

May 16, 2014

Mayor Kevin Faulconer  
CITY OF SAN DIEGO  
202 "C" Street  
San Diego, CA 92101

Re: La Jolla Community Planning Association 2014 Trustee Elections

Dear Mayor Faulconer:

Please be advised that this law firm represents the La Jolla Association ("LJA"). On behalf of LJA, we hereby request that the Mayor's office investigate the results of the recent election of Trustees by the La Jolla Community Planning Association ("LJCPA"). Our request is based on the facts set forth below.

#### **LJCPA's 2014 Trustee Elections**

LJCPA's election of Trustees is held annually in March (this year on March 6), and must be conducted in accordance with the election procedures set forth in Article V of the LJCPA bylaws. (Exhibit 1.) In the March election, there were a total of seven seats available on the LJCPA Board. Four of the Trustees – Joe La Cava, Jim Fitzgerald, Tony Crisafi, and David Little – were termed out after six consecutive years of service. Trustee Bob Collins was running for re-election. Trustee Myrna Naegle's term had expired and she was not seeking re-election. Trustee Tom Brady resigned. (Exhibit 2.)

Nine candidates ran for the seven LJCPA Board seats, including Mr. Collins, Michael Morten, Peter Ovanessoff, and Alex Outwater; write-in candidates Robert Mapes, Jim Ragsdale, Rob Whittemore; and termed-out Trustees Joe La Cava and Jim Fitzgerald. At its April 2014 meeting (see Exhibit 3), LJCPA certified the election of seven candidates – Messrs. Collins, Fitzgerald, La Cava, Mapes (but for only a one-year term), Outwater, Ragsdale, and Whittemore – even though Mr. La Cava had previously acknowledged, in an email dated March 26, 2014 (Exhibit 4), that he had not been duly elected.

Despite being termed out, Mr. La Cava emailed a letter accepting the LJCPA Presidency. In Mr. La Cava's absence, LJCPA Secretary Helen Boyden read that letter into the minutes. LJCPA then erroneously proceeded to approve Mr. La Cava's nomination. Moreover, LJCPA assigned Mr. Mapes to fill the remaining term for an open Trustee seat scheduled to expire in March 2015. (Exhibit 3.)

### LJA's Election Challenge

On March 11 2014, LJA filed a written challenge to the election of LJCPA Trustees, asserting that the election process was not fair, objective, and open to other eligible candidates and the community at large. (Exhibit 5.) LJA's challenge is based on the following facts:

1. As discussed at the LJCPA's February 6, 2014 meeting (Exhibit 6), LJCPA President Tony Crisafi and the LJCPA Board failed publicly to appoint or to ratify an Election Committee and a Chairperson as required under Article V, section 5(A), of LJCPA's bylaws. Pursuant to Article V, section 2, of those bylaws, an Election Committee must be established no later than the first week of January. The Election Committee is required to make a good faith effort:
  - (a) To solicit members to become candidates;
  - (b) To utilize all appropriate means to publicize the LJCPA's eligibility requirements for candidacy and the date of the upcoming election; and
  - (c) To seek enough potential new candidates to exceed the number of Trustee seats open for the election, thereby allowing those who have served six consecutive years to leave the group for at least one year.
2. Pursuant to Article III, section 3, of the LJCPA bylaws, Trustees shall be elected to serve for fixed terms of three years, with no person serving on the LJCPA for more than two terms or more than six consecutive years. If not enough qualified candidates are found to fill all vacant seats on the LJCPA Board, then – and only then – can the LJCPA allow Trustees who have already served for six consecutive years to remain on the Board without a break in service.
3. San Diego City Council Policy 600-24 ("Policy 600-24" – Exhibit 7) and Article III, Section 4, of the Administrative Guidelines to Policy 600-24 (Exhibit 8) clearly specify that, if a candidate with service beyond the maximum years allowed appears on the ballot with new candidates:

- (a) The ballot must identify which candidate exceeds the planning group's allowable six year term limit;
  - (b) In order to be elected, a candidate who exceeds the term limit must receive a two-thirds majority vote of all ballots cast by eligible community members participating in the regular election; and
  - (c) The ballot should also indicate that the candidate will not be seated if there are enough new candidates to fill the vacant seats (in other words, new candidates have priority over candidates who exceed the term limit).
4. Pursuant to Article V, section 3, of the LJCPA bylaws, and Article V, section 1, of Policy 600-24, in order to be a candidate in the annual election of Trustees, an eligible member of the community must have documented attendance at three of the planning group's last twelve meetings prior to the regular February meeting preceding the election.

According to Mr. La Cava's March 26, 2014 email (Exhibit 4), Mr. Fitzgerald resigned (after being sworn in) for "ethical reasons." To the contrary, however, LJCPA's officers investigated LJA's challenge and determined that the challenge had no merit. (Exhibit 9.) Policy 600-24 provides various remedies for violation of its provisions by recognized community planning groups or their elected members. Where a planning group does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the City.

#### **Request For Investigation and Suggested Remedial Action**

In order to exhaust its administrative remedies under Article IX, section 3, of Policy 600-24, LJA is required to forward its challenge in writing to the City for investigation by the Mayor's office. Based on the facts outlined above, LJA hereby requests that your office conduct a prompt and full investigation of LJA's written challenge to LJCPA's recent election of Trustees.

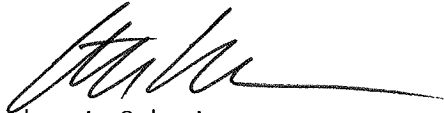
For the benefit of the community, LJA suggests that LJCPA simply cure the election violations described above, rather than forfeiting its status as a recognized advisory body and losing its right to indemnification and defense by the City. Toward that end, LJA offers the following simple remedies to cure LJCPA's election violations:

1. The above mentioned LJCPA bylaws, Policy 600-24, and the Administrative Guidelines to Policy 600-24 all require Mr. La Cava and Mr. Fitzgerald to be treated as termed-out Trustees. The LJCPA never should have certified the re-election of Mr. La Cava and Mr. Fitzgerald at its April 2014 meeting. The new candidates, Mr. Morten and Mr. Ovanessoff (who indicated at LJCPA's April 2014 meeting that he was stepping aside in deference to Mr. La Cava taking his spot on the Board), should instead be seated as properly elected LJCPA Trustees. In the event that either Mr. Morten or Mr. Ovanessoff now declines to accept his appointment, the LJCPA should call a special election within 120 days.
2. Based on the LJCPA's own Attendance and Membership List (Exhibit 10), Mr. Whittemore undeniably did not have the required history of documented attendance, and therefore was not a qualified write-in candidate. Under the LJCPA bylaws, Policy 600-24, and the Administrative Guidelines to Policy 600-24, Mr. Whittemore's write-in candidacy must be disqualified. (At LJCPA's February 2014 meeting, prospective Trustee candidate Nancy Gardner – who, like Mr. Whittemore, had not met the three-meeting requirement specified in Article V, section 3 of LJCPA's bylaws– asked for leniency regarding enforcement of that bylaw. Mr. La Cava responded, "If I've learned nothing else in this thing we need to stay by the rules". Trustee Nancy Mano echoed Mr. La Cava's sentiment, reminding Ms. Gardner that, "We would love to have you but it's right here in the bylaws." Notwithstanding the Trustees' evident understanding of the clear requirements of the bylaws, and notwithstanding Mr. Whittemore's obvious failure to satisfy that requirement, LJCPA certified his election.)
3. Mr. Brady should be asked to complete the term the community elected him to serve. Trustees should not be allowed to resign prematurely from the terms for which they were elected in order to jockey for position in the LJCPA's next annual election of trustees. Mr. Mapes, a newly elected Trustee, should be appointed to a three-year (rather than one-year) term.

Mayor Kevin Faulconer  
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On behalf of LJA and its members, we thank you for your consideration of this request. Please feel free to let us know if you or any members of your office have questions.

Very truly yours,



Stephen L. Schreiner  
SOLOMON WARD SEIDENWURM & SMITH LLP

P:00866352:33141.002

Enclosures:

- Exhibit 1 – LJCPA Corporate Bylaws
- Exhibit 2 – List of LJCPA Trustees and Terms
- Exhibit 3 – Transcript of LJCPA Meeting (April 2014)
- Exhibit 4 – Email from Joe La Cava dated March 26, 2014
- Exhibit 5 – LJA Written Challenge to LJCPA Election
- Exhibit 6 – Transcript of LJCPA Meeting (February 2014)
- Exhibit 7 – San Diego City Council Policy 600-24
- Exhibit 8 – San Diego City Council Administrative Guidelines to Policy 600-24
- Exhibit 9 – Letter from LJCPA dated March 25, 2014
- Exhibit 10 – LJCPA Attendance and Membership List

# EXHIBIT 1



THE CITY OF SAN DIEGO  
M E M O R A N D U M

DATE: June 25, 2013

TO: Tony Crisafi, President, La Jolla Community Planning Association

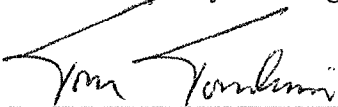
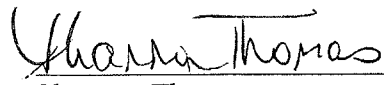
FROM: Tom Tomlinson, Interim Development Services Director, Development Services  
Department and Shannon Thomas, Office of the City Attorney

SUBJECT: Approval of an amendment to the La Jolla Community Planning Association bylaws

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The La Jolla Community Planning Association bylaws amendment has been reviewed and determined to be in conformance with the provisions of City of San Diego (City) Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups). The Council Policy 600-24 requires each community planning group, as a condition of official recognition by the City, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws." Amendments may be approved by the Mayor's office and the City Attorney's office if determined to conform to Council Policy 600-24. The amended bylaws have been reviewed and approved by the City Attorney's office and the Advanced Planning and Engineering Division of the Development Services Department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.

The La Jolla Community Planning Association bylaws include deviations from City Council Policy 600-24 to allow Corporate bylaws and avoidance of inactive status if membership falls below 12, Article IV, Section 3, approved by the City Council on December 2, 2008 pursuant to Resolution no. 304448. They are the same bylaws that were subsequently approved by the La Jolla Community Planning Association in March 2009.

 Date: 6/27/13  Date: 6/27/2013

Tom Tomlinson  
Interim Development Services Director  
Development Services Department

Shannon Thomas  
Deputy City Attorney

Attachments: La Jolla Community Planning Group Bylaws

**La Jolla Community Planning Association Corporate Bylaws**  
**Adopted by LJCPA**  
**Incorporates Revisions approved by**  
**LJCPA Membership March 2013**  
**Approve by City of San Diego June 2013**

**ARTICLE I**    **Name, Boundaries & Definition of Terms**

Section 1.    Name

The official name of this corporation is the La Jolla Community Planning Association, abbreviated as LJCPA. All activities of this corporation shall be conducted in its official name as registered with the Secretary of the State of California in its Articles of Incorporation.

Section 2.    Boundaries & Meeting Places

The community planning area boundaries for the LJCPA are the boundaries of the La Jolla Community Plan, as shown on Exhibit "A" and on file in the offices of the City Clerk and the Planning Department of the City of San Diego. Meetings of the LJCPA shall be held within these boundaries, except that when the LJCPA 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 3.    Authority to Represent the LJCPA

The official positions and opinions of the LJCPA shall not be established or determined by any organization other than the corporation, nor by any elected Trustee of the LJCPA, other than one authorized to do so by the corporation as a result of a vote taken at a noticed LJCPA meeting.

Section 4.    Definitions

A. Board of Trustees: The group of elected Trustees who administer the affairs of the LJCPA.

B. Elected Member: An individual elected by the Members of the LJCPA to serve on the Board of Trustees to represent the La Jolla community. "Elected members" referred to in San Diego City Council Policy No. 600-24 are referred to as Trustees in these Bylaws.

C. Eligible Member of the Community: An individual at least 18 years of age and affiliated with the community as a:

- (1) Property owner, who is an individual identified as the sole or partial owner of record, or his/her designee, of real property (either developed or undeveloped), within the La Jolla Community Plan boundaries, or
- (2) Resident, who is an individual whose primary address of residence is an address within the La Jolla Community Plan boundaries, or
- (3) Local businessperson, who is a local business or not-for-profit owner, or a single designee of that owner, at a non-residential real property address within the La Jolla Community Plan boundaries.

D. Member: An Eligible Member of the Community who has complied with the membership requirements of Article III, Section 1 of these Bylaws.

E. Planning Department: Planning Department is used in these Bylaws to refer to the Planning Division of the Development Services Department of the City of San Diego.



F. Planning Group: Community planning groups have been formed and recognized by the San Diego City Council and must conform to City Council Policy No: 600-24, effective April 5, 2012, with deviations as approved by the City Council. The LJCPA is a planning group conforming to said policy with the exception of approved deviations and is the recognized planning group for the La Jolla Community Plan area. The LJCPA is a planning group within the City of San Diego consisting of all its Members.

G. Quorum: A majority of seats of the Board of Trustees must be present in order to conduct business or to vote on projects or to take actions at regularly or specially scheduled meetings. Twenty percent of the membership of the LJCPA must be present in order to conduct business or to take actions at annual or special meetings of the membership.

H. Recusal: The act of removing oneself from participation in the voting, discussion or other consideration of an agenda item in which the individual has, or may have, a conflict of interest, direct economic interest, or prejudice in the outcome.

I. Trustee: An elected Member who serves on the Board of Trustees per Article III, Section 2 of these Bylaws.

**ARTICLE II Corporate Purposes and General Provisions**

Section 1. Purposes

The purposes for which this corporation is formed are those as set forth in the Articles of Incorporation. The LJCPA has been 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 La Jolla Community Plan boundaries. The LJCPA also advises on other land use matters as requested by the City or other governmental agency.

Section 2. Project Review

In reviewing individual development projects, the LJCPA shall focus such review on conformance with 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 LJCPA recommendation shall 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 LJCPA may choose to rehear the project, and may choose to provide a subsequent formal recommendation to the City.

Section 3. Non-Discrimination

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

Section 4. Non-Participation in Candidate Elections for Public Office

The LJCPA shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Trustees shall not identify affiliation with the LJCPA when endorsing candidates for public office.

- Section 5. Ballot Measures  
The LJCPA may take a position on a ballot measure.
- Section 6. Failure to Review Projects, Plans  
Pursuant to the provisions of City Council Policy 600-24, the LJCPA 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 La Jolla 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 7. Ralph M. Brown Act, California Corporations Code, Council Policy 600-24, Administrative Guidelines, Robert's Rules of Order  
The LJCPA Board of Trustees operates under the authority of the Ralph M. Brown Act, which requires that meetings of the LJCPA are open and accessible to the public. In addition, the California Corporations Code governing Nonprofit Public Benefit Corporations, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" with the exception of deviations therefrom approved by the City Council, and these Bylaws govern the operations of the LJCPA. The Administrative Guidelines for Implementation of Council Policy 600-24 provide explanations of Council Policy 600-24's minimum standard operating procedures and responsibilities of the LJCPA. *Robert's Rules of Order Newly Revised* is used when State law, Council Policy, the Administrative Guidelines, and these Bylaws do not address an area of concern or interest.
- Section 8. Brown Act Violations  
Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A Member of the LJCPA Board of Trustees who participates in a meeting of the Board of Trustees where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.
- Section 9. Loss of Indemnification  
A member found to be out of compliance with the provisions of Council Policy 600-24 [excluding any City Council approved deviations from Council Policy 600-24] and these bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883 and any future amendments thereto.
- Section 10. Amendments  
These Bylaws may be repealed or amended, or new Bylaws may be adopted (actions collectively referred to as "amendments" for the purposes of this section), by a majority vote of the Members of the LJCPA in attendance at any annual meeting of the Members or at any special meeting of the Members called for that purpose. Upon adoption by the LJCPA of the proposed amendments, the LJCPA shall submit them to the Director of the Planning Division of the Development Services Department (PDDSD) for review, with a copy to La Jolla's Council District elected representative. PDDSD staff shall, within thirty (30) days, review the proposed amendments to determine if they comply with Council Policy 600-24 and PDDSD shall obey the following procedures:
- At or before the expiration of the thirty (30) day period, PDDSD shall issue a letter to inform the LJCPA whether each proposed amendment complies with

Council Policy 600-24. In the event that PDDSD does not respond in writing to the LJCPA regarding the proposed amendments within thirty (30) days, the LJCPA shall be entitled to submit the amendments directly to the City Council for review.

