

# Bylaws of the Tierrasanta Community Council and Planning Group

Amended July 16, 2008

**NOTICE: Single underlines = reflects guidance from the City of San Diego on how to bring the bylaws into conformance with the current city Policy 600-24. Single underlines in italics reflect additional language that the members of the Tierrasanta Community Council, acting as a Committee of the Whole, requested be included in the draft bylaws revision for consideration at the September 16, 2015 meeting.**

## ARTICLE I — Name

- Section 1      The official name of this organization is the Tierrasanta Community Council (TCC).
- Section 2      All activities of the Tierrasanta Community Council shall be conducted in its official name.
- Section 3      The community planning area boundaries for the Tierrasanta Community Council are the boundaries of the Tierrasanta community, as shown in Exhibit "A."
- Section 4      Meetings of the Tierrasanta Community Council shall be held within these boundaries, except that when the Tierrasanta Community Council does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest feasible meeting facility.
- Section 5      The official positions and opinions of the Tierrasanta Community Council 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.
- Section 6      The official address of the Tierrasanta Community Council and Planning Group is c/o Tierrasanta Library, 4985 La Cuenta Drive, San Diego, California 92124.

## ARTICLE II — Purpose of the Community Planning Group and General Provisions

- Section 1      The Tierrasanta Community Council 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 Tierrasanta 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.

The ~~Group~~ Tierrasanta Community Council shall promote the interests, general welfare and quality of life of the community of Tierrasanta.

- Section 2 In reviewing individual development projects, the Tierrasanta Community Council 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 Tierrasanta Community Council 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, sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4 The Tierrasanta Community Council shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.
- Section 5 ~~Pursuant to the provisions of City Council Policy 600-5,~~ The Tierrasanta Community Council'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 Tierrasanta 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 Tierrasanta Community Council 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. The City Council may approve amendments to Council Policy 600-24 that will apply to the

Tierrasanta Community Council as well as all other community planning groups even if individual groups' bylaws are not amended with parallel language.

Where adopted bylaws and Council Policy 600-24 conflict on City Council-approved community-specific bylaws modifications, the adopted bylaws shall prevail.

If a citywide amendment to Council Policy 600-24 creates a conflict with a City Council-approved deviation to a planning group's bylaws, the conflict will be identified and evaluated on a case-by-base basis.

In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. Robert's Rules of Order Newly Revised is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

- Section 7      The Tierrasanta Community Council may propose amendments to these bylaws by ~~majority~~ two-thirds vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

### ARTICLE III — Community Planning Group Organizations

- Section 1      The Tierrasanta Community Council shall consist of seventeen (17) elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

*The Tierrasanta Community Council and Planning Committee is required to meet in the following months: January, February, March April, June, July, September and October. At the discretion of the planning group President or at the request of the Mayor or Council President of the City of San Diego, meetings of the planning group may be called during the other months. Members may meet during the non-meeting months as members of the Tierrasanta Community Council in their corporate capacity.*

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

On the Tierrasanta Community Council elected seats are filled by distribution of seats among the following interests that represent the community: 16 seats for

property owners and/or residents who reside or own property within geographic subdivisions of the Tierrasanta community and 1 seat for a business representative who operates a business in a non-residential area within the Tierrasanta community.

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

***NOTE: the city changed the sections below from letters (a, b, c) to numbers.***

(1) a-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), residential property within the community planning area, or

(2) a-resident, who is an individual whose primary address of residence is an address in the community planning area, or

(3) a-local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area; only one representative of a particular establishment may hold a seat on the community planning group at one time.

An individual may become an eligible member of the community by: (A) attending two meetings of the Tierrasanta Community Council in the 12 months prior to January 31 of the general election year and submitting their name in nomination prior to the deadline for candidates for the March general election as announced by the Tierrasanta Community Council; ~~or~~ and (B) demonstrating qualifications to be an eligible member of the community as a property owner, resident or local business person to the planning group Executive Committee prior to the March election or at the time of voting. *If the candidate is under consideration for an appointment to a vacant position on the Tierrasanta Community Council, the candidate must have attended two noticed meetings of the Tierrasanta Community Council during the 12 months prior to the proposed date of appointment, and becomes eligible for appointment on the third meeting or any subsequent noticed meeting within 12 months of attending the first meeting.*

Elected members of this planning group are defined as follows:

a) The Officers of the Tierrasanta Community Council shall be elected *from among the 17 members of the Tierrasanta Community Council at the April meeting following the March meeting when the election is certified. Elections shall take place in March of even numbered years for two-year terms.*

b) The Area Directors of the Tierrasanta Community Council shall be elected by a

vote of the numbered Areas of the community.

c) The Commercial Director of the Tierrasanta Community Council shall be elected by an at-large vote of the commercial business members of the community.

