ventura Place and the south side of El Carmel Place; **Area IV**, between the north side of El Carmel Place and the south side of San Jose Place; **Area V**, between the north side of San Jose Place and the south side of Pacific Beach Drive.

4.2 Voting Member Eligibility

MBPPB 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.

4.2.2 Minimum Attendance Requirements

MBPPB shall take attendance to ensure that each voting member attends at least two-thirds of MBPPB's regularly scheduled meetings in any 12-month period (April – March) throughout their term as a voting member. Failure to meet minimum attendance shall be grounds for disqualification of the voting member. Minimum attendance requirements shall not apply to voting members relative to their re-election or re-appointment.

4.3 Community Representation

MBPPB 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.

4.4 Voting Member a/k/a Area Representative Term Limits

The MBPPB 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

Members of MBPPB shall be elected to serve fixed terms of: three (3) years. Voting members will not serve their service time for more than eight (8) consecutive years. MBPPB voting members who accumulate this maximum service time can be eligible to serve again after a one-year break in service.

4.4.2 Waivers of Maximum Time of Service

MBPPB may develop procedures for waiving the maximum time of service by vote of its voting members if MBPPB cannot find sufficient new voting members to fill vacant open seats after a good faith effort to do so. Should MBPPB 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 for their respective Area; 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

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

All members of the public affiliated with the community within the geographical boundary of MBPPB will be allowed to vote in MBPPB elections for the candidate in the Area where they reside, so long as they meet minimum conditions for eligibility and comply with the following:

- Only one elected MBPPB voting member per business tax certificate
- Only one elected MBPPB voting member per property tax billing

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 planning groups 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 healthcare 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 planning group boundaries. These requirements should be construed liberally by planning groups and any doubt resolved in favor of allowing a community business owner to vote in the election.

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 planning group boundaries. These requirements should be construed liberally by planning groups and any doubt resolved in favor of allowing a community member to vote in the election.

5.1.3 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 planning groups and any doubt resolved in favor of allowing a community member to vote in the election.

5.2 Transparency and Inclusion in Operations

The MBPPB will adopt provisions within its Operating Procedures that will govern the election or appointment of voting members a/k/a Area Representatives of the MBPPB, 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 the MBPPB operations.

5.2.1 Election Timing

Regular Elections of the MBPPB Area Representatives shall be held concurrent with but separate from a regular scheduled meeting in March from commencement of said meeting for a period of 90 minutes.

5.2.2 Deadline to Qualify for Candidacy in Elections

The deadline to qualify for candidacy in the March general election for Area Representatives will be the regularly noticed February meeting or any special meeting of the full planning Group membership preceding the March election.

The MBPPB's Election Secretary will be established no later than January and will begin soliciting eligible community members to become candidates for Area Representatives. In February, the Election Secretary will 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. [See: Exhibit "B" for MBPPB *Election Procedures*.]

5.2.3 Candidate Eligibility

The MBPPB shall make a good faith effort to utilize means appropriate to publicize the MBPPB's eligibility requirements for candidacy as an Area Representative in the upcoming elections.

In the election process, the MBPPB shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight (8) consecutive years to leave the group for at least one year.

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

5.2.4 Ballot Preparation

The Election Secretary will prepare the ballot, which will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates that eligible community members can vote for and which candidates, if any, must receive a two-thirds (2/3) majority of the vote due to service beyond eight consecutive years of service.

Voting to elect new MBPPB 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.

5.2.5 Write-in candidates

Write-in candidates will not be allowed during the election.

5.2.6 Election date(s)

The MBPP holds its election of Area Representatives concurrent with, but separate from, the regular meeting in March of each year. The election will be by secret written ballot.

5.2.7 Voting time(s)

Voting shall take place between 6:30 PM and 8:00 PM.

5.2.8 Ballot Counting

The votes will be tallied by the Election Secretary, however, in no event will a single person count the votes. If there is a single person acting as the Election Secretary, the Chairperson will appoint a member of the MBPPB that is not a candidate to assist with the counting of the votes. The tallying of the ballots by the Election Secretary shall take place concurrent with but separate from the MBPPB’s March meeting.

