

Mission Valley Planning Group
Bylaws
Submitted 12/31/2023

ARTICLE I Name

Section 1. The official name of this organization is the Mission Valley Planning Group.

Section 2. All activities of this organization shall be conducted in its official name.

Section 3. The community planning area boundaries for the Mission Valley Planning Group are the boundaries of the Mission Valley community, as shown on Exhibit "A."

Section 4. Regular and General meetings of the Mission Valley Planning Group shall be held within these boundaries, except that when the Mission Valley Planning Group 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 Mission Valley Planning Group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

Section 1. The Mission Valley Planning Group is the City Council-recognized, independent advisory planning group that makes recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Mission Valley community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency as detailed in Council Policy 600-24, "Responsibilities" 2.1-2.2., "Purpose of Community Planning Groups and Terms and Conditions".

Section 2. In reviewing individual development projects, the Mission Valley Planning Group should focus such review on conformance with the Land Development Code and the adopted community plan, the Planned District Ordinance and/or the General Plan. Preliminary comments made by the planning group on projects may be submitted to the City during the project review process. Formal planning group review recommendation(s) will be submitted to the City within seven calendar days from taking action or Bulletin 620 transmitted to City within 48 hours from taking action. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

Section 3. All activities of the Mission Valley Planning Group shall be nonpartisan and nonsectarian and shall 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. In addition, meeting facilities must be accessible to disabled persons.

Section 4. Neither the Mission Valley Planning Group nor its voting board members in their capacity as such shall use their title from or position for political endorsement of individuals. shall 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, however, upon majority vote, take a position on pending legislation that is within the Mission Valley Planning Group's purview.

Section 5. The Mission Valley Planning Group's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects may result in the forfeiture of rights to represent the Mission Valley community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by a resolution of the City Council upon the recommendation of the Mayor's Office, setting forth findings justifying its revocation.

Section 6. The Mission Valley Planning Group operates under the authority of the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act) which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Terms and Conditions & Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. Amendments to Council Policy 600-24 will apply to the Mission Valley Planning Group, as well as to all other community planning groups, even if individual groups' bylaws are not required to be amended with parallel language.

In addition, the Council Policy 600-24 "Term and Conditions" provides explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. The latest version of Robert's Rules of Order is used when the Policy, "Terms and Conditions" and these bylaws do not address an area of concern or interest.

Section 7. The Mission Valley Planning Group may propose amendments to these bylaws by two-thirds majority (2/3) vote of the voting board members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organization

Section 1. To be an eligible member of the community an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business 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 demonstrating qualifications to the planning group Membership Chair by completing an application for membership prior to the March election or at the time of voting.

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 Mission Valley Planning Group shall require proof of eligibility during elections.

Planning group Board members shall be elected by and from eligible members of the community.

The Mission Valley Planning Group shall consist of a maximum of 20 elected voting Board members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected voting board members of the Mission Valley Planning Group shall, to the extent possible, representative of the various geographic sections of the community and diversified community interests.

On the Mission Valley Planning Group, elected voting Board seats are filled by distribution of seats among the following interests:

Class I: Five - renter

Class II: Five - home owner

Class III: Five - business owner

Class IV: Five - commercial property taxpayer

Section 3. Members of the Mission Valley Planning Group Board shall be elected to serve for fixed terms of four (4) years with expiration dates during alternate years to provide continuity.

No voting Board member may serve on the planning group for more than eight (8) consecutive years. The eight-year limit refers to total maximum consecutive years of service time, not to individual seats held.

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

The planning group Board will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group Board may retain some members who have already served for eight consecutive years to continue on the planning group Board without a break in service. Refer to Council Policy 600-24 Article "Terms & Conditions 4.4.1 to 4.4.2 (3) inclusive".

Section 4. A Board member of the Mission Valley Planning Group must retain eligibility during the entire term of service.

Section 5. A voting Board member of the Mission Valley Planning Group found to be out of compliance with the provisions of Council Policy 600-24 or the planning group's adopted bylaws risks loss of defense and indemnification [legal 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 voting member of the Mission Valley Planning Group Board 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.

