



City of San Diego
Planning Department
ADMINISTRATIVE APPROVAL OF COMMUNITY PLANNING GROUP BYLAWS AMENDMENT

Community Planning Group	<i>City Heights Area Planning Committee</i>
Subject	Administrative Approval of Bylaws Amendment

The following amendment/s was/were reviewed by representatives of the Mayor's Office and City Attorney's office pursuant to Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and determined to conform with the Policy.

The signatures on this form constitute an Administrative Approval of the cited amendments.

Date of Bylaws being amended: December 6, 2021

Article & Section and Description of Approved Bylaws Amendment:

Article III, Section 2:

- Removed the word "eighteen" and replaced with "twenty-four" referring to maximum age of potential group members for the youth seats on the Committee.

Article III, Section 7:

- Added the words "that are under the age of eighteen" to specify that written permission from a legal guardian is required to serve on the board for youth members that are under the age of eighteen.

Effective Date of the Amendment: Feb. 25, 2021

Reviewed and approved for use by the community planning group:

Tait Galloway

Tait Galloway
Mayor's Office Representative / 02-25-2022

Noah Brazier
City Attorney Representative / 02-25-2022

Cc: Community Planning Group Chair: Russ Connelly
Community Planner: Nathen Causman
Planning Administration: Leslie Conlet

City Heights Area Planning Committee Bylaws
Approved: December 6, 2021

ARTICLE I Name

- Section 1. The official name of this organization is the City Heights Area Planning Committee.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the City Heights Area Planning Committee are the boundaries of the City Heights community. Attachment "A" is a map of the community boundary.
- Section 4. Meetings of the City Heights Area Planning Committee shall be held within these boundaries, except that when the City Heights Area Planning Committee 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 City Heights Area Planning Committee 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 City Heights Area Planning Committee has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the City Heights 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, Article II: Purpose of Community Planning Groups and General Provisions.
- Section 2. In reviewing individual development projects, the City Heights Area Planning Committee should focus such review on conformance with the Land Development Code and the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning

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

Section 3. All activities of the City Heights Area Planning Committee shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4. The City Heights Area Planning Committee shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.

Section 5. The City Heights Area Planning Committee'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 shall result in the forfeiture of rights to represent the City Heights community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.

Section 6. The City Heights Area Planning Committee operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy.

Amendments to Council Policy 600-24 will apply to the City Heights Area Planning Committee, 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 Administrative Guidelines provide 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, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

Section 7. The City Heights Area Planning Committee may propose amendments to these bylaws by a two-thirds majority vote of voting members of the planning group. Proposed amendments shall be submitted to the Planning Department and City Attorney for review and approval.

Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Planning Department and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The City Heights Area Planning Committee shall consist of 22 members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

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

Committee members shall be elected by and from eligible members of the community. To be an eligible member of the community, an individual must be at least eighteen (18) years of age, with the exception of the two youth members, and shall be affiliated with the community as a property owner or resident or local business person or non-profit organization or representative selected by said owner or non-profit organization with a business address in the community at which employees or operators of the business are located. Only one representative of a particular establishment may hold a seat on the community planning group at one time.

A property owner is an individual identified as the sole or partial owner of record of a real property (either developed or undeveloped), within the community planning area. A resident is an individual whose primary address of residence is an address in the community planning area.

Eligibility is further defined as follows:

Committee members shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. Attachment “A” is a map of the City Heights community and the City Heights Area Planning Committee election boundaries.

The 22 member seats shall be allocated as follows:

Number of Members	Seat Name	Seat Definition
Three	Business	Any person who owns a business or is appointed by a business owner or any non-resident owner of real property within the community boundaries.