*Conforming Proposed Amendments:* If PDDSD determines that a particular proposed amendment complies with Council Policy 600-24, PDDSD shall, in conjunction with the City Attorney, approve those proposed amendments at or before the expiration of the thirty (30) day period. PDDSD shall issue a written determination to inform the LJCPA of its approval within that thirty (30) day period. Upon receipt by the LJCPA of this written determination, the conforming proposed amendment(s) shall be immediately effective.

*Nonconforming Proposed Amendments:* In the event that PDDSD staff determines that a particular proposed amendment does not comply with Council Policy 600-24, staff shall, at or before the expiration of the thirty (30) day period, issue a letter to identify the non-conforming elements of the proposed bylaw amendment. In order to address the compliance issues, the LJCPA and PDDSD staff shall use the ensuing sixty (60) day period to make a good faith effort to resolve those issues, with the help of the Community Planners Committee whenever possible. If the LJCPA and PDDSD are not able to resolve the outstanding compliance issues within that sixty (60) day period, the PDDSD shall, upon receipt of a written request from the LJCPA, forward the outstanding proposed amendments for consideration by City Council within a maximum 60 calendar day period. City Council shall approve or deny the section(s) in dispute within said sixty (60) day period and if City Council fails to so approve or deny said section(s) in dispute within this designated timeline, the disputed section(s) shall be deemed approved.

### **ARTICLE III Membership, Board of Trustees, Trustee Terms, Oath of Office**

#### Section 1. Membership

A. Member: An individual may become a Member of the LJCPA if the individual attends at least one monthly or special meeting of the LJCPA and submits a valid membership application to the Secretary demonstrating he or she is an Eligible Member of the Community. Such an individual becomes a Member twenty-eight days after submission of said valid membership application.

B. Membership Rights: A Member shall be entitled to vote at any meeting of the membership, may be appointed by the Board of Trustees to any Standing, Ad Hoc or Community Joint Committee or Board and is eligible for election to the Board of Trustees in accordance with the requirements of these Bylaws.

C. Membership Term: The Membership Year shall run from March 1 through February 28 (or 29 in a leap year). Upon becoming a Member, an individual shall enjoy all rights of membership for the balance of the Membership Year in which they became a Member and continuing through the end of the next Membership Year.

D. Membership Renewal: Other than as provided for initial membership in Article III, Section 1.C above, membership shall be renewed annually by attending at least one LJCPA monthly or special meeting within each Membership Year and providing evidence of such attendance to the Secretary.

E. Lapse of Membership: If membership lapses by failure to renew, the

individual is required to reapply for membership pursuant to Article III, Section 1.A., above.

F. Loss of Membership Due to Lack of Eligibility:

(1) An individual shall lose membership, effective immediately, upon failure to meet the requirements of being an Eligible Member of the Community as defined in Article I, Section 4.C. Such an individual should notify the Secretary to ensure records of the LJCPA are current. The individual can reapply for membership pursuant to the procedures in Article III, Section 1.A above.

(2) If the Secretary discovers that a Member is no longer eligible, then the Member in question shall be notified and given the opportunity to present evidence of eligibility. If the individual does not provide satisfactory evidence of eligibility, then membership shall be removed upon a majority vote of the Board of Trustees at the next regular meeting of the LJCPA. Such loss of membership shall be recorded in the membership records. The individual losing said membership may reapply for membership upon becoming an Eligible Member of the Community and following the procedures set forth in Article III, Section 1.A above.

Section 2. LJCPA Board of Trustees

The LJCPA Board of Trustees shall consist of a total of eighteen Trustees. Trustees shall be elected by the Members of the LJCPA. The Members of LJCPA and the Board of Trustees of the LJCPA shall constitute the officially recognized La Jolla community planning group for the purpose of these Bylaws and Council Policy 600-24.

Trustee Representation

The Trustees of the LJCPA shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests, including, but not limited to, residents, property owners and local businesspersons. Trustees of the LJCPA are representatives of the La Jolla community and as such will perform their duties in the public trust.

Section 3. Trustee Terms

Trustees of LJCPA shall be elected to serve for fixed terms of 3 years with expiration dates during successive years to provide continuity. Except as noted in this Section, no person may serve on the LJCPA for more than six consecutive years. After a one-year break in service as an LJCPA Trustee, an individual who has served for six consecutive years shall again be eligible for election to the LJCPA Board of Trustees.

The LJCPA will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees who have already served for six consecutive years to continue on the Board of Trustees without a break in service. Such Trustees must receive a 2/3 majority of the votes cast in order to serve more than six consecutive years.

All Trustees must retain eligibility during their entire term of service.

Trustee Terms shall otherwise conform to Council Policy 600-24, Article III, Section 3.

Section 4. Trustee Removal for Lack of Eligibility  
A Trustee shall be removed from the Board of Trustees, upon a majority vote of the Board of Trustees, if, during a regularly scheduled public meeting, the Secretary presents documentation and has notified the Trustee in question, that the Trustee is (a) no longer an Eligible Member of the Community; (b) the Trustee is no longer eligible to serve as a Trustee due to not meeting the member attendance requirements in Article VI, Section 1.F of these Bylaws; or (c) the Trustee fails to attend an orientation training session pursuant to Article VI, Section 7 of these Bylaws.

Section 5. Oath of Office  
Each Trustee shall be sworn in by an oath of office.

#### **ARTICLE IV Vacancies**

Section 1. The LJCPA shall find that a vacancy exists upon (a) the receipt of a resignation in writing from a Trustee; (b) removal of a Trustee pursuant to Article III, Section 4; or, (c) removal of a Trustee pursuant to Article IX, Section 3.

Section 2. Vacancies that may occur on LJCPA 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 Trustee vacancy shall be for the balance of the vacated term.

The LJCPA shall fill Trustee vacancies by an advertised special election pursuant to Article V.

Section 3. When the LJCPA is unable to fill a Trustee vacancy within 120 days, as specified above, and the LJCPA has more than twelve Trustees, either the seat may remain vacant until the next LJCPA election, or these Bylaws may be amended to permit decreased Trusteeship to a minimum of 12 Trustees.

If a Trustee vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected LJCPA Trustees in good standing, the LJCPA shall report in writing the efforts made to fill the vacancy to the City.

#### **ARTICLE V Elections**

Section 1. Election Policies for Annual and Special Elections  
A. Annual Elections: Annual elections of LJCPA Trustees shall be held during the month of March in accordance with the election procedures found in this Article.

B. Special Elections: Special elections shall be called as required by these Bylaws. The election and voting policies and procedures for special elections shall be the same as the policies and procedures for annual elections with the exception of applicable dates and times for the special election. An ad hoc election committee shall be appointed to provide time for an election to replace vacancies within the 120-day time limit required by Article 4, Section 2.

Section 2. Elections Committee and Candidate Forum for Annual Elections  
The LJCPA's Election Committee shall be established no later than the first week of January and shall solicit Members to become candidates. The LJCPA shall make a good faith effort to utilize means appropriate to publicize the LJCPA's eligibility requirements for candidacy and the upcoming election. A candidate forum shall be advertised and held at the regularly scheduled February meeting or at a special meeting in February. In February, the Election Committee shall

present to the Board of Trustees a complete list of interested candidates collected up to that point in time including verification that each interested individual is qualified to be a candidate.

Section 3. Candidate Qualifications

Persons interested in running for a Trustee seat shall express their interest in writing or by electronic communication to the Election Committee. The deadline to qualify for candidacy in the March election shall be at the conclusion of the regular or special February LJCPA meeting. Candidates may announce their interest in running and be added to the list at the February meeting subject to their being qualified as a candidate. In order to be a candidate in an election to become a Trustee, a Member of the LJCPA must have documented attendance at three of the LJCPA's meetings in the preceding 12-month period.

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

Section 4. Voting Policies

All voting policies are established with the goal of assuring fair access to the election process and to avoid voting improprieties.

The LJCPA holds its annual election at the La Jolla Recreation Center from 3 p.m. to 7 p.m. on the day of the March regular meeting.

The LJCPA will require proof of identity of those LJCPA Members who are seeking to vote in Trustee elections.

The ballot presented to LJCPA Members to vote will clearly identify which candidates are running, how many candidates can be selected, and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond six consecutive years of service.

Write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

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.

No person may campaign for votes within ninety feet of the building in which a polling place is located. Election Committee officials may provide for the removal of persons violating this prohibition.

Section 5. Election Procedures

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for Planning Group elections. The following are procedures pertaining to all LJCPA elections:

A. The President of the LJCPA will appoint and the Board of Trustees shall ratify an Election Committee consisting of 4 to 7 members. Said Election Committee shall not include any Trustee who will stand for re-election or any Member that is running in the election. The primary purpose of this committee is to supervise the election preparation as well as the election itself. The Election Committee shall also review the eligibility of candidates between the

time a candidate applies to run and the preparation of the ballot.

B. Voting is done by secret ballot placed in a box, with the Election Committee monitoring to ensure voters that their ballot has been cast in secrecy. A plurality of votes cast will determine the election of candidates. Six (6) of the eighteen (18) elected Trustees shall be elected by written secret ballot at each annual meeting and shall hold office for three (3) years thereafter. Each LJCPA Member may cast votes equal to the number of vacant Trustee positions. They may cast fewer votes than the number of vacant positions, but not more. They may not cast more than one vote for any candidate. If any ballot is received which indicates votes exceeding the number of positions available or more than one vote per candidate, then that ballot will be void and will not be counted. The individuals who receive the most votes will be elected, with those receiving the greatest number of votes being assigned the longest available term. The Election Committee is responsible for determining the validity of ballots.

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

D. The polling location shall be the La Jolla Recreation Center located at the intersection of Prospect Street and Draper Avenue. The polls shall be open and monitored from 3 p.m. to 7 p.m. on the date of the election. Proxy and absentee ballots are not allowed.

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

#### Section 6.

##### Election Results and Challenges

The annual election becomes final one week after announcing the validated election results at the conclusion of the noticed, regular March monthly LJCPA meeting if no challenge to the election results has been filed. The President is responsible for preparing, certifying, and forwarding the election results to the City. New Trustees shall be seated in April at the start of the regular meeting in order to allow their full participation as Trustees at the April LJCPA meeting.

Special elections become final one week after the votes are tabulated following the election if no challenge to the election results has been filed. Trustees elected at special elections shall be seated at the next regular or special meeting of the Board of Trustees.

The Chair of the Elections Committee shall take custody of election ballots. Any challenge to the election results must be filed with the Chair of the Elections Committee in writing within one week of the announcement of the results of the election. If no challenge to the election results has been made within said time period, the ballots shall then be destroyed.

**ARTICLE VI LJCPA Trustee Duties; Meetings and Committees**

Section 1. A. General Duties and Public Meetings

It is the duty of the LJCPA to work cooperatively 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 the LJCPA Trustees to conduct official business of the LJCPA in a public setting. Officers of the LJCPA may oversee administrative business such as the assembling of the draft agenda in preparation for public discussions. Trustees may assist permit applicants on issues of law and procedure; however, all substantive discussions about possible LJCPA positions on agenda items shall occur only at noticed LJCPA meetings.

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

B. Regular Meetings

The LJCPA shall hold regularly scheduled meetings on the first Thursday of every month unless rescheduled by the President with at least ten (10) days prior notice. It is the duty of each LJCPA Trustee to attend all regularly scheduled LJCPA meetings.

C. Annual Meetings

Annual meetings of the Members of LJCPA shall be held in March of each year at such place in La Jolla, California, as may be designated by the Board of Trustees in a notice of such meeting given at least fifteen (15) and not more than ninety (90) days prior to such meeting.

D. Special Meetings

Special meetings of the Trustees may be called at any time by the President, or shall be called by the President upon written application of a majority of the Trustees within fourteen (14) days of said written application.

Special meetings of the Members may be called at any time by the President, subject to noticing requirements, or shall be called by the President upon written application of a majority of the Trustees within thirty (30) days of said written application.

An agenda for a special meeting of the Trustees shall be specified as such, and shall be prepared in conformance with Section 2.A.(1) below and posted at least one week before a special meeting. Trustees of the LJCPA shall be sent by electronic transmission (email) or other means notice of the meeting at least one week before the time of the meeting as specified in the notice unless the Trustee files with the LJCPA Secretary a written waiver of notice at, or prior to the time of, the meeting.

An agenda for a special meeting of the Members shall be specified as such, and shall be prepared in conformance with Section 2.A.(1) below and posted at least fifteen days and not more than ninety days before a special meeting. Each Member of the LJCPA shall be sent by electronic transmission (email) or other means notice of the meeting at least fifteen days and not more than ninety days before the meeting unless the Member files with the LJCPA Secretary a written



waiver of notice at, or prior to the time of, the meeting.

Written notice shall be sent to each local newspaper of general circulation at least 15 days prior to the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business may be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

E. Emergency Meetings – Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside the purview of the LJCPA and are prohibited under these bylaws.

F. Meeting Attendance

Trustees shall attend regularly scheduled and special meetings of the LJCPA. The Secretary shall record in the minutes of each meeting the Trustees in attendance. The LJCPA shall find that a vacancy exists upon receipt of a written report from the LJCPA's Secretary reporting the third consecutive absence or fourth absence in any 12-month period of a Trustee from the LJCPA's regular meetings. Special meetings shall not be counted in the tally of absences.

Section 2.

A. Meeting Procedures

(1) 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. Publicity regarding the time, place, and agenda of the next Regular Meeting shall be arranged through the local newspapers, the LJCPA website and via electronic communication to all groups and/or individuals requesting notification. 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 LJCPA regarding that item [e.g., information item, action item].

(2) PUBLIC COMMENT – Any interested member of the public may comment on agenda items during regular or special LJCPA meetings. In addition, each agenda for a regular LJCPA meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but within the scope of authority of the LJCPA. Public comments on items not listed on the agenda are not debatable. LJCPA Members may make brief announcements or reports to the LJCPA on their own activities under the public comment section of the agenda. The President may adopt time limits for public comment to ensure operational efficiencies.

(3) ADJOURNMENTS AND CONTINUANCES – If the LJCPA does not convene a regularly scheduled meeting, there shall be a copy of a "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 Trustees of the LJCPA were present, the subsequent meeting, if not a regular meeting, must be noticed as if it is a special meeting.

(4) 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 it is a regular meeting; otherwise the original meeting agenda is adequate.

(5) CONSENT AGENDA – Consent items may be placed on the Consent Agenda based upon the recommendations of both Standing and Community Joint Committees and Boards. For items to be considered for a “Consent Agenda” all of the following are required:

- (a) A committee of the LJCPA or a Community Joint Committee or Board has discussed the item at a noticed meeting,
- (b) All interested members of the public were given an opportunity to address the Committee or Board, and
- (c) The item has not substantially changed since the Committee or Board consideration.

The comments of the Committee or Board and those made by interested members of the public should be reflected in the minutes of the Committee or Board. Any interested member of the public may comment on a consent agenda item. If any interested member of the public takes a consent agenda item off the consent agenda by request, this item will be placed on the Trustees’ next monthly or special meeting for a full discussion, subject to subparagraph (7) below, or referral to a Standing Committee or Community Joint Committee or Board.