Section 7. Appointment of non-voting seats shall be limited to 7 who shall serve on Subcommittees to ensure representation of unique stakeholder interests in the community planning area.

Section 8. 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 9. The Mission Valley Planning Group 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 IV Vacancies

Section 1. The Mission Valley Planning Group shall find that a vacancy exists upon receipt of a resignation in writing from one of its voting Board 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 Policy III, Section 5, of Council Policy 600-24 related to ineligibility, or following conclusion of a voting board member-removal process conducted under Article IX of the Policy, or due to adopted bylaws violations.

Section 2. Board vacancies that may occur on the Mission Valley Planning Group should be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any voting Board member filling a vacancy shall be for the balance of the vacated term.

The Mission Valley Planning Group shall fill vacancies at the time the vacancies are declared. Vacancies shall be filled by a majority vote of the planning group Board voting board members at the time the vacancies are declared.

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

Section 3. When the Mission Valley Planning Group Board is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve voting Board members, the 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 12 members. If, after 60 additional days, the planning group membership has not reached 12 Board members, the planning group will be deemed inactive until it has attained at least 12-members in good standing.

Waiver of Maximum Time of Service to ensure there are at least 12 voting board members shall be ratified by the majority of the votes cast by eligible community members participating in the regular election; and the term of a voting board member elected by a majority vote serving beyond the Maximum Time of Service should count as time served beyond the required break in service. See Policy 4.4.3 & 3. Terms and Conditions.

ARTICLE V Elections

Section 1. General elections of Mission Valley Planning Group Board members shall be held during the month of March in accordance with the adopted elections procedures found in **Exhibit C** of these bylaws.

All general and special elections in which the public may vote shall be open and public.

The Mission Valley Planning Group's general elections shall be held every two years.

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

Section 2. The Mission Valley Planning Group 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 Mission Valley Planning Group holds its election before the March regular meeting, every two years.

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

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates' various categories of eligible community members can vote for and which candidates, if any, must receive a majority of the vote due to service beyond eight or nine consecutive years of service.

The Mission Valley Planning Group's policy related to write-in candidates is that write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting to elect new community planning group 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 Mission Valley Planning Group's election becomes final after announcing the election results at the conclusion of the noticed, general membership meeting in March. 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.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the Mission Valley Planning Group to cooperatively work with the City throughout the planning process, when requested by the City, 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 voting board 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 voting board member of the Mission Valley Planning Group 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 and posted at the Mission Valley Library as well as the Mission Valley Planning Group website www.missionvalleyplanninggroup.com.

- (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 Mission Valley Planning Group 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.
 - 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 voting board member 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 Mission Valley Planning Group 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 the applicant, 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 board members of a community planning group, or every member if less than two-thirds of the voting board 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 majority vote of the voting board members of the Mission Valley Planning Group is required to remove an elected community planning group member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the voting board members of the Mission Valley Planning Group 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 board members of the Mission Valley Planning Group.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting board members of the Mission Valley Planning Group.

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

The Mission Valley Planning Group planning group'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 Board members of the planning group identified in Article III of these bylaws.

- (ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the Mission Valley Planning Group 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 Mission Valley Planning Group, or a majority of planning group Board 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.
- (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 Mission Valley Planning Group and are prohibited under these bylaws.
- (xii) RIGHT TO RECORD - Any person attending a meeting of the Mission Valley Planning Group 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 Mission Valley Planning Group 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 Mission Valley Planning Group as identified in Article II, Section 1, the planning group has established the following standing subcommittees: The Mission Valley Design Advisory Board, the Mission Valley Community Plan Update Committee, and the Membership Committee. (See Exhibit B)
- (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 and non-voting members who are duly appointed by a planning group to serve on as subcommittee.

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. O-19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Terms and Conditions.

- (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 Mission Valley Planning Group 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.