5.2.9 Voting System

The candidate in each category who receives the highest number of votes will be the elected representative.

5.2.10 Ballot Record Keeping

Election materials such as candidate applications, proof of candidate eligibility and voting ballots will be retained by the Election Secretary until the seating of the election winners at the April MBPPB meeting. A summary of the election including the names of the candidates, the seats on the ballot and the vote counts for each seat will be retained by the Chairperson.

5.2.11 Tie-breaking Procedures

In the event of a tie, a separate ballot will be provided for eligible MBPPB members to vote on the candidate of their choice.

In the event a tie is the result of a tie vote, the tie will be decided by the toss of a coin. Should the candidates be unable to decide between them who will select the front or back of the coin, the then-presiding Chairperson will assign the choices to the candidates. The candidate who selects or is assigned the side of the tossed coin that lands face up will be the winner of the tie.

5.2.12 Election Results

The results of the votes will be provided by the Election Secretary to the Chairperson to announce the successful candidates to the public by the end of the March meeting.

5.2.13 Election Challenge Procedures

Any challenge to the election results must be filed with the Election Secretary in writing within

48 hours of the counting of the ballots in order to allow enough time to resolve the issue.

5.2.14 Installation of Newly Elected Voting Members

MBPPB's annual election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning group meeting. The Chairperson is responsible for preparing, certifying, and forwarding the election report to the City. New members will 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.

5.2.15 Confidentiality of Ballots

The Election Secretary shall manage the polls and count the ballots. This includes preparing the ballots for distribution and verifying each eligible member's identification before giving one a ballot, as well as collecting and counting the ballots. Completed ballots are deposited into a sealed container and opened after the polls close at 8 pm. After confirming the count, the Election Secretary reports the results to the Chairperson.

5.2.16 Vacancies

The MBPPB 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 MBPPB's secretary's report showing a third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the MBPPB's regular meetings. A vacancy may also exist following a vote of the MBPPB related to ineligibility, or following conclusion of a member-removal process, or due to adopted bylaws violations.

5.2.17 Timeframe for Filling Vacancies

Vacancies that may occur on the MBPPB should be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term. Mid-term vacancies shall be filled by a special election scheduled at the time the vacancies are declared. Once the board confirms that a vacancy exists, nominations will be declared open. Nominees must register in person with the Secretary and show proof of eligibility prior to their nomination. Nominations will be announced on the Agenda and will be finalized at the next regularly scheduled meeting. If a seat in a given area cannot be filled by an eligible member from that area, an eligible member from another area may fill that seat until the next regular election. The seat is filled by a majority vote of voting members of the Planning Board.

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

6. Conduct of Meetings

6.1 Professional Conduct

It is the duty of the MBPPB as a whole, and of each individual member, to refrain from conduct that is detrimental to the MBPPB or its purpose under Council Policy 600-24. MBPPB and its voting members will conduct themselves reasonably and professionally and refrain from disrupting the public process as set forth on MBPPB's agenda.

6.2 Rules of Procedure

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

6.3 Transparency in Operations

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

6.3.1 Meeting Procedures

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

- Regular Agenda Posting

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

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

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

- 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 meeting for items not on the agenda but are within the scope of authority of the MBPPB. MBPPB members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda. The MBPPB may adopt time limits for public comment to ensure operational efficiencies.

- Adjournments and Continuances

If the MBPPB 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.

- 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.

- 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.

- 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.

- Development Project Review

The MBPPB 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 MBPPB 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.

- Action on Agenda Items

An item not noticed on the agenda may be added if either two-thirds of the voting members of a

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

- Miscellaneous Actions on Agenda Items

A two-thirds vote of the voting members of the Mission Beach Precise Planning Board is required to remove an elected community planning group member.

Removing a member due to ineligibility requires a majority vote of the voting members of the MBPPB 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 MBPPB.

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

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

The MBPPB's planning group's Chair participates in discussion but does not vote except to make or break a tie.

The MBPPB 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.