(6) QUORUM AND PUBLIC ATTENDANCE – A quorum, defined as a majority of seats of the Board of Trustees for regular or special meetings of the Trustees and twenty percent of the membership of the LJCPA for annual or special meetings of the membership, must be present in order to conduct business, to vote on projects or to take actions at said meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the LJCPA, 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.

(7) DEVELOPMENT PROJECT REVIEW – The LJCPA may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond that which the applicant has been required to submit as part of the City’s project review application process. However, nothing shall prevent the LJCPA or its committees from seeking additional material addressing code or permit violations.

When reviewing development projects, the LJCPA shall allow participation by affected property owners, residents, business establishments within proximity to the proposed development and other interested members of the public.

The LJCPA 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.

(8) ACTION ON AGENDA ITEMS – An item not noticed on the agenda may be added if either two-thirds of the entire Board of Trustees, or every Trustee 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 Board of Trustees subsequent to the agenda being posted.

The President of the LJCPA or the Trustee acting in the capacity of President participates in discussions but does not vote except to make or break a tie.

The LJCPA 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 Trustees of the LJCPA.

(9) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the Trustees of the LJCPA as to action to be taken on an item by Trustees of the LJCPA, 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.

(10) RIGHT TO RECORD- Any person attending a meeting of the LJCPA must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the LJCPA that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(11) DISORDERLY CONDUCT - In the event that any LJCPA meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the Board of Trustees may first cause removal of the individual or individuals. If that is unsuccessful then the Board of Trustees 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 Board of Trustees may also readmit an individual or individuals who were not responsible for the disruption.

#### B. Committees

The LJCPA may establish standing and ad hoc committees when their operation contributes to more effective discussions at regular LJCPA meetings. Such committees shall be appointed by the President and ratified by the Board of Trustees. Every member of any standing committee established by the LJCPA shall be a Member of the LJCPA. The LJCPA President shall be an ex officio member of all standing committees. A quorum for standing and ad hoc committees shall be a majority of the committee members.

(1) STANDING COMMITTEE - The LJCPA has established the following standing committee:

#### MEMBERSHIP COMMITTEE

This committee shall meet quarterly at the La Jolla Recreation Center. This committee shall consist of 4 to 7 members, appointed by the President of the LJCPA and ratified by a majority of the Trustees of the LJCPA. The purpose of the Membership Committee is to maintain a current roster of LJCPA Members and periodically update the list. This Committee shall be responsible to document all individuals that choose to register their attendance at the monthly LJCPA meetings and to ensure that the sign-in sheets at each LJCPA meeting are properly executed and retained for record keeping by the Secretary. The Membership Committee shall advise the Trustees of the LJCPA on the status of Members and shall cause the Member list to be posted on the LJCPA website.

(2) AD HOC COMMITTEES -- Ad hoc committees may be established for finite periods of time to review more focused issue areas and shall be disbanded following their review.

(3) COMMUNITY JOINT COMMITTEES AND BOARDS

In order to achieve the diversity and equality of representation of the La Jolla community and to meet the objectives of Council Policy 600-24 regarding broad representation of the various geographic sections of the community and diversified community interests, Community Joint Committees and Boards have been formed and are required. The LJCPA shall appoint its Members to the following Community Joint Committees and Boards as long as each Community Joint Committee and/or Board continues to meet.

a. COMMUNITY JOINT COMMITTEES

(i) DEVELOPMENT PERMIT REVIEW (DPR) COMMITTEE

Trustees of the LJCPA shall appoint five Members of the LJCPA to serve on the DPR Committee. The purpose of the Development Permit Review Committee is to review and make recommendations regarding all discretionary permit applications filed for projects located within the La Jolla Community Plan boundaries, excluding the La Jolla Shores Planned District. This Committee receives public input in a review process that uses the regulations and guidelines established in the San Diego Municipal Code and La Jolla Community Plan in effect at the time of the project submittal to the City of San Diego. The DPR Committee holds regularly scheduled public meetings. The DPR Committee will normally consist of ten members, five appointed by the LJCPA and five members appointed by the La Jolla Town Council.

(ii) LA JOLLA SHORES PERMIT REVIEW COMMITTEE (LJSPRC)

The Trustees of the LJCPA shall appoint three Members of the LJCPA to serve on the La Jolla Shores Permit Review Committee (LJSPRC). The purpose of the LJSPRC is to review and make written monthly recommendations regarding all applications for permits referred to it within the boundaries of the La Jolla Shores Planned District. This review is intended to insure compliance with the La Jolla Community Plan and Local Coastal Program Land Use Plan, the La Jolla Shores Planned District Ordinance, the La Jolla Shores Planned District Urban Design Manual, and City of San Diego ordinances concerning Sensitive Coastal Resources, Resource Protection, Hillside Review, Zoning Variances, Conditional Use Permits and Special Permits. The LJSPRC holds regularly scheduled public meetings. The LJSPRC will normally consist of eight members, five members appointed by the La Jolla Shores Association and three members appointed by the LJCPA.

(iii) PLANNED DISTRICT ORDINANCE (PDO) COMMITTEE: The Trustees of the LJCPA shall appoint three Members of the LJCPA to serve on the PDO Committee. The purpose of the PDO Committee is to insure uniform and consistent enforcement of the La Jolla Planned District Ordinance (LJPDO), to assist the City of San Diego City in clarifying the LJPDO, to assist applicants in understanding and interpreting the LJPDO and the permit process, and to develop recommendations for changes to the ordinance. The PDO Committee reviews and makes written monthly recommendations regarding all applications for discretionary permits as well as sign permits and façade changes within the La Jolla Planned District to the LJCPA, the La Jolla Town Council, and local manager/advisory board of the Business Improvement District. This committee forwards its recommendations to the Development Permit Review Committee when associated with a discretionary permit under consideration by the DPR

Committee, or otherwise directly to the LJCPA to enable the respective organizations to incorporate these recommendations in its review and public comment discussion. The PDO Committee holds regularly scheduled public meetings. The PDO Committee will normally consist of nine members, three appointed by the LJCPA, three appointed by the La Jolla Town Council and three appointed by local manager/advisory board of the Business Improvement District.

#### b. COMMUNITY JOINT BOARDS

##### (i) LA JOLLA COASTAL ACCESS AND PARKING (LJCAP) BOARD

The Trustees of the LJCPA shall appoint three Members of the LJCPA to serve on the LJCAP Board. The purpose of the LJCAP Board is to review and make recommendations concerning all coastal access and parking issues within the La Jolla Community Plan boundaries. The LJCAP Board holds regularly scheduled public meetings. The LJCAP Board normally consists of nine members, three members appointed by the LJCPA, three members appointed by the La Jolla Town Council, and three members appointed by local manager/advisory board of the Business Improvement District.

(ii) LA JOLLA TRAFFIC AND TRANSPORTATION (T & T) BOARD: The Trustees of the LJCPA shall appoint two Members of the LJCPA to serve on the T & T Board. The purpose of the Traffic and Transportation Board is to serve as the focal point for traffic and transportation matters concerning the community of La Jolla with governmental agencies and with the public, and to investigate, evaluate and propose recommendations to the LJCPA, the La Jolla Town Council, local manager/advisory board of the Business Improvement District, the La Jolla Shores Association, and the Bird Rock Community Council. The T & T Board holds regularly scheduled public meetings. The T & T Board will normally consist of ten members, two members appointed by the LJCPA, two members appointed by the La Jolla Town Council, two members appointed by the La Jolla Shores Association, two members appointed by local manager/advisory board of the Business Improvement District, and two members appointed by the Bird Rock Community Council.

##### (iii) LA JOLLA COMMUNITY PARKING DISTRICT (LJCPD) ADVISORY BOARD

The La Jolla Community Parking District Advisory Board was established by resolution of the City of San Diego. Trustees of the LJCPA shall appoint one Member of the LJCPA to serve on the La Jolla Community Parking District Advisory Board. The purpose of the LJCPD is to advise the City of San Diego on the creation of parking policies and practices that are in the best interests of the community of La Jolla. The LJCPD normally consists of nine members, one appointed by the LJCPA, three appointed by local manager/advisory board of the Business Improvement District, one appointed by the La Jolla Town Council, one appointed by the La Jolla Shores Association, one appointed by the Bird Rock Community Council and two at large.

#### C. Rules Regarding All Committees and Boards

The Board of Trustees of the LJCPA shall review recommendations of each Community Joint Committee and Board and take action as the Board of Trustees deems appropriate. All committee appointees appointed by the LJCPA shall be appointed by the President and ratified by the Trustees. The President, with the ratification of the Board of Trustees, may appoint representatives of the LJCPA to other community joint committees or boards as deemed to be in the best interest of the community of La Jolla.

Members who are duly appointed to serve on a Community Joint Committee or Board, may be indemnified by the City in accordance with Ordinance No. O-19883 and any future amendments thereto, provided they satisfy any and all requirements of the Ordinance.

All committee recommendations to the City must be brought forth to the Board of Trustees 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 LJCPA without a formal vote of the Board of Trustees.

#### D. Abstentions and Recusals

(1) RECUSALS - Any Trustee of the LJCPA with a direct economic interest in any project that comes before the LJCPA or any committee must disclose the economic interest, and must recuse from voting and not participate in any manner as a Trustee for that item on the agenda. In the event of a recusal, the individual must remove him or herself from the room prior to discussion if that individual is not part of the presentation. Section 3.5 of the Administrative Guidelines is the LJCPA's reference for determining direct economic interest.

(2) ABSTENTIONS - In limited circumstances, LJCPA Trustees may abstain from either voting on an action item, or from participating and voting on an action item. The Trustee must state, for the record, the reason for the abstention.

#### E. Meeting Documents and Records

(1) 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 Trustees of the LJCPA, 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.

(2) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or LJCPA Trustees, that is distributed at the LJCPA meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the LJCPA 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 LJCPA Trustees, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

(3) MINUTES - For each Board of Trustees meeting, a report of LJCPA Trustee attendance and a copy of approved minutes shall be retained by the LJCPA, and shall be available for public inspection. The minutes of each Board of Trustees 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 Board of Trustee action) appeared before the Board of Trustees. If an applicant did not appear before the Board of Trustees then the meeting minutes must indicate the date and type of notification (e.g. electronic, telephonic, facsimile) that was provided

to the applicant requesting his or her appearance at the Board of Trustees meeting. The Board of Trustees shall submit a copy of the approved minutes to the City within 14 days of approval.

The LJCPA is not required to audio or videotape meetings but if recordings are made, they are subject to public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(4) RECORDS RETENTION – The LJCPA records must be retained for public review utilizing the City staff records retention schedule and method for collection and storage of materials utilized by all planning groups.

Section 3. Community Input

It shall be the duty of the LJCPA and its Trustees to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The Board of Trustees 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. Current Roster of Trustees

It shall be the duty of the LJCPA to maintain a current, up-to-date roster of the names, terms, and category/qualifications of Trustees in its possession, and to forward the current roster, as well as updates, to the City.

Section 5. Annual Report of Accomplishments

The Board of Trustees shall 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. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 6. Dues and Contributions

The LJCPA may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the LJCPA 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 LJCPA meeting. All contributions must be voluntarily made, and no official LJCPA correspondence may be withheld based on any individual's desire not to make a voluntary contribution.

Section 7. Trustee Training

Each LJCPA Trustee 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 and any future amendments thereto. Newly seated Trustees must complete a basic orientation training session within 12 months of being elected or to the Board of Trustees or the Trustee will be ineligible to serve.

**ARTICLE VII LJCPA Officers**

Section 1. Officers

The officers of the LJCPA shall be elected from and by the Trustees of the LJCPA at the April meeting. Officers shall be a President, Vice President, Secretary and Treasurer. The length of an officer's term shall be one year. No person may serve in the same LJCPA office for more than (3) three consecutive years.

- Section 2. President  
The President shall be the principal officer of the LJCPA and shall preside over all LJCPA and communitywide meetings organized by the LJCPA. The President is responsible for all committee appointments subject to ratification by a majority of Trustees at a meeting.
- Section 3. Vice President  
In the absence of the President, the Vice President shall perform all the duties and responsibilities of the President.
- Section 4. Second Vice President  
In the absence of the Vice President, the Second Vice President shall perform all the duties and responsibilities of the Vice President.
- Section 5. Secretary  
The Secretary shall verify that an individual applying for membership is an Eligible Member of the Community. The Secretary shall be responsible for the LJCPA's correspondence, attendance records, minutes and actions [including identification of those Trustees that constitute a quorum, those Trustees who vote on an action item, and those Trustees who abstain or recuse and the reasons], and shall assure that Trustees, LJCPA 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. Treasurer  
The Treasurer shall be responsible for general supervision of the financial affairs of the LJCPA and shall make regular financial reports to the Board of Trustees and Members. The Treasurer shall also be responsible for filing all financial reports and shall perform such other duties as may be prescribed.
- Section 7. Community Planners Committee Representative  
The President shall be the LJCPA's representative to the Community Planners Committee (CPC). However, by vote of the Trustees, a Trustee other than the President may be selected as the official representative to CPC with the same voting rights and privileges as the President. Designation of a Trustee other than the President as the official representative, as well as for an alternate to CPC, shall be forwarded in writing to the staff representative of CPC prior to extension of voting rights and member attendance. The LJCPA representatives to CPC shall promptly disseminate to all Trustees pertinent information regarding CPC's official business.

**ARTICLE VIII LJCPA Policies and Procedures, Community Participation**

- Section 1. Policies  
The LJCPA Bylaws incorporate policies and procedures contained in City of San Diego Council Policy 600-24. Additional policies and procedures are found in Council Policy 600-24 Administrative Guidelines and Election Handbook, listed as attachments to these Bylaws. Where there is a conflict between these Bylaws, Council Policy 600-24, the Administrative Guidelines and the Election Handbook, these Bylaws shall prevail.
- Section 2. Procedures  
Any procedures found in Exhibits to these Bylaws have the same effect as if they were incorporated directly into Articles I through VII of these Bylaws.



Section 3. Community Participation

(1) Public Input

During all discussions, the President shall solicit testimony from the public attending each meeting. Votes taken on public issues shall include a tabulation of the votes of those in attendance, recorded as such in the minutes of the meeting.

(2) Community Outreach

Regularly scheduled meetings and annual elections shall be publicized in local neighborhood newspapers as well as on the LJCPA website. Announcements shall be sent via electronic communications to all organizations, including but not limited to the La Jolla Town Council, local manager/advisory board of the Business Improvement District, The La Jolla Shores Association, the Bird Rock Community Council, and individuals who have notified the Membership Committee of their interest in receiving any and all electronic notices. Notices shall be posted publicly at the La Jolla Recreation Center.

Section 4. Project Review, Motions and Voting

If a motion on the floor is voted on and fails, it is considered as a failed motion. New motions can be made and voted upon until such time as the motion on the floor passes. If the LJCPA is unable to pass any motion, it will be considered a non-vote. (Example: A motion is made that the findings can be made and fails. This is considered a non-vote. A new motion is made that 'the findings cannot be made' and passes. This is considered a vote in opposition to the proposed Project.)

Section 5. Circumstances in which the Appeal Procedures Apply

The LJCPA may appeal any contrary decision. The LJCPA Appeal Procedures apply when there has been a City of San Diego decision (Staff, Process 2; Hearing Officer, Process 3; Planning Commission, Process 4) that is contrary to a LJCPA recommendation and/or finding. A "contrary decision" is defined as a city decision which is contrary to the recommendation or findings of the LJCPA or when the city decision is on a project/proposal that has been modified after an LJCPA recommendation of approval. Examples of contrary decisions include, but are not limited to, the following:

- (1) The LJCPA recommends that a project be denied and the City approves the project.
- (2) The LJCPA determines that findings cannot be made and the City disagrees.
- (3) An environmental document is certified by the City that the LJCPA believes should not have been certified.

Section 6. Procedures for Appeal of Project or Proposal Decisions Contrary to LJCPA Recommendations

The following provisions pertain to a potential appeal of any contrary decision regarding a project or proposal.