CPG voting board 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 a where that member lacks sufficient information upon which to cast a vote. The CPG’s record of the vote on the item will reflect an abstaining member in the vote and they are still counted in a CPG 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.

(d) Meeting Documents and Records

- (i) AGENDA BY EMAIL or 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 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 Mission Valley Planning Group 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
Email address: SDplanningGroups@sandiego.gov and be posted on the Planning Group website: www.missionvalleyplanninggroup.com
The Mission Valley Planning Group 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** – Mission Valley Planning Group records must be retained for public review for a minimum of five (5) years, either in its website, in electronic files or in hard copies, from the date each record is created. Community planning group official records are meeting agendas and any other writings that are distributed to at least a majority of the group voting board 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 Mission Valley Planning Group operations and compliance. The Mission Valley Planning Group also receives materials that do not qualify as records. The “Terms and Conditions” discuss categories of material that are City records, community planning group official records, and non-records.

Section 3. It shall be the duty of the Mission Valley Planning Group and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community 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 Mission Valley Planning Group 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 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The Mission Valley Planning Group 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. Elected Voting Board Members of the Mission Valley Planning Group must complete the City's formal education program, which is offered online, each year and each time they are elected, re-elected, appointed, or re-appointed. The training will include the Brown Act, project development review, and an advanced curriculum for returning voting board members. This training may also include sessions for voting board members and the public to increase understanding of the project review process and voting board members roles and responsibilities. Chairs and Vice-Chairs and any subcommittee or ad hoc committee should also attend advanced trainings in the development review process specific to CPG responsibilities and limits; California Environmental Quality Act (CEQA) review training; conduct of meetings and group operations; and an interactive component where new voting board members can learn from experienced other voting board members. These trainings will be provided by the City either online or in person. The training must meet the requirements of San Diego Ordinance O-19883. Newly seated CPG voting board members must complete the City's formal education program training within 60 days of being elected or appointed to a CPG, or the individual will become ineligible to serve as a voting board member

ARTICLE VII Planning Group Officers

Section 1. The officers of the Mission Valley Planning Group (Executive Committee) shall be elected from and by the voting board members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, Secretary and Treasurer. The length of an officer's term shall be 4 years, except that no person may serve in the same planning group office for more than eight consecutive years. After a period of one (1) 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, general membership and communitywide meetings organized by the planning group and shall be empowered to appoint subcommittees and subcommittee chairpersons to assist in carrying on the business of the committee.

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. Treasurer. The Treasurer shall deposit all moneys in the name and to the credit of the planning group with such depositories as may be designated by the Executive Committee. The Treasurer shall disburse the funds of the planning group as may be ordered by the planning group, shall render to the planning group, when it requests an account of all of the community planning group's transactions and of the financial condition of the planning group.

Section 6. 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 7. The Mission Valley Planning Group 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 Mission Valley Planning Group bylaws incorporate policies and procedures directed by Policy I through VIII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibit C attached to the bylaws. Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The Mission Valley Planning Group and its duly elected or appointed voting board members, have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-19883 NS, adopted July 28, 2009, titled "An Ordinance Providing for Defense and Indemnification of Community Planning Groups," (Ordinance) 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 this Policy and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The Mission Valley Planning Group 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 voting board members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group voting board 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 Mission Valley Planning Group. In cases of alleged violations of the Mission Valley Planning Group bylaws or Council Policy 600-24 by a planning group voting board member, the planning group may conduct an investigation consistent with the “Terms and Conditions” and “Policies and Procedures” 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 planning group may remove a member by a majority vote of the voting board members of the community planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the “Terms and Conditions” and these bylaws.