Two	Schools or Non-Profit Organization	Any person who works in a school whose boundaries are within the planning area or at a non-profit organization or is appointed by a school or a non-profit organization within the Committee's boundaries.
Two	District 1	Any person who lives in the area bounded by I-805; El Cajon Boulevard; and State Route-15.
Two	District 2	Any person who lives in the area bounded by SR-15; El Cajon Boulevard; Euclid Avenue; and Wightman Street.
Three	District 3	Any person who lives in the area bounded by Euclid Avenue; El Cajon Boulevard; 54th Street; Chollas Parkway; and Chollas Creek.
Three	District 4	Any person who lives in the area bounded by SR-15; I-805; Lexington Avenue (paper street); 43rd Street; Fairmount Avenue; Chollas Creek; Euclid Avenue; and Wightman Street.
One	District 5	Any person who lives in the area bounded by Lexington Avenue (paper street); SR-15; SR-94; 47th Street; Fairmount Avenue; and 43rd Street.
Four	At Large	Any person who can qualify to vote pursuant to Article 3, Section 2, second paragraph of these bylaws is eligible to hold an At Large Seat. An individual may become an eligible member of the community by: demonstrating qualifications to be an eligible member of the community to the planning group Election Committee at the time of voting.
Two	Youth Seats	In addition to the seats listed above, the Committee may seat two youth members between 16 and 24 years of age, chosen from among the youth who live in the community. The terms of service afterward shall be two years. Youth members shall not be eligible for re-election to youth seats.

Section 3. Members of the City Heights Area Planning Committee shall be elected to serve for fixed terms of 2 years; with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than eight consecutive years. Having filled a vacancy of one year duration or less does not count toward the eight year limit. Having filled a vacancy of more than one year does count toward the eight year limit.

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

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

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

Section 4. A member of the City Heights Area Planning Committee must retain eligibility during the entire term of service.

Section 5. A member of the City Heights Area Planning Committee found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups 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 member of the City Heights Area Planning Committee 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. Youth seat members have the same rights, privileges, duties, and responsibilities as their adult colleagues. They may serve on sub-committees, including the election subcommittee. They may participate in Committee discussions and in voting on matters being heard by the Committee. Their votes shall be tallied as part of the community voting procedure. Prior to beginning their term, youth members that are under the age of 18 shall provide written permission from their legal guardian to serve on the Committee, which shall include the legal guardian's assumption of responsibility for making any request for indemnification by the City pursuant to Article IX, section 1.

ARTICLE IV Vacancies

Section 1. a.) The City Heights Area Planning Committee shall find that a vacancy exists upon receipt of a resignation in writing from one of its members.
b.) A vacancy may exist upon receipt of a written report from the CHAPC secretary reporting the third consecutive or fourth absence in the 12-month period of April through March each year of a member from the planning group's regular meetings.
A vacancy may also exist following a vote of a community planning group as described in Article III, Section 5 of Council Policy 600-24 related to ineligibility, or following conclusion of a member-removal process conducted under Article IX of the Policy, or due to adopted bylaws violations.

Section 2. Vacancies that may occur on the City Heights Area Planning Committee 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.

The City Heights Area Planning Committee shall fill vacancies in the following manner. At all regular meetings following the determination, the vacancy shall be noticed in the agenda. Committee members may nominate a candidate to fill the vacant seat. Candidates must meet the requirements for the seat as specified in Article III, Section 2. The Committee members shall vote by roll call.

If only one candidate is nominated, members shall vote "yes" or "no" on the question of seating that candidate. To be seated, the candidate must receive a majority of the votes cast (not counting blank or illegible ballots, or ballots showing a name other than the candidate's name).

If more than one candidate is nominated, each member may vote for one of them to fill the vacancy. If any candidate receives a majority of the votes cast (not counting blank or illegible ballots, or ballots showing more than one name), that candidate shall fill the vacant seat. If no candidate receives a majority of the votes cast on the first round, then the two candidates receiving the greatest number of votes shall stand for additional rounds of voting until one of them is chosen or the Committee declares an impasse and ends the voting. In this case, the matter shall be continued to the next regular meeting and shall not be on the agenda for any special meeting.

Two or more concurrent community planning group vacancies shall be filled by a vote of all eligible members of the community by secret written ballot for vacancies that occur within the same Seat Name/Seat Definition described in Article III, Section 2.

Section 3. When the City Heights Area Planning Committee is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. The Committee shall make a good faith effort to fill the seat with a community member meeting the requirements of all specially designated qualities of the seat. If the Committee is unable to fill the vacancy with a community member meeting the requirements for the seat within 90 days following the determination of the vacancy, the seat, while retaining the designation shown in Article III, Section 2, shall be filled by a person who meets the qualifications for an At-Large seat. If the seat is not filled after 120 days as specified above the Committee shall continue trying to fill the seat. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

Section 4. Vacancies occurring in the youth seats shall be filled using the same procedure as that used to fill other seats.