A. When an applicant initially contacts the LJCPA regarding review of his/her project by the LJCPA, the President or the appropriate Review Committee Chairperson shall notify the applicant of the LJCPA's Policy to appeal a contrary decisions by the City. The notification should emphasize the LJCPA's ability to appeal the City's decision, including to the highest levels of City government in accordance with the provisions of the San Diego Municipal Code (SDMC). The purpose of such notification is to persuade the applicant to consider the

concerns of the LJCPA in an effort to fully comply with all applicable provisions of the SDMC, the La Jolla Community Plan, Land Use Plan and Local Coastal Program and all other applicable rules and regulations.

B. Should the Trustees vote to recommend to DENY a requested permit(s), and/or the 'required findings cannot be made for the requested permit(s),' the President will offer the project applicant the option to revise and re-submit the project design drawings for further consideration by the LJCPA.

C. The President shall request that a hearing or staff decision by the City on the requested permit(s) occur not more than 10 business days nor less than 4 calendar days before a regularly scheduled monthly meeting of the LJCPA, so that should the City decide to approve the requested permit(s), the LJCPA will have an opportunity to consider and vote on whether or not to appeal the City's decision within the City's 10 day appeal period. The President shall inform the applicant that when the LJCPA has recommended DENIAL of a requested permit(s), that any decision by the City to 'Approve' such permit(s) made more than 10 business days, or less than 4 calendar days before a regularly scheduled monthly meeting of the LJCPA requires the President to file an appeal.

D. If the City makes a contrary decision on a project or proposal, the Trustees shall consider whether or not to appeal the contrary decision to the next higher body at the next LJCPA meeting. With an affirmative vote by a majority of the Trustees, the LJCPA President shall appeal that decision to the next higher decision making body.

If the appeal period ends before the next regularly scheduled meeting of the LJCPA, the President shall file a timely appeal. Once filed, the President shall immediately distribute a copy of the appeal to the Trustees. An appeal filed in such a manner is not required to be brought to the Trustees for confirmation unless requested by a Trustee or the Applicant.

Section 7. Procedures for Appeal of Environmental Determination

When the LJCPA has voted to take exception to a draft or final environmental document or a Environmental Determination made by the City, and with an affirmative vote of a majority of the Trustees, the LJCPA President shall appeal the Environmental Determination by the City.

Section 8. Procedure for Appeal of Environmental Categorical Exemption

If the City issues a determination of categorical exemption the Trustees shall consider whether or not to appeal that determination.

If the appeal period for the determination of exemption ends before the next regularly scheduled meeting of the LJCPA, the President is authorized to file an appeal based on the President's judgment after review of the project files and any proceedings of Community Joint Boards. Once filed, the President shall immediately distribute a copy of the appeal to the Trustees. An appeal filed in such a manner is required to be brought to the Trustees for confirmation.

Section 9. LJCPA Participation in Appeal Hearing of Project Decision or Environmental Determination

A. An appeal by the LJCPA shall be defended by the LJCPA at the appeal hearing. It is the duty of the President to represent the LJCPA at the appeal hearing. The President may work with other Trustee(s) as part of an organized presentation.

B. At any appeal hearing, the LJCPA President or appointed Trustee shall state that he or she is representing the LJCPA and shall advocate for the LJCPA's recommendation(s) and/or finding(s). Only the President or the appointed Trustee may appear as the official representative of the LJCPA.

## **ARTICLE IX Rights and Liabilities of the LJCPA**

### **Section 1. Indemnification and Representation**

Members of the LJCPA and its duly elected Trustees have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance 0-19883, 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 Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 [excluding any City Council approved deviations from Council Policy 600-24] and these Bylaws; and all findings specified in the ordinance can be made.

### **Section 2. Brown Act Remedies**

The Board of Trustees 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 Trustees, as well as the Board of Trustees, may be subject to civil remedies. Under certain circumstances, individual Trustees may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the Trustee 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. In cases of alleged violations of the LJCPA Bylaws or Council Policy 600-24 by a Trustee, the Board of Trustees shall conduct an investigation consistent with the Administrative Guidelines and these Bylaws.

B. A complaint that a Trustee violated one or more provisions of the LJCPA's Bylaws or Council Policy 600-24 may be submitted to the LJCPA President by any individual, including another Trustee. The complaint should be filed within 90 days of knowledge of the alleged violation.

C. If, after a thorough investigation by the President and at least two other Officers, the Board of Trustees determines that a Trustee has violated a provision of these Bylaws or Council Policy 600-24, the Board of Trustees shall, where feasible, seek a remedy that corrects the violation and allows the Trustee to remain on the Board of Trustees.

D. If corrective action or measures are not feasible, the Board of Trustees may remove a Trustee by a two-thirds vote of the Board; except for specific cases outlined in Article III, Section 4 where a majority vote is sufficient for removal.

E. The vote to remove the Trustee shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these Bylaws.

F. A Trustee found to be out of compliance with the provisions of these Bylaws or Council Policy 600-24 risks loss of indemnification [legal protection and

representation] pursuant to Ordinance No. 0-19883 and any future amendments thereto.

Section 4. Investigations

Any action by the LJCPA to discipline or remove a Trustee must occur at a scheduled Board of Trustees meeting and be advertised on the agenda as an action item. Due to the significant nature of removing a Trustee, and to ensure a fair and public process, the procedures for investigating a violation of a Trustee are listed below.

A. Documenting a violation:

- (1) A complaint that a violation of these Bylaws or Council Policy 600-24 has occurred will be presented to the LJCPA President. If the complaint is about the President, it may be presented to any other Officer of the LJCPA.
- (2) 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.
- (3) The complaint should provide a citation of the LJCPA Bylaws or Council Policy 600-24 provisions that the action is claimed to violate. If the complaint is from someone other than another LJCPA Trustee, the President [or other Officer] may assist in providing appropriate citations to assist the complainant.
- (4) The President will confer with the LJCPA 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.
- (5) The President shall create a written record of the complaint and alleged violation to share with the alleged violator.

B. Procedures for administering and acting on investigating a violation:

While the authority for this process rests with the LJCPA, City staff may be contacted for assistance at any point in the process.

- (1) Once the information about an alleged violation is completed in writing, the President, with assistance from the LJCPA Officers, will meet and talk with the Trustee against whom the violation is alleged. The allegations will be presented and the Trustee shall be given opportunity for rebuttal.
- (2) If the President, with assistance from the LJCPA Officers, determines that no violation has actually occurred, the President may record this in the written record of the complaint.
- (3) If the President, with assistance from the LJCPA Officers, determines that a violation has occurred but the situation can be remedied either by action of the Board of Trustees or by the Trustee, then the President will outline the necessary actions in writing to achieve the remedy.
- (4) If the President, with assistance from the LJCPA Officers, determines that the situation cannot be remedied and that the interests of the community and LJCPA would best be served by the removal of the Trustee, then the President shall set the matter for discussion at the next Board of Trustees meeting. The Trustee 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 discussion by the Board of Trustees.

C. Presenting a violation to the Board of Trustees:

- (1) The matter of removing a seated Trustee will be placed on the Board of Trustees' agenda as a potential action item. Supporting materials from the President or from the offending Trustee will be made available to the Board of Trustees prior to the meeting.
- (2) The matter will be discussed at the Board of Trustees' regular meeting with opportunity given to the Trustee who allegedly committed the violation to present his or her case and/or rebut documentation gathered by the President with the assistance of the LJCPA Officers. The Trustee may also request a continuance of the item to gather more information to present to the Board of Trustees by a specified date.
- (3) At the end of the discussion, the Board of Trustees may, by a 2/3 vote, choose to remove the Trustee.

D. Recourse for expelled Trustee:

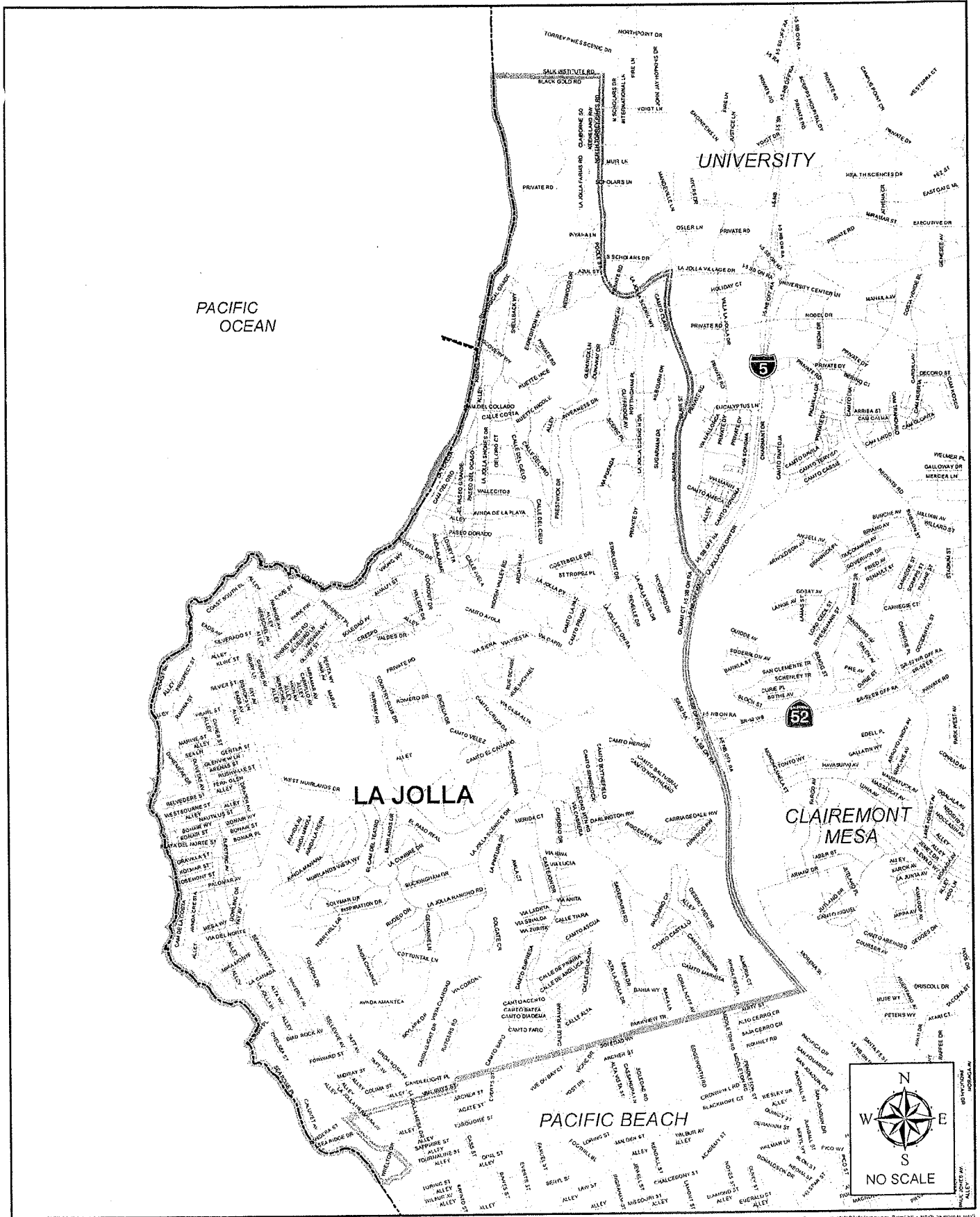
- (1) There is no appeal available to a Trustee removed by a 2/3 vote the Board of Trustees.
- (2) The Trustee's seat shall be immediately declared vacant and subject to provisions of Article IV.
- (3) The removal of a Trustee by a 2/3 vote of the Board of Trustees will prohibit the Trustee from running for a LJCPA seat for at least 12 months after the removal.

E. Alleged Violations By the LJCPA as a Whole:

In the case of an alleged violation of the LJCPA's Bylaws or of Council Policy 600-24 by the LJCPA as a whole or multiple Trustees of the LJCPA, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the Board of Trustees, determining the validity of the complaint, and seeking resolution of the issue or dispute. The LJCPA will work with the City toward a solution and the LJCPA recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the LJCPA as a whole is proven and there is a failure of the LJCPA to take corrective action, the LJCPA 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. The LJCPA 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 LJCPA is found to be out of compliance with the provisions of Council Policy 600-24, with the exception of Council-approved deviations thereto, or its adopted Bylaws, it risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883, and any future amendments thereto.



Map Document ID: 10631818 Date: 11/17/2011 10:40:00 AM



# Exhibit A: Boundary Map-La Jolla

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT



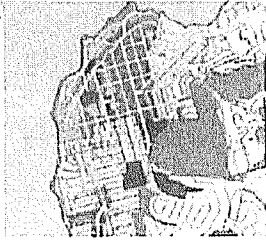
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List of Attachments to these Bylaws

1. City Council Policy 600-24:  
[http://docs.sandiego.gov/councilpolicies/cpd\\_600-24.pdf](http://docs.sandiego.gov/councilpolicies/cpd_600-24.pdf)
2. City Council Policy 600-24 Administrative Guidelines  
<http://www.sandiego.gov/planning/community/pdf/cpg/adminguidelinesfinal2006.pdf>
3. Election Handbook  
<http://www.sandiego.gov/planning/community/pdf/cpg/electionhandbook.pdf>

# EXHIBIT 2





## La Jolla Community Planning Association

P.O. Box 889, La Jolla, CA 92038  
858.456.7900 | [info@lajollacpa.org](mailto:info@lajollacpa.org)

[LJCPA Home](#)

### Trustees

*(also known as the elected members of the planning group)*

<u>Trustee</u>	<u>2013-2014 Officers</u>	<u>Year First Elected</u>	<u>Term Ends</u>
1. Crisafi, Tony	President	2008	2014
2. LaCava, Joe	Vice President	2008	2014
3. Ahern, Patrick	2nd Vice President	2013	2016
4. Boyden, Helen	Secretary	2013	2016
5. Fitzgerald, Jim	Treasurer	2008	2014
6. Bond, Cynthia		2011	2015
7. Brady, Tom		Aug 2008	2015*
8. Collins, Bob		Aug, 2012	2014
9. Courtney, Dan		Dec 2008	2015*
10. Emerson, Janie		2013	2015
11. Forbes, Gail		2013	2016
12. Little, David		2008	2014
13. Manno, Nancy		2009	2015
14. Merten, Phil		2009	2015
15. Naegle, Myrna		2013	2014
16. Steck, Bob		2013	2016
17. Weiss, Ray		2013	2016
18. Zimmerman, Frances O'Neill		2012	2016

*\*Trustee may not be able to serve full term due to 6 years of continuous service term limitation. Bylaws allow service beyond 6 continuous years under certain circumstances.*

*Pursuant to the bylaws, the LJCPA Board consist of eighteen Trustees elected by the Members of the LJCPA. Trustees serve for fixed terms of 3 years for no more than six consecutive years.*

*Annual elections to fill 1/3rd of the seats are held on the day of the regular March meeting. To be eligible to run for a trustee seat, candidates must be eligible by the regular February meeting, must be a Member, and must have attended 3 of the LJCPA's meetings in the preceding 12-month period. Send an email or notify one of the seated trustees if you are interested in running and be sure to read the bylaws. Special elections are held as necessary to fill a vacant seat.*

# EXHIBIT 3

## **LJCPA April 2014**

**Trustee Patrick Ahern:** Welcome to the La Jolla Community Planning Association. I'm one of the vice chairs of this association. I think everybody knows what we do here, represent and advise the City of San Diego with respect to permits, the community plan and issues affecting La Jolla. First of all, I'd like to adopt the agent. Does anyone have any questions about the agenda or we would like to adopt this?