A recognized community planning group voting board member or planning group found to be out of compliance with the provisions of Council Policy 600-24 or the planning group’s adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below: Any action by the Mission Valley Planning Group 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 board 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 Mission Valley Planning Group 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 majority vote of those voting board members present, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a majority vote of the voting board members of the 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 majority vote of the voting board members of the 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 Mission Valley Planning Group 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 voting board members of the planning group, the violation shall be forwarded, within 30 days, in writing to the Mayor or its designee. The City will work with the planning group to determine the validity of the complaint and to seek resolution. The Mission Valley Planning Group 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 Council Policy 600-24, the Brown Act, or its adopted bylaws, then the planning group risks the loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

(c)

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

Exhibit A: Mission Valley Planning Group Boundary

Map Exhibit B: Mission Valley Planning Group Standing Committees

Exhibit A - Mission Valley Planning Group Boundary Map

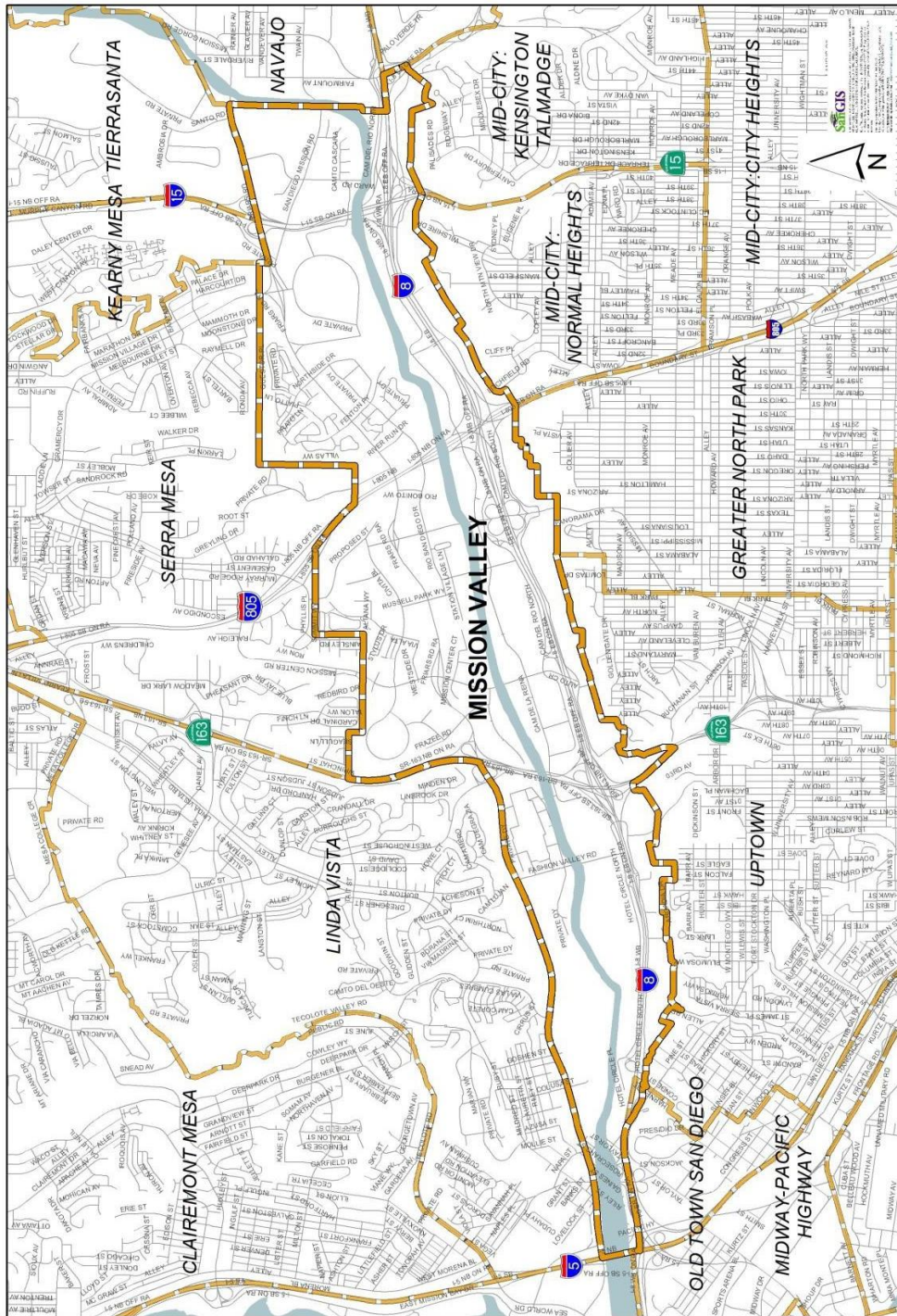


Exhibit A: Boundary Map - Mission Valley



Exhibit B
Mission Valley Planning Group
Standing Committees

1. Design Advisory Board (DAB)

(A) The Design Advisory Board (DAB) shall be composed of up to seven (7) members. The committee members, and chair, shall be appointed by the Chair of the Mission Valley Planning Group and shall serve until he/she resigns or a successor is duly appointed and qualified.

(B) Committee members should be persons who are specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, tourism, planning, or other relevant business or profession able to judge the aesthetic and/or design effects of a proposed development. The majority of the members shall be Board Members of the Mission Valley Planning Group. At least two (2) committee members should be registered architects. Mission Valley Planning Group membership is not required to serve on the standing committee. Non-Board 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. O-19883 NS, and any future amendments thereto.

(C) Committee members may be replaced after three consecutive absences from the Design Advisory Board meetings.

(D) A majority of the members shall constitute a quorum for the transaction of business and a majority vote of those present shall be sufficient to vote on any agenda item. The Design Advisory Board may adopt rules of procedure to be used during its meetings.

(E) Minutes of the meetings shall be kept and either incorporated into the minutes of the Mission Valley Planning Group minutes or posted separately on the City website.