- Miscellaneous Actions on Agenda Items

Any attempt to develop a collective concurrence of the members of the MBPPB as to action to be taken on an item by members of the MBPPB, 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.

- Special Meetings

The Chair of the MBPPB, 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. 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.

- 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 MBPPB and are prohibited under these Bylaws.

- Right to Record

Any person attending a meeting of the MBPPB 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.

- 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.

- Subcommittees

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

(i) Standing Subcommittees – The MBPPB has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter (such as an Elections Subcommittee).

(ii) Ad Hoc Subcommittees – Ad hoc subcommittees may be established for a finite period of time to review more focused issue areas and shall be disbanded following their review.

(iii) Subcommittee Composition - Subcommittees shall contain a majority of members who are members of the planning group. Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O19883 NS.

(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.

- Abstentions and Recusals

(i) Recusals – Any member of the MBPPB 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. [See: *Ethical Standards* document.]

(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. [See: *Ethical Standards* document.]

6.3.2 Meeting Documents and Records

(i) Agenda by Mail - E-mail distribution of agenda and minutes is the Standard method utilized by the planning group and a request can be made to receive these directly by contacting the planning group Chair. The requestor shall indicate whether the items are to be sent by mail or e-mail.

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

(ii) Agenda at Meeting – Any written documentation, prepared or provided by City staff, applicants, or planning group members, which is distributed at the planning group meeting, shall be made available upon request for public 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 charged for the cost of reproducing any of the materials requested by an individual or individuals.

(iii) Minutes – For each planning group meeting, a report of MBPPB member attendance, and a copy of approved minutes shall be retained by the MBPPB, 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 MBPPB 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 project applicant (whose project was subject to planning group action) appeared before the MBPPB. If an applicant did not appear before the MBPPB 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 MBPPB meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group. The MBPPB 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 – MBPPB records must be retained for public review for a minimum of five (5) years. 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.

6.3.3 Representative to the Community Planners Committee

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.

6.4 Planning Group Officers

The officers of MBPPB shall be elected from and by the members of the MBPPB at the April Meeting of the MBPPB. Said officers shall consist of a Chairperson, Vice Chairperson, and Secretary. The length of an officer's term shall be 1 year.

6.4.1 Chairperson

The Chairperson shall be the principal officer of a recognized planning group and shall preside over all planning group and communitywide meetings organized by MBPPB. The Chairperson will be MBPPB's representative to the Community Planners Committee ("CPC"), and the Airport Noise Advisory Committee ("ANAC") unless otherwise designated by Chair.

The Chairperson shall be additionally be responsible to set the agenda, provide adequate notice of the MBPPB meetings, be the point of contact for development applicants and community representatives, shall attend meetings on behalf of the planning group or may make arrangements for an alternate representative to attend.

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.

6.4.2 Vice Chairperson

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

6.4.3 Secretary

The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group's 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.

6.4.4 Other Officers

The planning group may identify additional officers responsible for the effective operation of the planning group.

6.5 Additional MBPPB Officer Responsibilities

MBPPB officers and representatives to the MBPPB shall promptly disseminate to all elected MBPPB members pertinent information that is received by MBPPB regarding its official business.

7. Additional MBPPB Responsibilities

7.1 Commitment to Non-Discriminatory Practices

MBPPB, 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

MBPPB will maintain its official records, including its rosters, annual reports, meeting agendas, and meeting minutes, for a minimum of five (5) 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.

7.3 Ethical Standards

MBPPB will commit to ethical standards to guard against potential conflicts of interest and undue influence on any recommendation. These standards include how MBPPB voting members can recuse themselves or abstain from voting on decisions when such a conflict exists. [See: *Ethical Standards* document.]

7.3.1 Direct Economic Interest

MBPPB voting members with a potential conflict of interest shall recuse themselves from participation in a recommendation if they have a direct economic interest. [See: *Ethical Standards* document.]

7.3.2 Political Actions

MBPPB voting members in their capacity as such may not use their title or position on MBPPB for political endorsements of individuals. MBPPB may, however, upon majority vote, take a position on pending legislation that is within MBPPB's purview.

7.3.3 Donations

MBPPB members shall not accept donations on behalf of any individual running for office.