**Trustee Janie Emerson:** Question, do we have a quorum?

**Trustee Patrick Ahern:** Yes, we do have a quorum and \_\_\_\_\_ for that, Bob Collins, second Mr. Whitmore.

**Trustee Rob Whittemore:** No, I think there may be a trial, but I'll second it, but not to approve it.

**Trustee Patrick Ahern:** Okay. Let's go for some discussion then.

**Trustee Rob Whittemore:** It's called to my attention that there was an item that was sent out as a consent agenda item, that's item 15 now that's no longer on the consent agenda. I think Mr. Collins received that and believed it was on the consent agenda and would be able to pull it for full discussion next month. So we might hear from Mr. Collins, but that's why it seems to me perhaps that item might be removed from the agenda or at least moved to the consent agenda so it can be pulled for discussion next month rather than this month.

**Trustee Patrick Ahern:** Do you have a recommendation either way?

**Trustee Rob Whittemore:** What happened was Mr. Collins got it as a, he thought it was on the consent agenda, so we can either just, why don't we put it there and then it can be pulled, that's an easy way to continue it 30 days.

**Trustee Helen Boyden:** Why do we just \_\_\_\_\_.

**Trustee Rob Whittemore:** Alright let's just make a motion to continue that in 30 days and that way it's taken off of this agenda \_\_\_\_\_, that's why I'm saying I don't think we should adopt the agenda as is. I think that item should be postponed 30 days till the next meeting.

**Trustee Helen Boyden:** Well we can do that.

**Trustee Patrick Ahern:** That's a motion.

**Trustee Rob Whittemore:** No, that's a motion to adopt the agenda as modified by removing item 15.

**Trustee Patrick Ahern:** We can do that once the agenda is done, right?

**Trustee Helen Boyden:** No.

**Trustee Rob Whittemore:** What I'm saying is that on my motion is to, I'll make a motion to adopt the agenda as modified by removing item 15.

**Trustee Helen Boyden:** Mr. Whitmore, there is a motion on the floor that.

**Trustee Patrick Ahern:** Will the maker of the first motion accept that amendment? Is this an amendment to the first motion to accept the agenda?

**Trustee Bob Collins:** Yes.

**Trustee Patrick Ahern:** Thank you very much. So we have an amendment, which moves this item 15, 30 days; otherwise, any other changes to the agenda? Anybody opposed to this motion? Anybody opposed to this question or will be abstaining? (Cross talking) but one possible abstention so we will call for the vote, please.

**Trustee Ray Wiess:** I'm sorry I was sort of focusing on what it was. What is the reason for postponing it?

**Trustee Rob Whittemore:** Mr. Collins received in the mail a draft agenda which showed that item to be on the consent agenda, in which case he was prepared to pull it and then have appropriate, be prepared properly next month.

**Trustee Ray Wiess:** Okay, understood. Thank you.

**Trustee Patrick Ahern:** My style can go pretty quick. So what I'd like to do is there anybody opposed to that motion? Any abstaining? Seeing none are opposed, the motion carries unanimously. That will be one, two, three, four, five, six, seven, eight, nine voted unanimously for the agenda and the agenda and the amendment. Next item.

**Trustee Helen Boyden:** Are you abstaining?

**Trustee Patrick Ahern:** I abstain, the Chair will always abstain just FYI unless there's a.

**Trustee Rob Whittemore:** I don't think the counts right there was a quorum \_\_\_\_\_.

**Trustee Helen Boyden:** You only counted ten votes. We need to have a count, and people need to fill it in on the form.

**Trustee Patrick Ahern:** Ok. I'll go with the normal way. All those in favor of the motion, please raise your hand, hold them up high.

**Trustee Fran Zimmerman:** I have a question; I don't think the new trustees who have not been sworn in yet can vote.

**Trustee Rob Whittemore:** Yes, they can, they're seated for full participation in the bylaws.

**Trustee Nancy Mano:** Yea definitely.

**Trustee Patrick Ahern:** Ten in favor. Any opposed? Any abstained? Motion carries unanimously.

F: Thank you.

**Trustee Patrick Ahern:** Next item that is the ratification the election committee and this is some filling in some voids in the past. So we would like to ratify the election committee. This was the work that was done in the past. So do we have a motion to ratify that.

**Trustee Helen Boyden:** Announce the names of the election committee.

M: Yes right there. Mr. Crisafi, Helen Boyden, Patrick Ahern.

**Trustee Helen Boyden:** No, no, I will announce it. The members of the election committee as appointed by President Crisafi were Janie Emerson, Helen Boyden, Tom Brady, Jim Fitzgerald and Gale Forbes. They were appointed by letter in January of 2014.

**Outgoing President Mr Crisafi:** Jim, Jim removed himself

**Trustee Helen Boyden:** And Jim removed himself when he became a candidate.

**Outgoing President Mr Crisafi:** That's right.

**Trustee Helen Boyden:** Thank you.

**LJCPA Member Bob Whitney:** Was he the original chair?

**Outgoing President Mr Crisafi:** No.

**Trustee Helen Boyden:** Yes.

**Trustee Janie Emerson:** Yes he was.

**LJCPA Member Bob Whitney:** Who was the original chair?

**Trustee Janie Emerson:** Jim was the original chair.

**Trustee Nancy Mano:** Not relevant.

**Trustee Patrick Ahern:** So we have that motion to ratify. Motion to ratify, is second on that motion, Mr. Burton hand up first very quickly. Any discussion on this particular motion? Seeing no discussion, I call for the vote, please.

**Trustee Helen Boyden:** You need to ask people with comment.

**Trustee Patrick Ahern:** Any public comment? Yes, sir?

**LJCPA Member Bob Whitney:** Who was the original chair?

**Trustee Patrick Ahern:** Don't know. Who was the original chair, Mr. Crisafi do you?

**Outgoing President Mr Crisafi:** I believe it was Jamie Emerson.

**Trustee Jamie Emerson:** No, it was not.

**LJCPA Member Bob Whitney:** Thank you.

**Trustee Patrick Ahern:** Any other public questions, comments, seeing no, go back to the trustees for the vote. All those in favor of this motion, please raise your hands? Okay, any opposed? Abstaining? Motion carries. Usually you have an announcement at the beginning of the meeting, would you like to talk about that, Helen? Is that it about the, comes later, okay, very good, yes. I'll just keep rolling down with the agenda, go ahead.

**Trustee Nancy Mano?:** The new trustees, voting sheet, I explained \_\_\_\_\_.

**Trustee Helen Boyden:** That was item number two on your voting sheet.

**Trustee Patrick Ahern:** Three is next.

**Trustee Patrick Ahern:** Any other input, this is my first time up here, so give me some input if you'd like that, I don't mind, I'm open to that. Next item is officer's response to election challenge. **By the way, there was a request by Mr. Whitney that the election challenge be posted into the minutes. They're posted in the back and they will also be part of the minutes in the future.** So I just wanted to let you know all about that.

**Trustee Nancy Mano:** It's his response.

**Trustee Patrick Ahern:** Okay, got a nod on that, you're okay with that.

**LJCPA Member Bob Whitney:** As long as you do the same with Joe La Cava.

**Trustee Patrick Ahern:** It will be the same with Joe La Cava, it will also be, we'll also be there, ok?

**LJCPA Member Bob Whitney:** Ok.

**Trustee Patrick Ahern:** Good to go. Next item I'd like to certify the election.

**Trustee Helen Boyden:** No.

**Trustee Patrick Ahern:** I'm sorry we're on item B, aren't we? Officer's response to the election challenge, so there was a challenge to the last election, would you like to make that report Mr. Crisafi?

**Outgoing President Mr Criasfi:** Well, I can give you the timeline of 3/6, on March 6, 2014, the La Jolla Association sent a challenge to the La Jolla Community Planning Association.

M: Microphone.

**Outgoing President Mr Criasfi:** I'm sorry, on March 6<sup>th</sup>, the La Jolla Community Planning Association election occurred. As you know, there was an election challenge by the La Jolla Association on 3/11/2014. It was an officer's meeting regarding the challenge on March 19, 2014. The response was sent out on March 25, 2014. I believe there's, we have copies here on all of that as well as I believe in the back of the room. On March 31, 2014, there was a response from the La Jolla Association, to the responses by the Community Planning Association response. **The city, in contact with the city, Leslie Heninger, regarding this information, the challenge and response. They are in receipt of all the documents as well as the city attorney's office, Leslie being the representative of the mayor and they're taking no exception to the response at this time.**

**Trustee Patrick Ahern:** Thank you. It says information only. Is there any thoughts or comments or discussion on that? Keep moving forward. Yes, sir?

**LJCPA Member Bob Whitney:** So Jim and Joe are not being seated?

**Trustee Patrick Ahern:** They're being seated, there was no, the, Leslie Heninger took no exception to it and she recommended that we move forward with the election.

**LJCPA Member Bob Whitney:** Why isn't Jim sitting up there then?

**LJCPA Member Mrs. Fitzgerald:** Because he decided to resign for ethical reasons.

**LJCPA Member Bob Whitney:** Oh okay.

**LJCPA Member Mrs. Fitzgerald:** Because it was the right thing to do.

**LJCPA Member Bob Whitney:** Thank you.

**Trustee Patrick Ahern:** We'd like to then certify the election. Oh, we need to read the count? Let's see who won the election.

**Trustee Helen Boyden:** I have a report from the election committee. I was handed it and the count normally should have been read at the meeting; however, it was not.

M: Microphone, please.

**Trustee Helen Boyden:** I have the report of the election committee headed by Janie Emerson; it was counted by Michael Costello, William Dobbins and Anne \_\_\_\_\_. Poll workers included Gabby \_\_\_\_, Tom Brady, Jean and Debbie whose names I do not have their names and Janie could identify, and Janie Emerson. 79 people voted at the election. I will read the results in alphabetical order first of the candidates on the ballot and then the people that have been written in. Candidate number one Bob Collins 66 votes, candidate number two Jim Fitzgerald 68 votes, candidate number three Joe La Cava 68 votes, candidate number four Michael Morton 14 votes, candidate number five Alex Outwater 67 votes, candidate number six Peter Ovanessoff 26 votes. Write-in votes for Robert Mapes 49 votes, for Jim Ragsdale 54 votes, for Rob Whittemore 58 votes. Candidates winning three- year seats were Jim Fitzgerald, Joe La Cava, Alex Outwater, Bob Collins, Rock Whitmore, Jim Ragsdale. Candidate winning a one-year seat Robert Mapes. That completes this report.

**Trustee Patrick Ahern:** Mr. Ovanessoff and I understand that you withdrew your.

**Peter Ovanessoff:** My candidacy, yes, I did.

**Trustee Patrick Ahern:** Thank you. And that was to allow Mr. La Cava to come into the seat. Withdrew it to open it up.

**Peter Ovanessoff:** That is correct.

**Trustee Rob Whittemore:** Point of order.

**Trustee Patrick Ahern:** Yes, sir.

**Trustee Rob Whittemore:** What happened here was we had an election and the, this organization is a California Nonprofit Membership Organization. The members of the corporation elect the board of trustees. Only the members do. We had an election and the members voted and properly elected seven trustees. Subsequently, and Mr. Ovanessoff wasn't elected, but the election had already been held. He can't withdraw. There's nothing to withdraw from. He never was elected.

**Trustee Patrick Ahern:** Thank you. Yes sir.

**Candidate Michael Morton:** Can you please clarify Joe La Cava's status based on his letter to the election committee.

**Trustee Patrick Ahern:** He is a trustee.

**Trustee Helen Boyden:** He was elected.

**Trustee Patrick Ahern:** He was elected and is now a trustee. Yes, sir?



**Bernie Segal:** I have a comment.

F: Could you speak louder please?

**Bernie Segal:** I have a comment on the challenge aspect of it even though the officers have been certified, so I don't know whether I can be heard, but I'd like to, I have two points I'd like to make.

**Trustee Patrick Ahern:** I'll give you two minutes, sure.

**Trustee Fran Zimmerman:** Can you use the mic, please?

**Bernie Segal:** The objections on, the challenges made on two primary grounds, the ones that I'm taking exception to of the challenge are those grounds that are what I would call procedural, failure to have a committee form to select candidates in the light. These kinds of protests or these kinds of objections could have been made before the election was held. That way there would have been opportunity to correct the situation, but the people who are forming the objection did not do that. They ran having these objections apparently in mind so if they did not win, they could after the fact raise these objections and if this organization is going to permit that, this is going to allow a sandbagging kind of an approach where you find some flaw or something in the procedures, you run and if you don't prevail, you then raise the objection. That's point number one. The only other point I want to make is the trustees that were elected, the write-in ones in particular, no let me address that one other point. Among the procedural points was the fact that the objectors knew that there was a potential for write-ins. They took the risk of running, knowing that there could be write-ins. It turned out that there were. That's the risk that they assume when they ran and, therefore, my claim is they waived their right to object by having run in the election without having raised their objections in advance. The only other point I want to make is that once the election is held and the trustees are elected, I think they should serve. I don't understand this business of running, people coming out and supporting you and then after the fact resigning, leaving vacancies in effect. I think that people should reconsider who have run, won, have been withdrawn. I think the public who voted for them deserve them to stay. Thank you very much.

**Trustee Patrick Ahern:** I'm considering that in the public agenda, public comments section. So let's move ahead. I'm just considering that. Now we're moving into certifying the election. I'd like to certify the election. Motion.

**Trustee Janie Emerson:** I so move.

F: I'll second.

M: Okay, you'll second.

**Trustee Helen Boyden:** Who is that, Emerson?

**Trustee Janie Emerson:** Yes.

**Trustee Patrick Ahern:** And this is item three, the new people, any comments, thoughts?

**Trustee Janie Emerson:** I'm certifying that with the results from the secretary (Helen Boyden) read.

**Trustee Patrick Ahern:** That were read, correct. Yes, ma'am.

**Trustee Helen Boyden:** Supporting thing to the, with the results of the election and the apparent resignation.....

**Trustee Janie Emerson:** I'm certifying the election as it happened. Anything that happens after that happens after that, that's my point.

**Trustee Nancy Mano:** Yeah, absolutely.

**Trustee Patrick Ahern:** Thank you very much. Any other discussion? I'm going to use my technique real quick. Any opposed to the motion?

**Trustee Janie Emerson:** No, we need to vote.

**Trustee Helen Boyden:** We need.

**Trustee Patrick Ahern:** Okay, it's the same thing, very good. All those in favor of the motion, please raise your hands. One, two, three, four, five, six, seven, eight, nine, ten. Any opposed? Any abstaining? Zero, zero. Motion carries unanimously.

**Trustee Helen Boyden:** Are you voting?

**Trustee Patrick Ahern:** No, I'm not voting. I will only vote to break a tie. Yes, sir.

**Trustee Bob ?:** I think that was 11.

M: 11?

**Trustee Rob Whittemore:** I do too, I think you miscounted.

**Trustee Patrick Ahern:** Two, three, four.

**Trustee Helen Boyden:** Did someone else come in?

**Trustee Patrick Ahern:** Five, six, seven, eight, nine, ten, eleven. We have eleven. Thank you, sir. Any assistance is appreciated. That was item three. **Sherri Lightener couldn't be here today.** We'll get her at another meeting to recognize those who are new and outgoing, but we would like to recognize the outgoing trustees. Do we have those, we have listed those people, please?

**Trustee Helen Boyden:** The outgoing trustees would be Myrna Neagle, Tom Brady.

**Trustee Patrick Ahern:** Would you mind standing up as your name is called, please?

**Trustee Helen Boyden:** Myrna Neagle, Tom Brady, Dave Little and oh Tony Criasfi and Peter Ovaneesoff but he chose to resign.

**Trustee Janie Emerson:** We haven't ratified that.

**Former Trustee Myrna Neagle:** I'd like to say it's an honor to serve as a trustee and I am proud of all that you do; it's amazing. The kind of \_\_\_\_\_ to make La Jolla a better place to live in. It's wonderful. Thank you so, so much, I really appreciate it.