Council Policy 600-24 requires that elected members of the Tierrasanta Community Council shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. To this end, Directors of the Tierrasanta Community Council are elected from *four* designated Areas as shown in Exhibit 1 [*Proposed quadrants – 1) Currently Areas 5 and 6 Villa Monserate; Villa Barbados North 2) Area 3 Villa Trinidad et al and Area 4 Villa Portofino and Villa Barbados 3) Area 7 Tierrasanta Norte 4) Currently Area 1 south of Tierrasanta Blvd. in civilian housing and Area 8: La Mirage. Note: Murphy Canyon Military Housing is not represented on the Tierrasanta Community Council. Also note – there was general consensus that the ownership of La Mirage could appoint a designee to serve on the TCC. Question: do we want 4 representatives per quadrant or some other number per quadrant??*] The Tierrasanta Community Council may revise the Area boundaries and number of representatives in any Area, as required, to ensure continued fair representation of all areas in the community. Any realignment of Area representation shall be done by majority vote of the planning group and shall be instituted by a Standing Order of the Tierrasanta Community Council.

An individual may become eligible to run for a seat on the Tierrasanta Community Council after completing the following:

- a) attend at least ~~one~~ two (±2) meetings of the Tierrasanta Community Council, in the 12 months preceding January 31st of the election year, as documented by signing in on the attendance sheet at the meeting; or in the event the individual is being considered to fill a vacancy through the appointment process, must have attended two meetings in the 12 months prior and would become eligible for appointment at the third or later meeting; and
- b) demonstrate qualifications to be an eligible member of the community to the planning group Election Committee prior to the due date established by the annual Standing Order on the conduct of elections approved by the full TCC.

Eligibility to vote in the election is the same as eligibility to run for office except that the requirement to attend a meeting does not apply. 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 Tierrasanta Community Council shall require proof of eligibility during elections.

Section 3 Members of the Tierrasanta Community Council shall be elected to serve for fixed terms of two (2) years ~~with expiration dates in alternate years to provide continuity.~~

No person may serve on the planning group for more than eight (8) years. The 8-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 (8) consecutive years shall again be eligible for election to the planning group.

The Tierrasanta Community Council 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 (8) consecutive years to continue on the planning group without a break in service. The same rules apply to an appointment process. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4 A member of the Tierrasanta Community Council must retain eligibility during the entire term of service.

Section 5 A member of the Tierrasanta Community Council 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-17086~~ 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 Tierrasanta Community Council 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 Ex Officio Members. Each October, the Tierrasanta Community Council shall appoint ex officio non-voting members planning group including a student representative from Serra High School, and a representative from Murphy Canyon Heights military housing who shall be either a resident or a representative from the management company for the Murphy Canyon military housing complex. Ex Officio Members shall be re-appointed in April of each calendar year.

#### ARTICLE IV — Vacancies

Section 1 The Tierrasanta Community Council shall find that a vacancy exists upon receipt of a resignation in writing from one of its members, or upon receipt of a written report from the planning group's Secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a

Member(s) from the planning groups regular meetings.

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 Tierrasanta Community Council shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The Tierrasanta Community Council shall fill a vacancy as soon as practical after the vacancy is declared. Vacancies shall be filled via the Tierrasanta Community Council's Standing Order on Vacancies, which calls for:

- a) announcing the vacancy to the public; and
- b) Tierrasanta Community Council appointing a member of the community who is eligible for the seat; or
- c) Tierrasanta Community Council declaring the seat "at large" and appointing a member of the community who is eligible for an "at large" seat.