Section 5. A community member who is appointed by the Committee to fill a vacancy must provide proof of eligibility for the seat to the Secretary on or before the next regularly noticed meeting. The selected individual must also complete basic orientation training within 60 days to receive indemnification and remain eligible to serve in the seat per Council Policy 600-24 as outlined in Article VI Section 6.

ARTICLE V Elections

Section 1. General elections of the City Heights Area Planning Committee members shall be held annually concurrently with the March regular meeting but not as part of it. Voting shall take place between 4:30 pm and 8:00 pm. The Election Sub-committee shall use every means at its disposal to announce the election, solicit candidates, etc. The Sub-committee shall conduct the election in a manner consistent with Article V of the Administrative Guidelines to Council Policy 600-24.

The deadline to qualify for candidacy in the March election shall be no later than 5:00 pm on the tenth day before the date of the election. The planning group's Election Subcommittee shall be appointed at the regular meeting in the month of November prior to the election and shall begin soliciting eligible community members to become candidates.

The Chairperson will appoint at least three members of the Committee to serve on the Election Subcommittee. The Election Subcommittee shall be responsible for working with city staff to promote, conduct and verify the annual Committee elections each March. At least one city staff person or Council representative shall be requested to monitor the election and ballot counting. A candidate's forum may be advertised and conducted at the March meeting in connection with the election.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at one meeting of the City Heights Area Planning Committee's last 12 meetings prior to the election.

Section 2. The City Heights Area Planning Committee and its Election Subcommittee shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections. Any eligible member of the community may become a candidate for the regular election to the Committee upon presentation to the Election Subcommittee of sufficient proof that he or she meets the member eligibility requirements set forth in Article III, Sections 2 and 3 at least 10 days before the announced election. Any disputes will be resolved by majority vote of the Elections Subcommittee prior to the election.

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 City Heights Area Planning Committee 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 eligible member of the community may vote in the Committee's annual election upon presentation to the Election Subcommittee of sufficient proof that he or she meets the member eligibility requirements set forth in Article III, Sections 2 and 3. Any disputes will be resolved by majority vote of the Election Subcommittee. No person shall be allowed to vote until he or she has presented sufficient proof of eligibility to the Election Subcommittee at the voting place.

The term 'sufficient proof' in this Article shall include any of the following documents:

- Resident Tenant or Resident Owner
- 1) California Driver's License;
 - 2) California Identification Card;
 - 3) Lease or Rental Agreement
 - 4) Rent Receipt;
 - 5) Utility Bill

Non-Resident Owner or Resident Owner

- 1) Deed of Trust;
- 2) Quit Claim Deed;
- 3) Property Tax Bill;
- 4) Bill of Sale;
- 5) Sales Contract;
- 6) Utility Bill
- 7) Mortgage Payment Contract;
- 8) Mortgage Payment Book;
- 9) Current County Assessor Property Owner Listing; or
- 10) Any other document or materials which the Election Subcommittee may deem acceptable.

Business Owner

- 1) Business License;
- 2) Stock Certificate;
- 3) Certificate of Incorporation;
- 4) Articles of Incorporation;
- 5) Corporation By-laws;
- 6) Deed of Trust;
- 7) Quit Claim Deed;
- 8) Property Tax Bill;
- 9) Bill of Sale;
- 10) Sales Contract;
- 11) Utility Bill
- 12) Current County Assessor Property Owner Listing; or
- 13) Any other documents or materials which the Election Subcommittee may deem acceptable.

Any disputes regarding voter eligibility, will be resolved by majority vote of the Election Subcommittee. Voter eligibility disputes will be resolved before that member of the community is allowed to cast a ballot.

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, and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight consecutive years of service.