**Trustee Rob Whittemore:** I'd like to make just one statement. I had the opportunity of working and serving as vice president with Tony Criasfi and I am fully aware of the enormous amount of work that's required of a president running this organization especially since we've changed the bylaws and abide by the Brown Act. All these things that provide for more fairness also require a lot more work. Mr. Criasfi has donated not only his time, but also all the efforts of two people in his office working many hours each week to do the work they do and to prepare the agendas some of which I've seen, have been posted on the website, some of them are 39 pages long. It's just an incredible amount of things, amount of work. Mr. Criasfi primarily is an architect. He's one of the most distinguished ones in this country and I feel that he did an exemplary job overall. There were, of course, mistakes here and there, can't be helped, it's very complex. You come in and suddenly you have to know the administrative guidelines, the council policy 600-24, our bylaws, all of the committees that are involved, how to appoint people to them and all of the incredible complexity that's involved. So I just wanted to just give a special appreciation to Mr. Criasfi.

M: Thank you.

**Outgoing President Mr Criasfi:** This may be the only smiling picture you got. I just want to thank the community and the trustees for all their support, you've been great and I really appreciate everything I've learned from this experience, I truly did.

**Trustee Patrick Ahern:** It's amazing.

**Trustee Patrick Ahern:** I'd like to do the swearing in of the new trustees. Could they come forward, please, as your names are called.

**Trustee Helen Boyden:** And if you are a returning trustee, you need to come forward also, Mr. Collins. Mr. Collins, Mr. Fitzgerald, Mr. Mapes, Mr. Outwater, Mr. Ragsdale, Mr. Whittemore. I think they usually do it as a whole thing they state their name.

**Trustee Patrick Ahern:** Yea, let's do that.

**Trustee Patrick Ahern:** You all stand proudly, repeat after me when I say state your name, please state your name and we'll go from there. I, state your name.

M: \_\_\_\_\_.

**Trustee Patrick Ahern:** Do solemnly swear.

Group: Do solemnly swear.

**Trustee Patrick Ahern:** I will uphold the highest standards of community service.

Group: That I will uphold the highest standards of community service.

**Trustee Patrick Ahern:** That I will fairly and impartially consider all points of view.

Group: That I will fairly and impartially consider all points of view.

**Trustee Patrick Ahern:** That I will refrain from self-interest.

Group: That I will refrain from self-interest.

**Trustee Patrick Ahern:** That I will respect all those.

Group: That I will respect all those.

**Trustee Patrick Ahern:** For whom I serve.

Group: For whom I serve.

**Trustee Patrick Ahern:** That I will comply with the bylaws of the Community Planning Association.

Group: That I will comply with the bylaws of the Community Planning Association.

**Trustee Patrick Ahern:** And policy 600-24.

Group: And policy 600-24.

**Trustee Patrick Ahern:** By the City of San Diego.

Group: By the City of San Diego.

**Trustee Patrick Ahern:** And I will dedicate my service toward the betterment of the community of La Jolla.

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**Trustee Patrick Ahern:** Welcome, gentlemen, you are now the trustees (clapping / cross talking).

**Trustee Patrick Ahern:** I believe we may have a resignation. Mr. Fitzgerald.

**Former Trustee Jim Fitzgerald:** If I can just speak from down here. First of all, I want to thank everyone. It was an honor serving this community for the last six years as a trustee. I also want to thank every one of you who voted for me. I really appreciate that vote of confidence. I technically, my interpretation of the city code doesn't require me to resign. My interpretation just so you understand my reasoning, I really appreciate this community and I will continue to be part of this La Jolla Community and Planning Association, so I'm going to certainly remain a member. What I felt was this, when you counted the three write-in candidates you had seven candidates who were not carry over Trustees, neither Joe La Cava or myself. Seven candidates at the end of the evening prior to any election challenge and certifying the election. You had seven candidates from the community who received votes in my opinion. My interpretation of city policy was, in fact, that meant that there were seven openings. We had seven candidates who received votes and that really precluded Joe and myself from being seated or elected as trustees. I felt we were automatically excluded because you had seven candidates with seven votes. What happened is subsequently one of the candidates that was mentioned earlier resigned, elected not to serve and as a result there was one opening left available to the community for either Joe or myself because we received an adequate number of votes and we both expressed some interest in running. Now what I'm saying by mutual decision, Joe and I discussed it, by mutual agreement, I felt it was appropriate for Joe to continue as a trustee and then I would step aside. So I may be under the technical rules of the current interpretation I'm resigning for that reason because there were, the candidates who received votes all received legitimate votes and are legitimately elected and in my case I just thought I didn't need to resign because I don't think I was eligible after the write-in candidates received votes, but if that's the rule then I'm resigning for that reason. I just want to say thank you very much. It's been a privilege serving this community.

**Trustee Patrick Ahern:** Well-deserved round of applause, amazing amount of work, straight shooter, good person, thank you, Jim. We now have an election, item four, election of officers. First of all, do we have a motion from the floor?

**Trustee Helen Boyden:** No.

**Trustee Patrick Ahern:** I'm sorry, the nominations.

**Trustee Patrick Ahern:** We're now \_\_\_\_\_ for president, is there a nomination?

**Trustee Rob Whittemore:** I move that Joe La Cava for president.

**Trustee Rob Whittemore:** I nominated Joe La Cava for President.

**Trustee Patrick Ahern:** Okay, do we have a second to that? Janie raised her hand first. Any discussion. Seeing no discussion, I'll call the vote.

**Trustee Ray Weiss:** No other nominations?

**Trustee Patrick Ahern:** I'm sorry, any other nominations on the floor?

**Trustee Janie Emerson:** Did he agree?

**Trustee Patrick Ahern:** I see no other nominations.

**LJCPA Member Tim Lucas:** Point of information

**Trustee Patrick Ahern:** Yes, sir.

**LJCPA Member Tim Lucas:** This is for president?

**Trustee Patrick Ahern:** Yes, it is.

**LJCPA Member Tim Lucas:** And it was Joe La Cava.

**Trustee Patrick Ahern:** Yes, sir.

**LJCPA Member Tim Lucas:** And when he announced his candidacy, some months ago he stated he was not \_\_\_\_\_ to run to help the new president, he was not going to seek the offer.

**Trustee Helen Boyden:** I have a letter today from Mr. La Cava, I have a letter.

**Trustee Patrick Ahern:** Yea thank you so much for the comment. So we have a nomination for Mr. La Cava, see no more nominations are hereby closed for president. We have one candidate; all those in favor of this particular candidate, please raise your hand. One, two, three, one, two, three, four, five, six, seven, eight, nine, ten, 11, 12, 13. I think that's right. Wait a minute I have a MBA. Any abstaining? Any opposed? None. That carries unanimously. I'm not voting, I will not vote and won't need to state that in the future, I will only vote in the event of a tie.

**Trustee Helen Boyden:** So you're abstaining?

**Trustee Patrick Ahern:** I am abstaining. Yes, sir.

**Trustee Ray Weiss:** I would like to ask Helen to follow through on what she said because I also remember Joe La Cava at one point saying he didn't want to serve. I'm very appreciative of your desire to do this quickly, but I would like to know whether he has indeed agreed to serve.

**Trustee Helen Boyden:** Mr. La Cava is out of the country. I received an email from him today saying.

**Trustee Fran Zimmerman:** Microphone.

**Trustee Helen Boyden:** I have a letter from Mr. La Cava. He's out of the country today, sent 12:57 PM our time, to Helen Boyden from Joe La Cava. I am willing to be nominated for president of the La Jolla Community Planning Association.

**Trustee Ray Weiss:** Thank you.

**Trustee Patrick Ahern:** Now we are open to nominations, yes?

**Trustee Janie Emerson:** Moving on to vice president.

**Trustee Patrick Ahern:** Yes, let's do that.

**Trustee Janie Emerson:** I would like to nominate Rob Whittemore.

**Trustee Patrick Ahern:** Okay. We have a second to that Mr. Collins. Any other nominates for vice president?

**Trustee Nancy Mano:** This is first VP?

**Trustee Patrick Ahern:** First VP.

**Trustee Janie Emerson:** Point of clarification.

**Trustee Patrick Ahern:** Yes, go ahead.

**Trustee Helen Boyden:** I would like to nominate Bob Steck.

**Trustee Patrick Ahern:** Bob Steck.

**Trustee Helen Boyden:** Are you accepting this or not?

**Trustee Rob Whittemore:** I don't want to accept the nomination.

**Trustee Patrick Ahern:** Don't want to accept the nomination. So we have one candidate running for first vice chair, which will be Bob Steck. Anyone else care to run?

**Trustee Janie Emerson:** Do you know if he's willing to run?

**Trustee Helen Boyden:** Yes, I have an email from him dated yesterday.

**Trustee Helen Boyden:** I spoke with Nancy and would be happy... I spoke with Nancy and would be happy to be nominated for this position. I have a lot to learn, but will jump in. Please

let Bob Collins know that I am good with this because I asked him not to nominate me for a position in my absence.

**Trustee Patrick Ahern:** Very good. Any more nominees for first vice chair? I'm seeing none, those nominations are now closed. We'll call for the vote please; all those in favor of Bob Steck as first vice president, please raise your hands, one, two, three, four, five, 13, any opposed? I'm sorry we have 12, one opposed Janie Emerson, no abstentions, that motion carries, 12, 1, 0.

**Trustee Helen Boyden:** 12, 1, 1.

**Trustee Patrick Ahern:** 12, 1, 1, I'm abstained.

**Trustee Helen Boyden:** Right.

**Trustee Patrick Ahern:** That is item five. Now we have second vice president, do we have any nominations for second vice president?

**Trustee Helen Boyden:** I would like to nominate Patrick Ahern.

**Trustee Nancy Mano:** And I will second it.

**Trustee ? :** Patrick Ahern.

**Trustee Patrick Ahern:** What's the salary? I willingly accept that. Any other nominees for second vice president.

**Trustee Janie Emerson:** The salary is a major donation to the box.

**Trustee Patrick Ahern:** Oh that's true. Any other nominees for second vice president? I see none; that is now closed for those nominees. Let's please vote please; all those in favor of Patrick Ahern as second vice president raise your hand. 13 again, opposed? Abstaining? None; that carries unanimously. We have secretary. Anybody running for secretary? Anyone would like to run for secretary?

**Trustee Nancy Mano:** I will nominate Helen Boyden although she said she will strangle me.

**Trustee Rob Whittemore:** I'll second that.

**Trustee ?:** I'll third it.

**Trustee Patrick Ahern:** Any other nominees, it's a great job. I'm seeing none. That is now closed. We will now take a vote please, all those in favor of Helen continuing secretary, there's 13. Any opposed? Any abstaining. I'm seeing none. One abstaining right there.

**Trustee Helen Boyden:** Who?



**Trustee Patrick Ahern:** Did you oppose?

**Trustee Helen Boyden:** I'm seeing 13 then.

**Trustee Patrick Ahern:** 12 for, zero against, one abstaining, two abstentions. I'm sorry.

**Trustee Helen Boyden:** That was item number seven.

**Trustee Patrick Ahern:** That's item seven, now we're on to item eight, for treasurer. Yes sir.

**Trustee Rob Whittemore:** Yes, I would like to nominate Nancy Mano for treasurer.

**Trustee Patrick Ahern:** Does she accept that nomination?

**Trustee Nancy Mano:** Yes.

**Trustee Patrick Ahern:** She does, do we have a second? Merten had his hand up quickly. Any other nominees? This is now closed. All those in favor, please? I'm going to count them again. 12. Any opposed? How many abstentions, please? 2 abstentions. And Ray makes a good point, if I move too fast, slow me down, I'm okay with that. Item 9 Presidential report. Elected officials reports.

**Trustee Janie Emerson:** Wait a minute \_\_\_\_\_.

**Trustee Patrick Ahern:** Very good, thank you very much. Yes, sir.

**LJCPA Member Tim Lucas:** So is there a vacancy now on the CPA?

**Trustee Nancy Mano:** Yes.

**LJCPA Member Tim Lucas:** There's one because Mr. Fitzgerald resigned?

**Trustee Nancy Mano:** Correct.

**Trustee Rob Whittemore:** There will be an election within 120 days and probably an election committee appointed next month and we'll go through that whole process.

**Male voice? :** Excellent.

**Trustee Nancy Mano:** And we're asking you to run the committee, please, Mr. Lucas?

**LJCPA Tim Lucas:** Thank you for that. I'm sorry to interrupt.

**Trustee Patrick Ahern:** We're on item five, meeting meetings review and approval. Everybody get a chance to read the minutes? Anybody?

**Trustee Rob Whitmore:** There are two sets of minutes, one are for the membership meeting and then there is some for the regular meeting and I assume we're voting on which one first the membership meeting?

**Trustee Patrick Ahern:** Membership meeting first sounds good.

**Trustee Helen Boyden:** Last year they thought about both together.

**Trustee Rob Whitmore:** I don't care. Seems like you ought to do them separately, it doesn't matter to me. Let's do them separately.

**Trustee Janie Emerson:** Are you making a motion Rob?

**Trustee Rob Whitmore:** Yea I'll move to approve the minutes of the membership meeting.

**Trustee Janie Emerson:** Second.

M: When we finish that, I have a question.

**Trustee Patrick Ahern:** Okay, very good. So let's go through we have a motion to accept the membership minutes, motion is second, Emerson, any comments from the public? Any other comments, thoughts on membership? I see none; we'll move forward. Please, all those in favor of accepting the meetings of the membership meeting raise your hand, please?

(Cross talking).

**Trustee Patrick Ahern:** 11 for, any opposed to that? Any abstaining? Two abstentions, three including myself.

**Trustee Helen Boyden:** If you abstain on this, please write your reason, probably you were absent.

**Trustee Ray Weiss:** Absent not present.

**Trustee Janie Emerson:** I move to approve the meeting minutes of the March general meeting.

**Trustee Helen Boyden:** Trustees meeting.

**Trustee Patrick Ahern:** Okay, that's item ten. Do we have a second on that, please? Mr. Collins. Any discussion? No discussion anywhere please call to question, all those approving the minutes of the last trustees meeting. please raise your hand. Eight. All those opposed? How many abstaining please? One, two, three, four, abstentions.

**Trustee Nancy Mano:** Four including you?

**Trustee Patrick Ahern:** Including me.

**Trustee Helen Boyden:** That only makes 12, what happened to number 13.

**Trustee Patrick Ahern:** Please raise your hands again, all those in favor of the motion. One, two, three, four, five, six, seven, eight. All those abstaining raise your hands high please? One, two, three, four, five, six.

**Trustee Janie Emerson:** Point of order, should we make a motion and accept Mr. Fitzgerald's resignation, procedural item?

**Trustee Nancy Mano:** I think it's procedural, Janie.

**Trustee Janie Emerson:** Fine.

**Trustee Helen Boden:** That was for everyone.

**Trustee Patrick Ahern:** We could vote to deny his resignation.

**Trustee Helen Boyden:** That was number ten.

**Trustee Nancy Mano:** Number ten on your voting sheets everybody.

**Trustee Patrick Ahern:** We have elected official, is Justin here, that's for council district one, how about State Senator Marty Block's representative? And then we have tony Adkins representative. Any reports? I see UCSD back there. Yes, sir.

**Former Trustee Tony Crisafi:** UCSD is usually under the non-agenda public comment and I'm sorry it was left off the agenda, but it would be under number seven.

**Trustee Patrick Ahern:** Very good.

**Spokesperson for UCSD:** I thought you did not want us any more, welcome back.

F: Patrick?

M: Yes.

F: \_\_\_\_\_.

M: Yes.

**Spokesperson for UCSD:** I'm ??? from UC San Diego's physical and community planning and I've been gone for a couple months or a few months. I have an important idea today from UCSD from our office of physical and community planning and that is in regard to environmental review on the center for \_\_\_\_\_. The environmental.