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

## ARTICLE V — Elections

Section 1 General elections of Tierrasanta Community Council members shall be held during the month of March on even numbered years in accordance with the ~~generic elections~~ Tierrasanta Community Council's adopted elections procedures. A generic election procedure may be found in Exhibit B of these bylaws.

The Tierrasanta Community Council's general elections shall be held every two years on even numbered years.

The deadline to qualify for candidacy in the March general election shall be determined in a Standing Order adopted by the TCC at the regularly scheduled January meeting of the TCC. The planning group's Election committee shall be established no later than November of the prior year and shall begin soliciting eligible community members to become candidates. In February, the Election committee 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 Council meeting provided that the publishing deadline for the community newspaper does not fall on an earlier date than the February Council meeting. A candidate forum may be advertised and held at an announced meeting.

To be a candidate in the March election, an eligible member of the community must have documented attendance during at least ~~one~~ (~~1~~) two meetings of the Tierrasanta Community Council in the 12 months ending on January 31st of the election year, as documented by signing in on the attendance sheet at the meeting or other proof of attendance.

Section 2 The Tierrasanta Community Council 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 (8) consecutive years to leave the group for at least one year.

The Tierrasanta Community Council holds its election by allowing eligible voters to cast votes as follows:

- a) at the March regular meeting; and
- b) at multiple public locations during the election period established by the approved Standing Order; and
- c) by ballots mailed to the Tierrasanta Library during the aggregate voting period according to the approved Standing Order.

The Tierrasanta Community Council shall take reasonable steps to ensure that voting is only by eligible members of the community as established in the approved Standing Order.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight (8) consecutive years of



service.

The Tierrasanta Community Council does not allow write-in candidates.

Section 3 Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4 The Tierrasanta Community Council's election becomes final after announcing the election results during the noticed, regular March monthly planning group meeting.

The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Election Committee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5 Article VIII, Section 1(e) and Exhibit B contains specific and generic voting procedures that are updated for each election cycle based on the approved Standing Order.

#### ARTICLE VI — Community Planning Group and Planning Group Member Duties

Section 1 It is the duty of the Tierrasanta Community Council 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 Tierrasanta Community Council 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 on the Tierrasanta Community Council website. 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 or action item).

The agenda shall be offered to the City for posting on the City's website and should be posted on the Tierrasanta Community Council website at least 72 hours in advance of the meeting.

(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 Tierrasanta Community Council 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 committee or subcommittee of the planning group has discussed the item at a noticed committee meeting,
- 2) All interested members of the public were given an opportunity to address the committee, and
- 3) The item has not substantially changed since the committee’s consideration.

The comments of the committee/subcommittee and those made by interested members of the public should be reflected in the minutes of the committee. 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.

Except in the case where a member of the public desires to run for a seat on the Tierrasanta Community Council, 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 Tierrasanta Community Council may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

(viii) Action on Agenda Items. An item not noticed on the agenda may be added if

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

A two-thirds vote of the elected members of the community planning group is required to remove an elected or appointed community planning group member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the elected members of the community 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 elected members of the Tierrasanta Community Council.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the elected members of a community planning group. All other community planning group actions, including committee/subcommittee votes, only require a simple majority of the members in attendance when a quorum is present.

The Tierrasanta Community Council's Chair/President fully participates in planning group discussions and votes on all action items.

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

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

(ix) Collective Concurrence. Any attempt to develop a collective concurrence of the members of the Tierrasanta Community Council 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 Tierrasanta Community Council, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting.

Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group Secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on Agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) Emergency Meetings. Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the Tierrasanta Community Council and are prohibited under these bylaws.

(xii) Right to Record. Any person attending a meeting of the Tierrasanta Community Council 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) Committees/Subcommittees

The Tierrasanta Community Council may establish standing and ad hoc committees/subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

(i) Standing Committees. Pursuant to the purpose of the Tierrasanta Community Council as identified in Article II, Section 1, the planning group has established the following standing committees *[NOTE: the following language is from the last set of approved bylaws dated 16 July 2008]*

- a) Community Development Committee, which meets as required to review discretionary projects and provides written recommendations on same to the Tierrasanta Community Council as required.