The City Heights Area Planning Committee's policy related to a write-in candidate is that write-in candidates are allowed. Any write-in candidate who has been determined to have won a seat must provide sufficient proof of eligibility to the Election Subcommittee Chair within 48 hours of the election results being announced in writing. If it is later determined that the write-in candidate is ineligible or failed to provide the required verification of eligibility, 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. No electioneering attempt to discuss candidates or the ballot to be cast shall take place within 100 feet of the location where the balloting is to take place. No person shall be allowed to cast more than one ballot. A write-in candidate may only be written in for one seat on a ballot cast. Any name listed in multiple write-in positions on a ballot will invalidate any applicable write-in votes and will not be counted. An illegible name of a write-in candidate that cannot be clearly or reasonably determined by the Election Subcommittee will be declared invalid and will not be counted for that seat.
- Section 4. Per Council Policy 600-24, a committee member who has served eight consecutive years may appear on the ballot with new candidates. That person may serve in excess of eight years if that person is reelected to a seat they qualify for by at least a two-thirds majority of the votes cast by all eligible community members participating in the regular election. The number of those serving in excess of eight years shall in no case exceed twenty-five percent of the elected members of the group.
- Section 5. The City Heights Area Planning Committee's election becomes final after announcing the election results in writing as soon as possible after the tally. The Election Subcommittee 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. The winner of a tie vote for a seat will be determined by a coin toss facilitated by the Election Subcommittee Chair at the time of new member seating at the beginning of the April meeting.

Any challenge to the election results must be filed with the Chair of the Elections Subcommittee in writing within 48 hours after the election results are announced in writing in order to allow enough time to resolve the issue. The Election Sub-committee shall use Section V of the Administrative Guidelines to handle challenges to election procedures or results.

Election materials such as candidate applications, proof of candidate eligibility and voting ballots will be retained by the Election Subcommittee Chair until the seating of the election winners at the April planning group 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 Planning Committee Chair.

ARTICLE VI Community Planning Group and Planning Group Member Duties

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

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

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

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

It shall be the duty of each member of the City Heights Area Planning Committee to attend all planning group meetings.

(i) REGULAR AGENDA POSTING - Seven days but no less than 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 for posting on the City's website.

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

(iii) ADJOURNMENTS AND CONTINUANCES – If the City Heights Area Planning Committee does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW - The City Heights Area Planning Committee may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

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

A two-thirds vote of the voting members of the City Heights Area Planning Committee 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 members of the City Heights Area Planning Committee 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 City Heights Area Planning Committee.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of the City Heights Area Planning Committee.

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

The City Heights Area Planning Committee's chair participates in discussions but does not vote except to make or break a tie.

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

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of Council Policy 600-24.

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the City Heights Area Planning Committee 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 City Heights Area Planning Committee, 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 72 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 72 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 72 hours before the time of the meeting.

(xi) 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.

(xii) **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 City Heights Area Planning Committee and are prohibited under these bylaws.

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

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

(iii) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of members who are members of the planning group. The Election Subcommittee will be comprised of Committee members only.

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 ordinance.

(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. The Election Subcommittee will publish the names and seats of candidates for election without Committee review.

(c) **Abstentions and Recusals**

(i) RECUSALS - Any member of the City Heights Area Planning Committee 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. A member may not claim lack of information as a justification for abstaining from a vote.

(d) **Meeting Documents and Records**

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

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay.

If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES – For each planning group meeting, a report of City Heights Area Planning Committee member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the group’s next regularly scheduled meeting. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The City Heights Area Planning Committee 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 – City Heights Area Planning Committee records must be retained for public review. Community planning group records are meeting agendas and any other writings that are distributed to at least a majority of the group members in connection with a matter subject to consideration at an open meeting of the group. Community planning group records do not include writings that are required to be submitted to the city in accordance with Council Policy 600-24 to substantiate and document the City Heights Area Planning Committee operations and compliance. The City Heights Area Planning committee also receives materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community planning group records, and non-records.

Section 3. It shall be the duty of the City Heights Area Planning Committee 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 City Heights Area Planning Committee 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 each year, an annual report of accomplishments for the past year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The City Heights Area Planning Committee may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process.

However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each elected City Heights Area Planning Committee member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-19883 NS, and any future amendments thereto. If it is not possible for a new member to attend the training session as required, or if a new member is seated through a special election or in a month other than March, then the member shall successfully complete the online orientation training.

As required by O-19883 NS, newly seated planning group members must complete a basic orientation training session within 60 days of being elected or appointed to a planning group or the member will be ineligible to serve. The basic orientation training session will be scheduled within 60 days of the last day of March each year to meet this ordinance requirement.