7.3.4 Equal Time for Candidates or Ballot Measures

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

7.3.5 Professional Conduct

MBPPB members shall treat each other, applicants, city staff and the public with courtesy and respect at all times.

7.4 Voting Member Training

Each MBPPB member shall complete the formal education training program in-person or on-line offered by the City.

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

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

7.5 Collaboration with City Staff

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

8. Planning Group Rights and Liabilities

8.1 Indemnification

Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, MBPPB members or its individual voting members, acting in their capacity to the City, under the specified terms set forth in San Diego Ordinance No. O-883NS, 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 MBPPB 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 Council Policy 600-24 and these Operating Procedures, 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 MBPPB or one of its individual voting members is found to be out of compliance with the provisions of Council Policy 600-24, or with these Operating Procedures, 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, MBPPB will ensure good faith, voluntary compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void MBPPB actions. Individual voting members of the recognized MBPPB, 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 MBPPB and may in some cases include payment of court costs and attorney's fees.

Individual members of the MBPPB may also potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, if the MBPPB 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. MBPPB, or any of its individual voting members, may seek assistance by contacting their assigned Community Planner or emailing: SDPlanningGroups@sanidiego.gov, 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 MBPPB to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney's Criminal Division. MBPPB, 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 Operating Procedures or San Diego Ordinance O-19883.

8.3 Violations of Membership Eligibility

MBPPB members who violate membership eligibility may be removed by a majority of the remaining MBPPB members.

8.3.1 Removal of Ineligible Voting Members

Procedures for removal of voting members for failure to retain eligibility, shall include providing affected voting members with fair notice and require ineligibility determinations to be supported by documentation.

8.4 Violations and Remedies

If MBPPB violates these Operating Procedures, it may forfeit its status as a recognized planning group and lose its right to indemnification and defense by the City. A MBPPB member and the MBPPB 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 Operating Procedures by a MBPPB member, MBPPB will conduct an investigation consistent with Council Policy 600-24.

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

MBPPB 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 MBPPB, or may recommend to the City Council that MBPPB's recognition be revoked.

MBPPB acknowledges that if the City Council determines through a recommendation from the Mayor or their Designee that an MBPPB member violated their Operating Procedures or Council Policy 600-24 and MBPPB has failed to take corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke MBPPB'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 MBPPB Members in Violation of Operating Procedures

MBPPB acknowledges that any of its voting members found to be in violation of these Operating Procedures shall only be disciplined or removed by MBPPB at a scheduled MBPPB 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. A majority vote of the voting members is required to discipline or remove a MBPPB member.

8.6 Potential Conflicts of Interest

MBPPB 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 MBPPB, which may include expulsion from the board. MBPPB 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 MBPPB is unable to meet quorum and attendance requirements for three (3) consecutive months, then City may place MBPPB in a temporary inactive status, to allow MBPPB to work through its membership issues to return to active status. If MBPPB remains unable to meet quorum and attendance requirements for six (6) consecutive months, then the Mayor or their Designee may recommend to the City Council that MBPPB's recognition be revoked.

8.8 Violations of City Requests for Input

MBPPB 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 Council 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 MBPPB

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

10. Term of Operating Procedures

These Operating Procedures will be effective in perpetuity of the life of MBPPB unless recognition of MBPPB is revoked by the City as described in Section 8.4 or the Operating Procedures are updated to be consistent with Council Policy 600-24 as it may be amended. 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. Amendments to the Operating Procedures are not valid until approved by the City.