F: \_\_\_\_\_.

**Spokesperson for UCSD:** Center for \_\_\_\_\_. The scoping meeting for this project began on March 28<sup>th</sup> and it extends through April 28<sup>th</sup>. Information on the project is available on our website, which is physical planning dot UCSD dot EDU. I'll read you a little bit, a small excerpt of what the project is just to give you information on it and if you're interested, you can go online, read about the project and send us your comments. The center for \_\_\_\_\_ is a proposed facility that will promote the \_\_\_\_\_ of new and innovative therapeutic treatments through research conducted by UC San Diego investigators and private sector \_\_\_\_\_. \_\_\_\_\_ is leading the development team and the proposed project proposes the construction of approximately 120,000 \_\_\_\_\_ square feet. It's a three-story building within the 30 acres science research \_\_\_\_\_ on the UC San Diego East Campus. So it's going to be constructed along with the \_\_\_\_\_ center on that side of the campus, the east campus. And a combination of 550 below- grade and surface parking spaces will be provided. In the science research part, we generally have our projects and we have parking associated with them. This program will include the \_\_\_\_\_ five engineering core facilities, clinical and research \_\_\_\_\_ of \_\_\_\_\_ lecture hall and offices and project is \_\_\_\_\_ between leadership and energy efficient design \_\_\_\_\_ from the US \_\_\_\_\_. So that's just a little bit about the project. You can read more on the website physical planning dot UCSD dot EDU and if you need additional information, I'm happy to send it to you.

**Trustee Patrick Ahern:** Thank you.

**Trustee Patrick Ahern:** San Diego is one of the top biotech centers in the country, a big part of that reason is the \_\_\_\_\_ UCSD so thank you for that. We now have non attended public comments, two minutes or less, anybody like to make some comments? Yes, sir.

**LJCPA Member Bob Whitney:** I would just ask that you, I know Janie has all the ballots and election material, I would ask that she keep that and not destroy it.

**Trustee Patrick Ahern:** It bubble wrapped and sealed.

**Trustee Janie Emerson:** Sealed, nobody touched it since the night of the election.

**LJCPA Member Bob Whitney:** Thank you.

**Trustee Patrick Ahern:** Absolutely, she mentioned that. Yes, sir.

**LJCPA Member Tim Lucas:** Hi my name is Tim Lucas I am the Chair of the La Jolla Shores Association and former CPA trustee. I have two comments. One quick I would like to congratulate the poll workers and election committee for the election last month. Their procedures were impeccable. They had volunteers in for counting. They ran the booth admirably and despite the challenges in other areas, I think they did a great job and it was all volunteer hours. It was a long day from three to seven and then \_\_\_\_\_ count. So I'm very appreciative that they kept good work up. From La Jolla Shores Association, our meeting is next Wednesday. Go to our website for directions how to get there. We meet on the Scripps campus at the Martin

Johnson House. Our meetings start at 6:30. We have an interesting item in the community, which is a proposed Mexican restaurant, which is a partnership \_\_\_\_\_ at the Cove. They're going to present their proposal to put a restaurant in at the old La Jolla Shores Market facility. We will also be hearing an item that we're going to hear tonight on the cell tower at Ridge Park, but since we review park issues that comes to us also as well as the CPA. \_\_\_\_\_ De La Playa \_\_\_\_\_ upgrade is really moving along. Unfortunately we ran into some issues with undergrounding of wires and the San Diego Gas and Electric is in there. They're scrambling like mad to make the Memorial Day \_\_\_\_\_ to get things finished so they can open up that street. It is touch and go right now. I would like to say the business district is open during all this time, so please support us. Thank you.

**LJCPA Member John Schmit:** Good evening; my name is John Schmidt and I want to speak to the trustees about something. There was a MND that was circulating around earlier in the year and I don't know if anybody has seen it, but it's regarding Pottery Canyon park \_\_\_\_\_ plan. We picked it up over at the historical society and I've read it and I sent in some comments. It was after the cutoff, but I sent them in anyway. I know Courtney Coil. Some of you know she's an environmental attorney and she sent in some comments, but there's a lot of questions that we have about this. Power Canyon is a dedicated city park. It's also a designated historic site in the City of San Diego and basically what they're wanting to do, I had a lot of questions about this, is they want to bring in 1,000 cubic yards of fill material over approximately 13,500 square feet of quote contaminated soil, and that entails about 65 truck trips on, there's \_\_\_\_\_ a couple minutes. There's so many things going on in that site, there's potential historic resources because the Rodriguez family used that as a dump to put their stuff that they didn't use in houses there. There's high potential for Native American remains there. I want to see a plan of how they're going to mitigate and protect the trees. \_\_\_\_\_ can vouch for me we went for a \_\_\_\_\_ to protect those trees. When you have trucks coming in and you don't have a specific plan for that, those trees are going to get stressed and die, that's a city park. I have a call into Joel \_\_\_\_\_ who is representing the Park and Rec Department. So basically what I'm asking of the trustees, I've emailed Joe La Cava on this, I would like Joel Haytt to come to this Community Planning Association and present something for informational only and let the community know what's going on. Tim, I think this should also come before the Shores Association. I don't think anybody knows what's going on and the city's going to use a lame excuse well we \_\_\_\_\_, well \_\_\_\_\_ my experience with La Jolla when nature, I know when major things like this happen, the city comes before us early on and at least announces it, FYI, like the sewer. I think this is way bigger than any sewer project going on. This is really important and I want to \_\_\_\_\_ to Nancy and I'll reiterate to Joe, I want them to come before us and review this.

**Trustee Patrick Ahern:** 206 for Lucas, 242 here. You do have a comment?

**Trustee Helen Boyden:** The only comment \_\_\_\_\_ even though this deadline has passed, it is possible that the CPA could take action and make comments to appear in the public record. I think they've done that in the past. I will pass this on to Joe La Cava for his possible consideration and future \_\_\_\_\_.

**LJCPA Member John Schmit:** I will, I'll do it again.

**LJCPA Member Sally ???:** Can I ask why they're bringing it in?

**LJCPA Member John Schmit:** Because they said that, they've done some study where under federal regulations there's supposedly runoff from the stuff that's in the soil and they have to stop the runoff from being of high certain pollutants. So that was one of my questions. Who's pay for this? Who started this? How is this generated? I sent a bunch of comments, Sally. I mean that's why they're doing it.

**LJCPA Member Sally????:** It has nothing to do with the construction of the homes up above there.

**LJCPA Member John Schmit:** Well we know sometimes things like this are connected with other things, but I don't have any connection.

F: Thank you very much, Patrick.

**Cindy Gregricks:** For those of you who don't know me, I'm Cindy Gregricks. I'm president of La Jolla Town Council and I just have a brief personal note this evening with regret. I'd like to let the community know of the death of Roberts Hilt, who was our first vice president of La Jolla Town Council for two years and a trustee of the council for six years and in relation to CPA and up until his passing served on the traffic and transportation committee and really served CPA and the Council very well. His contributions to the community left an impact and we'll miss him and always think of him fondly. I also wanted to advise there's a service on April 12<sup>th</sup>, a memorial and celebration of Rob's life at the La Jolla Community Center where he was also a board member. Also notably he was instrumental in forming the Parade Foundation. So many people from the Parade, Town Council, the Community Center, I'm sure CPA as well will be at this service. It is April 12<sup>th</sup>, it is 3 to 5 at the Community Center. As a side note, if I may, this is like the Oscars where you're running out of time, but as a side note, Tony Crisafi, your leadership has just been, just a blessing for the community. Your power to your wisdom, everything you've done to serve your community is, we're so thankful in the Council and the community as a whole is thankful and, Patrick, you're doing an outstanding job chairing this.

**Trustee Patrick Ahern:** Thank you.

**Phyllis Minnich:** I'm Phyllis Minnich of La Jolla Parks & Beaches. You've all be so kind to me and I feel obligated to stand up here for a second and bring you up to date, but I don't really have to because the La Jolla Light has done it for me today. They have a complete article on our progress. We, La Jolla Parks & Beaches, for the Children's Pool Walk project has met with Sheri Lightner. We've met with the Parks Department. I think they've invented a new committee just for us called the Assessment, you don't really care. Anyway, we are waiting for their assessment, which was to take \_\_\_\_\_. That should be out before your next meeting and that will obtain approvals and identify the process that we need to continue with to finish the project maybe with luck in time for the Christmas Parade. I just wanted to say one more thing and thank Patrick O'Hearn like so many do. Patrick has followed and boosted and will continue to do so won't you.

M: Sure. Thank you.

M: \_\_\_\_\_. This is the La Jolla Children's Pool. There was no sidewalk in front of the lifeguard toward. \_\_\_\_\_ just an amazing amount of work. Raised 200,000 plus to get this done. Thank you so much. Any other \_\_\_\_\_ comment. Agenda items, seeing done, we move ahead. How about non-agenda items for trustee discussion. Ellen.

F: I got a letter from Peggy Davis that she wrote to Mary Copley and she also sent this to Tim Lucas. As we both sometimes know, persistence pays off. After ten years of contacting the City of San Diego many times and requesting ADA \_\_\_\_\_ La Jolla Shores my efforts were acknowledged. We now have a safer environment in La Jolla Shores not only for our residents, but visitors coming to our beautiful La Jolla Shores community. The City of San Diego employees that I met with were extremely agreeable to complete my request. You will be able to note in all of your records how accessible the La Jolla Shores beach area is now for handicapped residents and visitors. Also it should be noted that the lifeguards have a wheelchair for all handicapped use on the beach and she did include her letters of March 26<sup>th</sup> and 30<sup>th</sup> thanking the employees.

M: Thank you, Madam Secretary. Yes, sir.

**Trustee Phil Merten:** I'd like to thank the election committee for their efforts last month, but I'd like to add one thing. We are obligated to operate under Robert Rules of order and I think we should bring back something that we used to do under Robert's rules and that is Robert's rules says that on the night of the election, the election committee tallies the votes and hands the vote tally to the president of the association and then the president reads the names of the candidates and the number of votes received by each candidate much like we do in public elections for public office. Then announces the elected members or trustees based on that vote count. I think it's helpful to know the night the vote count, or the night of the election what the vote count is, what the arrangement of people is as the sort of background for any action that needs to be taken after the fact. I think it's unfortunate we have to wait a month to find out what the official vote count was. That is in Robert's rules so I hope we follow that requirement and tradition. Secondly, it's exciting to hear that George Hower may be involved in the Mexican restaurant in La Jolla Shoes, but perhaps that Ted Lucas, he has a specific proposal coming forward you should all be aware that under the municipal code a change in use from a retail sales or market condition to a restaurant use is considered a change in use and an intensification of use. The parking requirements for restaurants are much more restrictive than they are for retail sales and when there is an intensification of use a coastal development permit is required. I hate to see applicants have to jump through the process but in fairness to those who do go through the process Mr. Howard \_\_\_\_\_ planning a restaurant.

**Trustee Janie Emerson:** I'd like to just respond to first comment. There is a form; it's called La Jolla CPA General Election Final Results form. At the top, it's alphabetical order of the candidates 1 through 9 with the votes on the right-hand column and then it has space for write-ins below and then the second half of the form says candidate winning seats and at that point you list the names of the candidate with the most, the person who got the most votes down to the

person who got the least amount of votes and it has on the left-hand side whether it's a three year term or a one-year term. This is the form that is filled out and signed by the chair and handed to the president the night of the election, which was done, and I know.

F: \_\_\_\_\_.

F: Yeah.

M: Okay, thank you so much. Mr. \_\_\_\_\_.

M: I have a point to raise about the sidewalks at the risk of beating a dead horse and in recognition that I was not at the last meeting. I wrote a letter to the La Jolla Light in response to a letter that was written by a woman named Johanna Thompson about the state of the sidewalk, particularly along the Torrey Pines Road. I actually had an accident there encountered with someone and caused me to have a broken wrist and it's going to be probably the majority of the year until I have the full use of my left hand. The sidewalk there is in dismal state. I had an exchange with \_\_\_\_\_ from the subject by email and she said that she would discuss the plans for improving that sidewalk at \_\_\_\_\_, but there's no such discussion in the minutes of the meeting that I did not attend. So I probably, I'll bring this up again when somebody from \_\_\_\_\_ office is here, but I urge all of you to either drive by that area or walk that area to see how dismal it is. The property owner's vegetation blocks a fair fraction of the sidewalk, there are light posts in the middle of the sidewalk. There are places where you can't even walk by a light post without turning sideways because there's so much vegetation growing out from someone's fence. The city policy or guidelines require a five-foot sidewalk and that's in places where there's actually parked cars along the curb and this area, of course, there's traffic along the curb, especially up at the top near the light at Prospect. In that place, the side-view mirrors on the right side of trucks actually protrude over the sidewalk that's about 36 inches wide. It's impossible for people to pass there. It's a hazard and Erin replied that she would talk about that here and that there was a plan to actually fix the problem by making the sidewalk five feet wide. I have trouble believing that that's going to be doable because it would require cutting into peoples', either making the street narrower or cutting into peoples' fences and walls. I think it's a serious problem and I think we should all complain about it. Thank you.

F: I'm not sure, is this in the section that is called the Torrey Pines Carter that's going to be reconstructed?

M: Yes it is. It's the only way one can walk between the Village and the Shores.

F: So probably that's you know something that is going to be done.

M: Yeah some time in the future, but what I'm trying to say is that it's a public hazard and I think we would all agree that something ought to be done independent of that.

M: This was brought up in La Jolla Parks & Beaches as well. There's four phases to all of this. That particular section there's a hillside there in the City of San Diego one's here down a bit down the hill. So the public, private area's down lower. So there is a three foot high traffic



similar to. It's actually going to be cobbled blockade and then a fence to widen it five feet. That's the proposal. If you want to have some more action on that, you might want to bring it forward for more discussion.

F: Patrick, since you've heard it at Parks & Beaches, do you know what phase.

F: We cannot hear.

M: She's wondering what phase that is and I'm thinking \_\_\_\_\_ Parks & Beaches the comment was about Charlotte Park, which is the section one block south of that, just up from Princess Street. There's a paper street, he would like to open that up, at least particularly the view corridors. So it's been discussed to encourage its continued activity might be suggested.

M: Well for one thing, the city could get at these people whose vegetation or just trim it themselves. That would widen, at some places widen the sidewalk by \_\_\_\_\_.

M: In the past, there have been volunteer landscape companies who have been willing to do that. So if you know somebody who would like to do a good deed that's one short-term method.

F: I don't know exactly how to do it, but if you contact the city and let them know they will contact the property owner. I have no idea how long that takes.

M: It's the City of San Diego.

F: The City of, I have no idea but I have seen it.

M: Are you serious \_\_\_\_\_?

F: I am serious. I am serious. I mean I don't know how long it takes or how persistent, but I'd also like to mention that it may be obvious from the agenda that Council District 1, a representative now to this group is Justin Garver. I believe Erin essentially got a promotion within \_\_\_\_\_ office. So I haven't met Mr. Garver. I certainly hope that he will come \_\_\_\_\_.

M: I've spent enough time on this.

M: Yes, sir, Mr. Collins.

M: I might suggest that we direct a letter to the city to Sherri Lightner's office pointing out the difficulties \_\_\_\_\_ and ask for help.

M: Danger is something.

M: Why don't we put it on the agenda for next month?

M: Very good, thank you. Yes, sir.

M: There is a monthly community leaders groups meeting with Council District 1 and the morning coffee that could be brought up there.

M: Okay.

M: I think the right course of action is to separate the sidewalk from the rest of the large plan, which is taking forever to \_\_\_\_\_, and fix the sidewalk so that it's safe.

M: That'll be discussed at the next meeting during the \_\_\_\_\_ or during that discussion. Any other comments from the trustees? Yes, sir.