ARTICLE VII Planning Group Officers

Section 1. The officers of the City Heights Area Planning Committee shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary and Treasurer (when needed). The length of an officer's term shall be: one year except that no person may serve in the same planning group office for more than eight consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

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

The Chairperson shall appoint all subcommittees and be an ex-officio member of all subcommittees. No Committee member including the Chairperson shall be a member of the Election Subcommittee if that member or Chairperson is a candidate in the next election. This restriction in the Election Subcommittee membership shall take effect upon the annual appointment of the Subcommittee members according to Article V, Section 1 of these Bylaws, and shall end when the results of the election are determined to be official.

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.

The Chairperson shall prepare and transmit all Committee correspondence personally or with the assistance of the other officers. The outgoing or re-elected Chairperson shall submit a written summary of the past year's accomplishments (May to April) to the Committee for comment by the April meeting each year. The Committee shall forward the summary to the Planning Department.

Section 3. Vice Chairperson. In the absence of the Chairperson, the first Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

The first Vice Chairperson shall be an ex-officio member of all subcommittees. No Committee member including the first Vice-Chairperson shall be a member of the Election Subcommittee if that member or first Vice-Chairperson is a candidate in the next election. This restriction in the Election Subcommittee membership shall take effect upon the annual appointment of the Subcommittee members according to Article V, Section 1 of the Bylaws, and shall end when the results of the election are determined to be official.

Section 4. Second Vice-Chairperson. In the absence of the Chairperson and first Vice-Chairperson, the second Vice-Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 5. Secretary. The Secretary shall be responsible for the planning group's attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who voted 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 6. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC) and the first Vice-Chairperson shall be the alternate. 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 City Heights Area Planning Committee 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 City Heights Area Planning Committee bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaw article lists additional procedures

(a) Community Participation

The following are the City Heights Area Planning Committee procedures regarding community participation:

It is the intent of the planning group to grow interest in planning group activities and to encourage diversity.

(b) Conduct of Meetings

At a minimum, the agenda shall be published 7 days but no less than 72 hours prior to the meeting.

(c) Member and Planning Group Responsibilities

The following are the City Heights Area Planning Committee procedures regarding member and planning group responsibilities:

Amendments to Bylaws – A two-thirds majority vote of the voting members of the planning group is required to amend the Bylaws of the Committee. Changes to these Bylaws shall be proposed by any Committee member. Proposed changes must be submitted in writing, noticed to the public, and announced at the previous monthly meeting.

An amendment of these Bylaws shall not become effective until determined by the Planning Department and the City Attorney to be in conformance with Council Policy 600-24. If the amendment is not determined to be in conformance with Council Policy 600-24 by the Planning Department and City Attorney the amendment 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.

District seats shall be reviewed at least every 10 years, after city council redistricting and sufficient census tract information is available to determine district populations.

(d) Elections

The Administrative Guidelines to Council Policy 600-24, provides general guidance for planning group elections.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The City Heights Area Planning Committee and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-19883 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Council Policy 600-24, Article II, Section 1; their conduct was in conformance with the Policy and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The City Heights Area Planning Committee and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning group, as well as the planning group itself, may be subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

(a) Alleged Violations by a Member of the City Heights Area Planning Committee

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

A complaint that an individual member of a planning group violated one or more provisions of the planning group's bylaws or Council Policy 600-24 may be submitted to the planning group chair by any individual, including another planning group member. The complaint should be filed within 90 days of the alleged violation.

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

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

If the planning group member is found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the City Heights Area Planning Committee to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws or 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 time frame within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the 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 City Heights Area Planning Committee would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

- The matter of removing a seated planning group member will be placed on the planning group's agenda as a potential action item. Supporting materials from the chair or from the offending planning group member will be made available to the elected planning group members prior to the meeting.
- The matter will be discussed at the planning group's regular meeting with opportunity given to the planning group member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance of the item to gather more information to present to the planning group.
- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning group member removed by a 2/3 vote of the voting members of their recognized community planning group.
- The planning group member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a planning group member by a 2/3 vote of the voting members of their recognized community planning group will not prohibit the member from running for a planning group seat in future scheduled elections.

(b) Alleged Violations Against the City Heights Area Planning Committee as a Whole

In the case of an alleged violation of the planning group's bylaws or of Council Policy 600-24 by the planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute. The City Heights Area Planning Committee 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.