- b) Tierrasanta Election Committee, which meets as required to draft the Standing Order of specific election procedures for the election cycle and provides this to the Tierrasanta Community Council for approval.

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

(iii) Committee Composition. Committees shall contain a majority of members who are members of the planning group, or who previously served as members of the planning group and who have completed mandatory training on Council Policy 600-24.

Non-members, who are duly appointed by a planning group to serve on a committee, may be indemnified by the City in accordance with Ordinance No. O-~~17086~~ 19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) Recommendations. Committee 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 committee 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 Tierrasanta Community Council with a direct economic interest in any project that comes before the planning group or its committees 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, Tierrasanta Community Council members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

#### d) Meeting Documents and Records

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

may be charged for the cost of providing this service.

(ii) Agenda at Meeting. Any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at the planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning group meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any the materials requested by an individual or individuals.

(iii) Minutes. For each planning group meeting, a report of Tierrasanta Community Council 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 Tierrasanta Community Council is not required to audiotape 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. Tierrasanta Community Council records must be retained for public review. ~~City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.~~ 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 required to be submitted to the City in accordance with City Council Policy 600-24 to substantiate and document the Tierrasanta Community Council operation and compliance. The Tierrasanta Community Council 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 Tierrasanta Community Council 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 Tierrasanta Community Council to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.
- Section 5 The Tierrasanta Community Council 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 Tierrasanta Community Council member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. ~~O-17086 NS~~ 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 ~~12 months~~ 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 Tierrasanta Community Council shall be elected from and by the ~~eligible voting population of Tierrasanta at large according to the approved Standing Order.~~ members of the planning group. Said officers shall consist of a President, Vice President, Chief Financial Officer, and Secretary. The length of an officer's term



shall be two years except that no person may serve in any planning group office for more than eight (8) 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      President. The President shall be the principal officer of a recognized community planning group and:
- a) Shall chair all planning group meetings;
  - b) Shall preside over all communitywide meetings organized by the planning group;
  - c) Shall be a member of all standing committees and ad hoc committees;
  - d) Shall sign all official correspondence.
  - e) Shall be the executive agent for all business decisions of the planning group.
  - f) Shall not set policy, other than procedural, without the majority consent of the planning group.
  - g) Shall appoint committee chairs subject to confirmation by the planning group.
  - h) Shall, in addition to all duties incident to the office, perform other such duties as from time to time may be authorized by a majority planning group.
- Section 3      Vice President. In the absence of the President, the Vice President shall perform all the duties and responsibilities of the President. When so acting, the Vice President shall have all the powers of and be subject to all the restrictions of the President.
- The Vice President also shall, in addition to all duties incident to the office, perform other such duties as from time to time that may be assigned by the planning group.
- Section 4      Chief Financial Officer. The Chief Financial Officer shall:
- a) Have charge and custody of, and be responsible for, all funds of the planning group and deposit all such funds in the name of the planning group in such banks, trust companies, or other depositories as shall be selected by the planning group.
  - b) Receive, and give receipt for, monies due and payable to the planning group from any source whatever.
  - c) Disburse or cause to be disbursed, the funds of the planning group as may be directed by the planning group, taking proper voucher for such disbursements.
  - d) Keep and maintain adequate and correct accounts of the planning group's properties and business transactions, including account of its assets, liabilities, receipts, disbursements, gains, and losses.
  - e) Exhibit at all reasonable times the books of account and records to any member, upon application, during business hours at the office of the planning group or other such place mutually agreed.

f) Render to the planning group, whenever requested, an account of all transactions as Chief Financial Officer and of the financial condition of the planning group.

g) Perform other duties incident to the office, and all such other duties as from time to time may be assigned to him by the planning group.

h) In the absence of the President and Vice President, the Chief Financial Officer shall perform all the duties and responsibilities of the President. When so acting, the Chief Financial Officer shall have all the powers of and be subject to all the restrictions of the President.