2. Mission Valley Community Plan Update Committee

(A) The composition of Mission Valley Community Plan Update Committee shall be determined from time to time based on the business of the Mission Valley Planning Group. The committee members, and chair, shall be appointed by the Chair of the Mission Valley Planning Group and shall serve until he/she resigns or a successor is duly appointed and qualified.

(B) The majority of the committee members shall be Board Members of the Mission Valley Planning Group. Mission Valley Planning Group membership is not required to serve on the standing committee. Non-Board 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. O-19883 NS, and any future amendments thereto.

(C) Committee members may be replaced after three consecutive absences from the committee meetings.

(D) A majority of the members shall constitute a quorum for the transaction of business and a majority vote of those present shall be sufficient to vote on any agenda item. The committee may adopt rules of procedure to be used during its meetings.

(E) Minutes of the meetings shall be kept and either incorporated into the minutes of the Mission Valley Planning Group minutes or posted separately on the City website.

3. Membership Committee

(A) The composition of Membership Community shall be determined from time to time based on the business of the Mission Valley Planning Group. The committee members, and Chair, shall be appointed by the Chair of the Mission Valley Planning Group and shall serve until he/she resigns or a successor is duly appointed and qualified.

(B) The majority of the committee members shall be Voting Board Members of the Mission Valley Planning Group. Mission Valley Planning Group membership is not required to serve on the standing committee. Non-voting Board 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. O-19883 NS, and any future amendments thereto.

(C) Committee members may be replaced after three consecutive absences from the committee meetings.

(D) A majority of the members shall constitute a quorum for the transaction of business and a majority vote of those present shall be sufficient to vote on any agenda item. The committee may adopt rules of procedure to be used during its meetings.

(E) Minutes of the meetings shall be kept and either incorporated into the minutes of the Mission Valley Planning Group minutes or posted separately on the City website.

Exhibit C: Elections

Section 1. Equal Participation

The Mission Valley Planning Group encourages equal participation by all members of the public within the boundaries of the community, including term limits for voting board members.

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

- Only one elected CPG voting board member per business tax certificate
- Only one elected CPG voting board 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.

General elections of Mission Valley Planning Group Board members shall be held during the month of March in accordance with these Bylaws-Article V: Elections.

All general and special elections in which the public may vote shall be open and public.