CITY OF SANDIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

Attachments:

EXHIBIT "A": MAP OF MBPPB BOUNDARIES

EXHIBIT "B": MBPPB Election Procedures

EXHIBIT A: Mission Beach Precise Planning Board Boundary Map

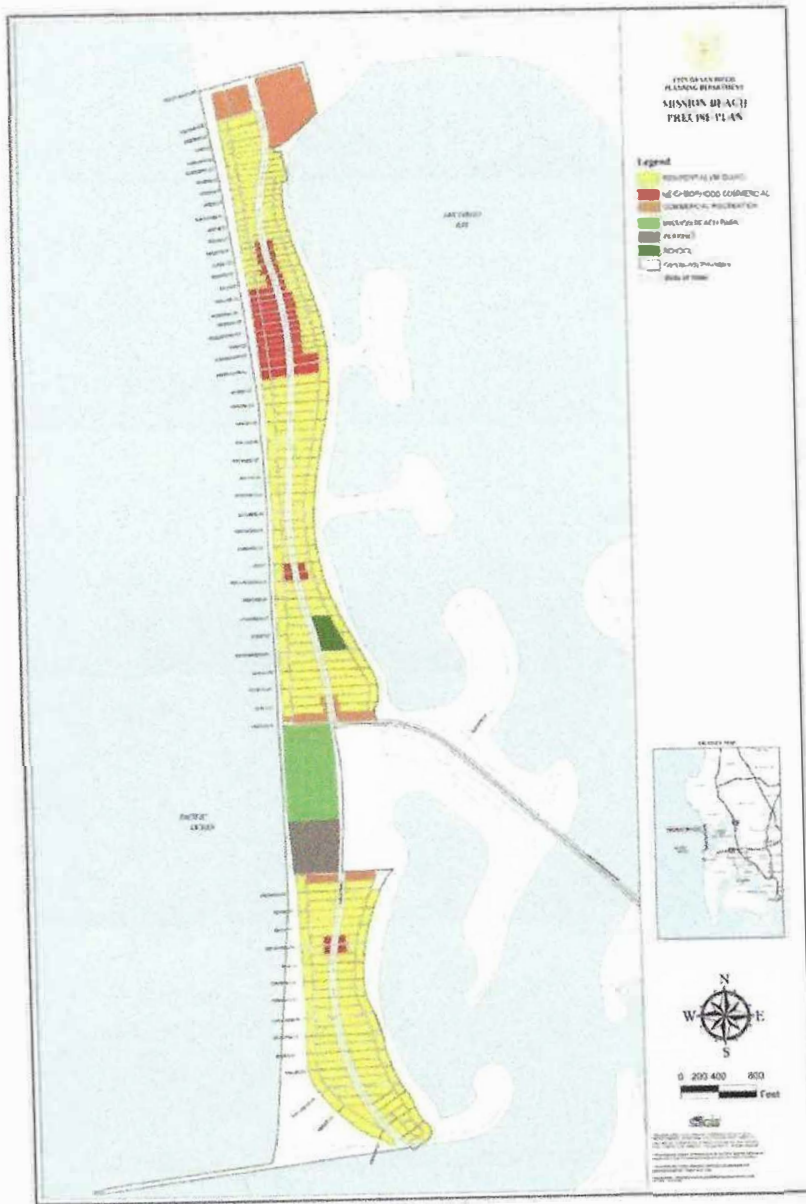


EXHIBIT B: Mission Beach Precise Planning Board Election Procedures

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

If a nominee is eligible to represent multiple areas, they must state which area they wish to represent for the entirety of their term.

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

Elections are held each year concurrent with but separate from the regularly scheduled March meeting. Polls open at 6:30 PM and close at 8:00 PM. To vote in an election, community members must meet the eligibility requirements as described herein. There are no exceptions. If a community member is eligible to vote in multiple areas, they must state which area they intend to vote for when arriving at the polling location. Community members are not allowed to vote in multiple areas. Community members can only vote for one (1) candidate on the ballot in the area where they reside.

During the January meeting, the Board will select the Election Secretary whose role is to ensure a fair election by secret ballot is conducted. The Election Secretary's main duties are, but not limited to, promoting community member turnout, opening and closing the polls, designing the ballot and verifying community member eligibility. Only after the polls have closed will the Election Secretary count ballots. During the final ballot counting, if there is a single person acting as the Election Secretary, the Chairperson will appoint a member of the MBPPB that is not a candidate to assist with the counting of the votes to ensure fairness and transparency. The tallying of the ballots by the Election Secretary shall take place concurrent with but separate from the MBPPB's March meeting. Election results will be provided in writing to the Chair by the close of the regularly scheduled March Meeting. The Chair will certify the election results.