- Section 5      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 recues 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. In the absence of the President, Vice President, and Chief Financial Officer, the Secretary shall perform all the duties and responsibilities of the President. When so acting, the Secretary shall have all the powers of and be subject to all the restrictions of the President.
- Section 6      The President shall be the Tierrasanta Community Council's representative to the Community Planners Committee (CPC). The President may appoint a designee as the official representative to the CPC, subject to confirmation by the planning group, with the same voting rights and privileges as the President. The President also appoints an alternate representative to serve in the absence of the designated representative, subject to confirmation by the planning group. Designation of a member other than the chair for either representative, as well as 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 Tierrasanta Community Council 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.
- Section 8      The Tierrasanta Community Council line of succession shall be:
- 1) President
  - 2) Vice President
  - 3) Chief Financial Officer
  - 4) Secretary
  - 5) Area Director (In descending order of seniority based on number of current consecutive years of elected service on the TCC)

## ARTICLE VIII — Planning Group Policies and Procedures

Section 1 The Tierrasanta Community Council bylaws incorporate policies and procedures directed by Article I through ~~VIII~~ VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

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.

Listed procedures are grouped by category as follows: Community Participation, Planning Group Composition and Elections.

### c) Community Participation

Tierrasanta Community Council meeting agendas shall be open to input from all committee members and from the public. Any member of the committee or public shall notify the chair two weeks prior to a meeting requesting to place a matter on the agenda.

A period for public comment shall be included on all meeting agendas. Agendas for committee meetings shall be distributed in advance of the meeting. Committee meetings shall provide the opportunity for public testimony and fair and reasonable debate.

### d) Planning Group Composition

The following are the Tierrasanta Community Council procedures pursuant to Article III, Section 2 regarding planning group composition:

- 1) In the event an Officer or Director position becomes vacant, or if any position is not filled during the annual election, then an approved appointment process will be used to fill the vacancy(ies).
- 2) Should no qualified candidate or appointee apply for a vacant Director position, the Tierrasanta Community Council may convert the position into an “At Large” position to be filled by an otherwise eligible resident and/or property owner member of the community for the unexpired term of that position.
- 3) Should no qualified candidate or appointee apply for the Commercial Director position, the Tierrasanta Community Council may allow the position to be filled by a resident and/or property owner member of the community for the unexpired term.

e) Elections

The Elections Handbook, which is an attachment to the Council Policy 600-24 Administrative Guidelines, provides general guidance for planning group elections.

It is the practice of the TCC to notify the local community newspaper of the elections and provide the list of candidates and any supporting information provided by the candidates. The TCC benefits from this arrangement in that every household in the community receives the paper, facilitating an inclusive election process. The TCC's nominating process may therefore be subject to the newspaper's publishing deadlines and commitment to advertise the local elections.

ARTICLE IX — Rights & Liabilities of Recognized Community Planning Groups

Section 1. Indemnification and Representation. The Tierrasanta Community Council and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification ~~and representation~~ by the City under Ordinance ~~O-17086 NS -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 ~~600-24~~ and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The Tierrasanta Community Council 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.

f) Alleged Violations by a Member of the Tierrasanta Community Council

In cases of alleged violations of the Tierrasanta Community Council 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 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 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-17086 NS 19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

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

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the planning group chair. If the complaint is about the chair, it may be presented to any other officer of the planning group.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another planning group member, the chair (or other officer) may assist in providing appropriate citations to assist the complainant.
- The chair will confer with the planning group officers (exception: if an officer

is the subject of the grievance or has a business or personal relationship with the alleged violator) regarding the complaint.

- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation:

- While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.
- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and Tierrasanta Community Council 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 his case and/or rebut documentation gathered by the chair with the assistance of the planning group officers. The member may also request a continuance to gather more information to present to the planning group.

- At the end of the discussion, the planning group may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

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

g) Alleged Violations Against the Tierrasanta Community Council 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 Tierrasanta Community Council will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the planning group is found to be out of compliance with the provisions of this

Policy, the Brown Act or its adopted bylaws then it risks loss of indemnification (legal protection and representation) pursuant to Ordinance No. O-17086-NS- 19883 NS, and any future amendments thereto.

Exhibit A: Tierrasanta Community Council Boundary Map

Exhibit B: Tierrasanta Community Council Generic Election Procedures

*NOTE: There are still 10 more pages (Exhibits A & B) re the process for the elections etc. Once the TCC votes to accept draft language for the previous sections, updates to the map and the generic election procedures will take place.*