The Mission Valley Planning Group’s general elections shall be held every two years and shall occur immediately preceding the regular March business meeting.

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

Section 2. The Mission Valley Planning Group shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections. Notices of the biennial March election meeting should be published in a local community area newspaper of general circulation, posted on its website and mailed or electronically noticed to each eligible member, when a current method of contact is on file.

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 Mission Valley Planning Group holds its election before the March regular meeting, every two years.

The Mission Valley Planning Group 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. Any number of eligible community members in attendance constitutes a quorum for the purposes of conducting the election.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates' various categories of eligible community members can vote for and which candidates, if any, must receive a majority of the vote due to service beyond eight consecutive years of service.

At every election of planning group's member, any eligible member qualified in accordance with Article III Section 1 of these By-laws shall have the right to be nominated from the floor as a write-in candidate. The nomination shall be by another qualified eligible member to be considered along with the committee's nominees for election to the planning group. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting to elect new community planning group voting board 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.

The Ballot Box will be available from 10AM until 12PM at time and place of the Mission Valley Planning Group regularly scheduled meeting. The Ballot box will be manned by 2 voting Board Members.

In case two (2) or more candidates receive the same number of votes for the third (3rd) seat to be filled in any of the classifications of membership defined in Article III, Section 2 of these bylaws, the Chair or designee shall supervise the breaking of the tie(s). Tie(s) shall be resolved by the Toss of the Coin.

Section 4. Election Procedures

The "Terms and Conditions" provide general guidance for Planning Group elections. The following are procedures pertaining to all Mission Valley Planning Group elections:

A. The Chair of the Mission Valley Planning Group will appoint an Election Committee consisting of 4 to 7 voting board members. Said Election Committee shall not include any voting board members who will stand for re-election. The primary purpose of this committee is to supervise the election preparation as well as the election itself. The Election Committee shall also review the eligibility of candidates between the time a candidate applies to run and the preparation of the ballot.

B. Voting is done by secret ballot placed in a ballot box, with the Election Committee monitoring to ensure that voters have cast their ballot in secrecy. A plurality of votes cast will determine the election of candidates. Six (12) or (8) of the twenty (20) elected Members shall be elected by written secret ballot at each annual meeting and shall hold office for four (4) years thereafter.

Each community member may cast votes equal to the number of vacant Member positions. They may cast fewer votes than the number of vacant positions, but not more. They may not cast more than one vote for any candidate. If any ballot is received which indicates votes exceeding the number of positions available or more than one vote per candidate, then that ballot will be void and will not be counted. The individuals who receive the most votes will be elected. The Election Committee is responsible for determining the validity of the ballots.

C. The Election Committee shall create a clear and simple ballot. The ballot must clearly state the number of open seats available and how many candidates for which to vote. The ballots must stipulate that only pens may be used to mark the ballots. Write-in candidates are allowed and space must be provided on the ballot for write-ins.

D. The polling location shall be the Mission Valley Library located - at 2123 Fenton Pkwy, San Diego, CA 92108. The polls shall be open and monitored by 2 Voting Board Members from 10 a.m. to 12 p.m. on the date of the election. Proxy and absentee ballots are not allowed.

E. The Chair of the Mission Valley Planning Group will announce the close of the elections and shall state that ballots will not be accepted after the polls close. All the ballots will be collected and counted by the Election Committee. In the event of a tie vote, a coin toss will determine the winner, with the candidates having an opportunity to be present. Upon final verification of the count, the Election Committee shall report the results to the Chair who shall certify and immediately announce the results. The Chair shall cause the results to be posted on the Mission Valley Planning Group website and offer the results for publication in the local newspapers.

Section 5. The Mission Valley Planning Group's election becomes final after announcing the election results at the conclusion of the noticed, general membership meeting in March. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New voting board 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.

In case the eligible membership during a biennial membership meeting fails for any reason to fill all the required seats on the planning group required by Article III to be filled, such unfilled seats shall be treated in the same manner as a vacancy pursuant to Article IV of these bylaws.