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

Ethical Standards

This document addresses ethical standards the **Mission Beach Precise Planning Board** (“MBPPB”) will follow to be eligible for recognition by the San Diego City Council. These guidelines do not affect in any way the requirements of CP 600-24. The standards are outlined based on the City’s Ethics Ordinance: Chapter 2, Article 7, Division 35 of the City’s Municipal Code.

1) Conflicts of Interest

MBPPB voting members with a potential or perceived conflict of interest should recuse themselves from a MBPPB hearing on matter(s) for which 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. Exceptions to conflicts of interest may be granted by the MBPPB to a voting member who can show that the decision will not have an effect, positive or negative, on their economic interest.

2) Abstentions for Potential Conflicts of Interest

MBPPB voting members should 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 where that member lacks sufficient information upon which to cast a vote. The MBPPB’s record of the vote on the item will reflect an abstaining member in the vote and they are still counted in a MBPPB quorum for that item, regardless of the point in time they declare their abstention. Discomfort in publicly disclosing their position on a matter is not sufficient reason to abstain. At the time of the vote, a member shall disclose their reason for abstaining.

3) Political Actions

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

4) Donations

Neither the MBPPB nor its voting members should accept donations on behalf of any individual running for public office.

5) Equal Time for Candidates or Ballot Measures

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

6) Professional Conduct

The MBPPB shall establish standards for voting member professional conduct. MBPPB voting members should treat each other, applicants, city staff, and the public with courtesy and respect at all times.

Community Representation and Participation Plan

The Mission Beach Precise Planning Board (“MBPPB”) is committed to engaging a broad and diverse cross-section of our community members in monthly meetings and to electing MBPPB members who are representative of the community and community interests, including, but not limited to renters, people with disabilities, and intergenerational households. Soliciting and obtaining broad input on projects and initiatives is critical to the success of the MBPPB to serve as a recognized advisory body to the City.

The goal of this participation and representation plan is to communicate the MBPPB’s 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. Please see Community Plan Area (CPA) demographics provided by SANDAG’s Data Surfer website.

Overarching Goal

- Educate community members about the role of the MBPPB and opportunities for involvement.
- Establish partnerships with non-profits, community organizations, businesses, schools/universities and government organizations to build relationships and trust with the community.
- Increase and diversify participation in monthly MBPPB meetings and decision-making.
- Communicate about MBPPB’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

- Provide all meeting information necessary to encourage community members to participate in a simple and accessible manner.
- Communicate in ways that are inclusive, transparent and respectful.
- Consistently share information with community members using a variety of methods.
- Make meeting materials available in the languages spoken within the community.
- Be respectful of people’s opinions and time.
- Ensure a safe, accessible meeting space.

Strategies for Community Involvement

- Create a simple flyer to advertise in community hubs with meeting information included to help educate the community on the role of the MBPPB, how to get involved, and the benefits of serving on a community planning group.
- Share meeting information in digital formats including social media pages and/or a dedicated website.

- Consistently post printed monthly meeting information at local places including, but not limited to:
 - Local library (ies)
 - Park and Rec Building(s)
 - Public transit hubs
 - Grocery stores
 - Coffee shops
 - Schools

- Build relationships with other city advisory boards to cross-pollinate messaging.
- Set up informal meetings or calls with local non-profit organizations to introduce and discuss the MBPPB's role and to build relationships.
- Advertise monthly meetings and elections in local community paper(s)/newsletter(s)/social media
- Host informal events outside of MBPPB meetings to invite the public to learn about the MBPPB and how to participate in monthly meetings.
- Organize informal town hall events to solicit feedback on community needs. Select a time/day, location and format of the events and town halls that maximizes the opportunity for people not already engaged with the MBPPB to attend.
- Work with the council office and the Mayor's Office to amplify outreach.
- Make online interactive activities, such as surveys, to seek input on community needs/ other initiatives.

Measuring Success

- Monitor month-over-month and year-over-year meeting attendance, number of voters in elections, social media metrics as applicable, 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 community 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.