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

Exhibit "A": City Heights Area Planning Committee Boundary Map. The community is bounded by El Cajon Boulevard to the north, Interstate-805 and -15 to the west, State Route-94 to the south, and 47th Street, Chollas Parkway, and 54th Street to the east.

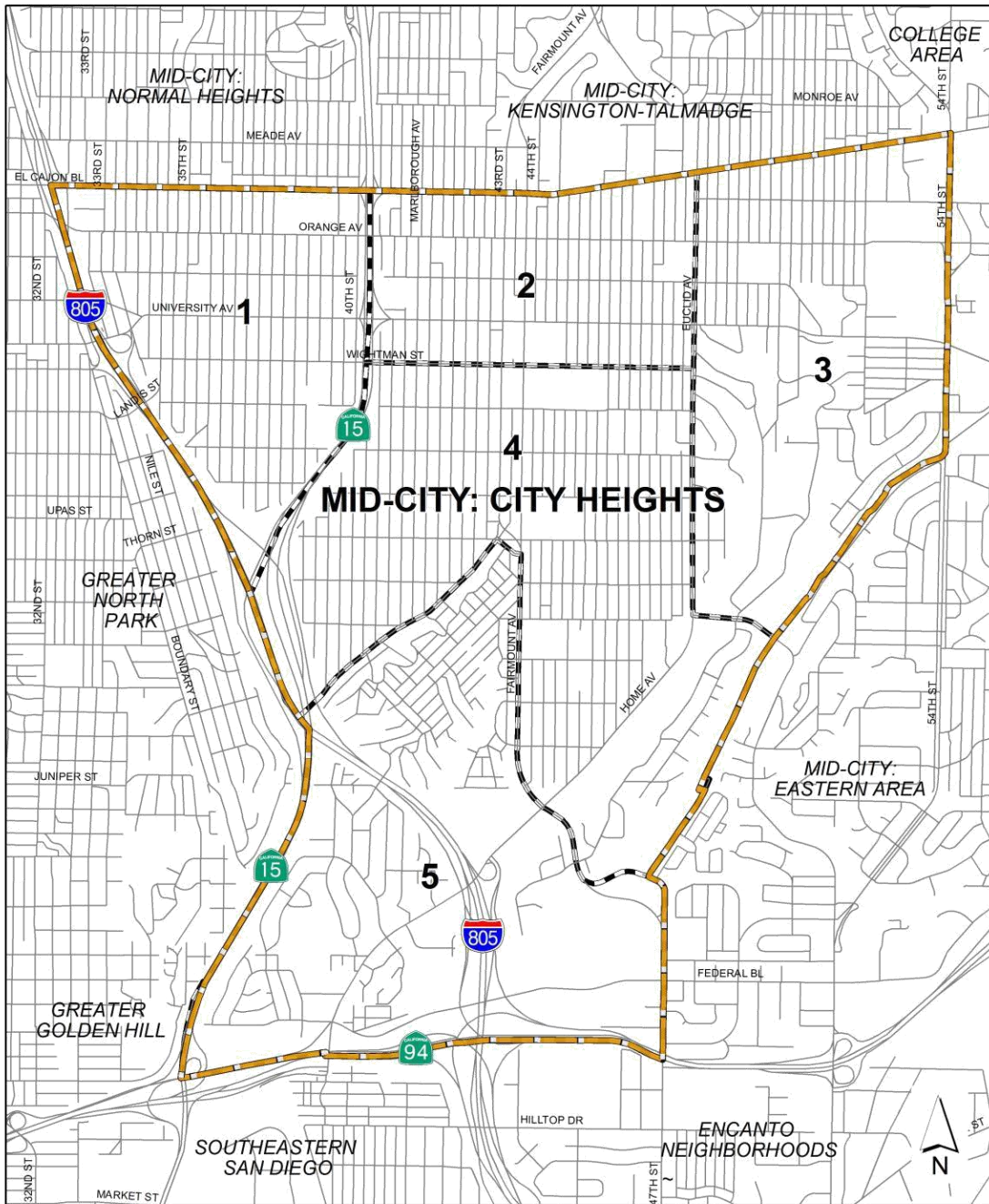


Exhibit A: Mid-City: City Heights with Voting Districts

Document Path: L:\GIS\GISCommunity Planning\Cities\Heights\CPA_PROJECTS\CityHeights_VotingDistricts_map.mxd