M: This is a little more fun subject. I live down on the Shores and I'm one of the 22 homes between Kellogg Park and Scripps Institution of Oceanography Pier. The pier has two lights that they keep on all night, every night, and I am say three-quarters of a mile away from the pier and I can see my shadow. There may be reasons for those lights that are public safety. I don't know what the reasons for Scripps has, but there are also an awful lot, a number of ordinances, some of which say there should be no direct beam illumination of neighboring properties. The reason I bring it up is a lot of people lot to walk on the beach at night when it's dark not walking toward huge lights that are almost like prison lights, and when there's a quarter moon it's, you don't know which is brighter and it really is something that should be given some thought and somehow I'd like to have SIO at least explain the reason for the lights and whether or not they can be shielded to cover only the area underneath the pier if that's what they want.

M: Out on the end of the pier, Rob?

M: No, I'm talking about right on the beach.

M: The ones just above the beach.

F: Right.

M: Correct. Just above the beach and they shine straight out as far as you can go and when you're at about halfway between there and the Marine Room, those lights are brighter.

M: Well the beach club also has lights that point out toward the people that live on the top of the cliffs.

M: Yeah so the point is there are all these lights and so you lose kind of a romantic aspect of walking at night on La Jolla Shores. Those lights on the Scripps Pier also go north not just to the south. Anyway maybe we can somehow figure it out and put that on the agenda and bring it to the attention and get some input, get some feedback.

M: I had the same issue in La Jolla Cove. It happens around something that can be done about that. Yes, ma'am.

F: I think that an appropriate place to address the thing about the SIO \_\_\_\_\_ would be to Mrs. \_\_\_\_\_ because that is UCSD property and probably the city doesn't have jurisdiction over that, but they certainly would at the cove and the other places.

M: How about Mr. Lucas, La Jolla Shores. No.

F: Yeah that would be appropriate for the Shores Association.

M: My guess is it's a public safety issue for the university and they could probably do just as well with fewer, with more lights that are less bright.

M: Now do you want this project or should Mr. Lucas take it?

F: He can have it, \_\_\_\_\_ and I'll try and find out more and get back.

M: Thank you.

M: \_\_\_\_\_ agenda for Wednesday or do you want to just present it as an information.

F: (INAUDIBLE)

M: Possibly bring it up as president's report and you guys can come up with a recommendation and bring it here to CPA for our endorsement.

M: I'd be happy to talk to the administration. I work at a \_\_\_\_\_ and see if I can find out \_\_\_\_\_.

M: You're out of order, Mrs. Miller. What would you like to say?

F: If you're going to talk about lights, how about the football field and the swimming pool lights that \_\_\_\_\_ in my house.

M: \_\_\_\_\_ high school. Mr. \_\_\_\_\_.

M: \_\_\_\_\_ comment. We have similar issues going around the Children's school. So I've been hearing from my neighbors recently issues related to bright spotlights shining into homes, vehicle parking, vehicles driving too fast, trash and different things like that. So anyway we're going to be trying to talk to Children's \_\_\_\_\_.

M: Anymore trustee comments? Yes, sir.

M: Just for a point of information. The lights on the Scripps pier illuminate the surf to the benefit of all surfers so they can check the swell at night and arrive there early in the morning at daybreak.

M: We used to use those full moon \_\_\_\_\_.

M: Anymore comments from the public or the trustees? We'll move on. Okay. We have, I think we need a treasurer's report.

F: Secretary's.

**Trustee Patrick Ahern:** Secretary's report first.

**Trustee Helen Boyden:** I think you've probably heard this before, but if you want your attendance recorded today you can sign in at the back of the room. We have two sign-in lists, one for LJCPA members and the other one for guests. LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or online at the LJCPA website. There is a couple back there today and I do have some. We encourage you to join so that you can vote in the trustee elections and at the annual meeting in March. You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You can become a member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in election to become a trustee, a member must have been in attendance at three CPA meetings in the preceding 12-month period. If you don't wish to sign in at the back, please hand me the secretary before the end of the meeting the piece of paper with your printed full name, signature and a statement that you want your attendance recorded. Those are for people that do not wish their name on the document at the back of the room. Please note that members who fail to attend the meeting between March of 2013 and February of 2014 and similar for all time periods have let their membership lapse and will need to submit another application to be reinstated. That means if your name wasn't on the white sign-in sheet today, you are no longer a member. However, we do keep a record of guests in attendance and if you happen to go on the website, there is a list of all members and guests that at the present time it says people that have attended in this particular year for next year's elections. So it starts with March of this year, I believe, and if you joined and I have a membership application for you in my notebook and there is a date of application next to your name and there's also a date when your membership expires and it's usually February 28<sup>th</sup> of some year, and if it says NA after your name that means either you're not eligible to be a member or you're still a guest. So on the website both guests and members appear in that list or on the list at the back of the room only members appear, and if you're not on that list, please sign in on the guest list. If you wish an application, please give it to me today and I will see that it gets into, pass it on to the person who enters it into the record. Thank you.

**Trustee Patrick Ahern:** Thank you. We now have a treasurer's report, special treat. Mr. Fitzgerald, give his treasurer's report.

M: I don't think I need the mic. This will be truly my farewell treasurer's report. For the benefit of the membership, I want to thank the trustees and the public last month. We began the month with a balance of \$5.27, which shows you how close we cut the budget.

END OF RECORDING

# EXHIBIT 4



# LA JOLLA ASSOCIATION

Home Mission Current Topics Upcoming Events Help Us Connect the Dots?

## Issues affecting La Jolla, CA

### LJA Election Challenge Has Merit?

Posted in: Appeal, Joe La Cava, Julie Hamilton, La Jolla, La Jolla Community Planning Association, LJCPA, LJCPA Elections, LJCPA Trustee, Tony Crisafi | April 2, 2014 [No Comments](#)

**A LJA member forwarded over the following email from Joe La Cava to the LJCPA Trustees. It appears Joe La Cava agrees the LJA election challenge is in fact valid and has merit. Thank you Mr. La Cava.**

**From:** Joe LaCava <joe@avetterra.com> **Date:** March 26, 2014 at 9:40:29 PM PDT **To:** <joe@avetterra.com>

**Subject: RE: Election Challenge and Response**  
Fellow Trustees (current, returning, and newly elected),

After much thought, I find that I must register a rebuttal to the LJCPA's response to the Election Challenge. As I cannot attend the LJCPA's April 3<sup>rd</sup> meeting, I request that my response be read into the record.

First, I want to clarify that I did not participate in either the deliberations or the written response. Simply put, I was not one of the investigating Officers referenced in the LJCPA letter. Since I was directly affected by the outcome of the response, I made my statement to the other Officers, recused myself, and left their meeting.

Second and more importantly, *I disagree with the investigating Officers response as to whether I was duly elected under the bylaws.* While Article V Section 2 validates being on the ballot, we must look to Article III Section 3 as to whether I was duly elected. The plan language of Article III, Section 3 is quite clear "If not enough new members are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees..." The 4 announced candidates (excluding termed out candidates) plus the 3 write-in candidates total 7; undeniably, enough members have been found to fill the 7 vacant seats. This means that one part of the two-part threshold needed for a termed-out trustee to return was not satisfied; *therefore, my bid to return as an elected trustee was not successful.*

While the example used in the response letter does not apply in this case, the absurdity that a qualified write-in candidate with a single vote would be sufficient to thwart a termed-out trustee from returning is exactly the very low threshold intended to encourage turnover of trustees.

I am grateful to those that supported my candidacy and cast votes far in excess of the 2/3rds minimum threshold.

I appreciate the good work by the investigating Officers in preparing the response. And most importantly I thank each of you for stepping up to serve our community.

*I do not offer this rebuttal lightly but the integrity of the organization is more important than any individual.*

Regards,

#### Recent Comments

lajollaassociation on In District 1 Its Who You Know! Not What's Right or Wrong!

lajollaassociation on In District 1 Its Who You Know! Not What's Right or Wrong!

We won! La Jolla Shores Traffic & Transportation Committee Gives Approval | Hillel Center for Jewish Life at UCSD on Review Process "Unfair" Causes Resignation Of Community Leader

Mike Soleri on Hennessey's Sidewalk Cafe Complies with San Diego Municipal Codes (Opinion Poll)

Ralph Castro (Letter to the Editor 2-23-2012) on Town Council backs revived "Promenade Plan" (Opinion Poll)

Joe

### About the author



lajollaassociation

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Justice department defends  
Soledad Cross  
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We Tell You!  
December 11, 2013

Just endure the process, as it will  
be over soon!  
December 24, 2013

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A LJA member forward over the following email apparently from Mr. La Cava to the LJCPA Trustees. It appears Mr. La Cava agrees the LJA election challenge is in fact valid and has merit. Thank you Mr. La Cava.

From: Joe LaCava  
<joe@aveterra.com>  
Date: March 26, 2014 at 9:40:29 PM PDT To: <joe@aveterra.com>

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### Leave a Reply

You must be logged in to post a comment.

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December 11, 2013
- Just endure the process, as it will be over soon!  
December 24, 2013
- "Our Community" Deserves Better!  
February 1, 2014



### Email Us

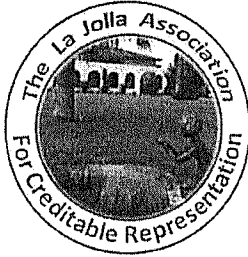
Name \*

Email \*

Submit

# EXHIBIT 5





March 11, 2014

Mr. Tony Crisafi  
La Jolla Community Planning Association  
PO Box 889  
La Jolla, CA 92038

VIA Email: [info@lajollacpa.org](mailto:info@lajollacpa.org)

Re: Challenge of the March 6, 2014 La Jolla Community Planning Association Trustee Elections results.

Mr. Crisafi:

The annual election of the La Jolla Community Planning Association (LJCPA) was held on March 6, 2014 at the La Jolla Recreation Center. The polls reportedly opened at 3:00 pm and closed at 7:00 pm. Ballots were collected and counted. The tally was presented to the LJCPA President during the monthly meeting, and the results were announced. As outlined in the LJCPA bylaws, if a challenge is not filed within seven days of the election, the results become final. The La Jolla Associations (LJA) members voted to challenge the election results. The appeal is based on the following facts;

1. **Article V Section 6** of the LJCPA bylaws states if a challenge of the election results is filed, it must be filed in writing within seven days of the election results and be filed with the Chair of the Elections Committee. Agendas for November and December 2013, January and February 2014 (**Exhibit 1**), reveal the LJCPA President never publicly appointed nor did the LJCPA Board of Trustees publicly ratify the 4-7 member Election Committee or a Chairperson as required by **Article V- Section 5 (A)** of the LJCPA bylaws. Given the appointment or ratification never publicly transpired, in lieu of sending this written challenge to a Chairperson of a non-ratified Election Committee this challenge is being emailed to [info@lajollacpa.org](mailto:info@lajollacpa.org).
2. Pursuant to **Article V Section 2** of the LJCPA bylaws, an Election Committee is to be established no later than the first week of January. Among other tasks the Election Committee is required to make a good faith effort to; (a) solicit Members to become candidates, (b) utilize all appropriate means to publicize the LJCPA's eligibility requirements for candidacy and the date of the upcoming election, (c) seek enough potential new candidates to exceed the number of Trustee seats open for the election, thereby allowing those who have served six consecutive years to leave the group for at least one year.

Since an official Election Committee was never publicly selected or ratified by the Board of Trustees at a publicly noticed meeting and the above agendas do not reflect any official election updates were presented at the LJCPA's monthly meetings, by an Election Committee Chair, it is apparent an official good faith effort to seek new candidates never happened. The fact that three write-in candidates filed their intentions to seek office the night of the election is further evidence an official good faith effort did not occur.

8070 La Jolla Shores Drive, PO Box 424, La Jolla California 92037  
Email: [thelajollaassociation@gmail.com](mailto:thelajollaassociation@gmail.com) Website: <http://www.lajollaassociation.com/>

Including the three unexpected write-in candidates there were nine candidates for the six available Trustee seats (**Exhibit 2**). Two of the candidates, Mr. Joe La Cava and Mr. Jim Fitzgerald, however served their six years maximum term allowed by **Article III Section 3** of the LJCPA bylaws. Council Policy 600-24 and the 600-24 Administrative Guidelines clearly describes, if a candidate with service beyond the maximum years allowed appears on the ballot with new candidates the ballot is required to; (a) identify which candidate exceeds the planning group's allowable six year term limits, (b) the candidate must receive a two-thirds vote of all ballots cast by eligible community members participating in the regular election, to be elected, (c) the ballot should also indicate this candidate will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., a new candidate has priority over candidates exceeding the term limits.

The LJCPA bylaws, 600-24 and the 600-24 Administrative Guidelines require Mr. La Cava and Mr. Fitzgerald be termed-out and not be granted another three year term. Election policy requires two new qualified candidates that ran for office is seated as LJCPA Trustees.

3. Pursuant to **Article V Section 3** of the LJCPA bylaws; to qualify as a Trustee candidate in an election, a member must have documented attendance at three LJCPA meetings in the preceding 12-month period. Based on the LJCPA's Attendance and Membership List (**Exhibit 3**) write-in candidate Mr. Rob Whittermore does not meet this qualification. The LJCPA records show Mr. Whittermore attended just two meetings, one in March and the other in June of 2013.

The LJCPA bylaws, 600-24 and the 600-24 Administrative Guidelines require write-in candidate Mr. Rob Whittermore be deemed disqualified and the candidate with the next highest amount of votes be seated as a LJCPA Trustee.

The LJA and our community fully anticipate the LJCPA Trustees will correct the above mentioned election errors and honor Council Policy 600-24 and the LJCPA bylaws.

La Jolla Association

  
Founding Committee Member



PO Box 889, La Jolla, CA 92088  
<http://www.LaJollaCPA.org>  
Voicemail: 858.456.7900  
[info@LaJollaCPA.org](mailto:info@LaJollaCPA.org)

President: Tony Crisafi  
Vice President: Joe LaCava  
2<sup>nd</sup> Vice President: Patrick Ahern  
Treasurer: Jim Fitzgerald  
Secretary: Helen Boyden

## La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursday of the Month  
La Jolla Recreation Center, 615 Prospect Street

### Thursday February 6, 2014

#### D R A F T AGENDA

6:00p

1. Welcome and Call To Order: **Joe LaCava**, Vice President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval: 8 January 2014**
4. **Elected Officials Report – Information Only**
  - A. Council District 1 – Council President Pro Tem Sherri Lightner  
Rep: **Erin Demorest**, 619.236.7762, [edemorest@sanidiego.gov](mailto:edemorest@sanidiego.gov)
  - B. 39<sup>th</sup> Senate District – State Senator Marty Block  
Rep: **Allison Don**, 619-645-3133, [Allison.don@sen.ca.gov](mailto:Allison.don@sen.ca.gov)
  - C. 78<sup>th</sup> Assembly District - Majority Leader Toni Atkins  
Rep: **Toni Duran**, 619-645-3090, [Toni.Duran@asm.ca.gov](mailto:Toni.Duran@asm.ca.gov)
5. **Non-Agenda Public Comment**  
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
6. **Non-Agenda Items for Trustee Discussion**  
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
7. Officer's Reports
  - A. **Secretary**
  - B. **Treasurer**
8. **Candidate Statements**  
Candidates present their qualifications and reasons for running (2 minutes each.)  
Last opportunity to announce your candidacy.
9. **President's Report**
  - A. Trustee Elections - Thursday March 6, 2014 3:00pm – 7:00pm
  - B. Annual Member Meeting – Thursday March 7, 6:00pm
  - C. President will be stepping down
  - D. **ACTION** - Approval of Letter addressing assessment of LJ Beaches, shores & biological environment (draft attached)
  - E. Report from Adhoc committee on vacation rentals
  - F. CPC & City updating 600-24, expect draft on March Agenda

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*If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.*

## 10. CONSENT AGENDA – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items.

→ ***Anyone may request a consent item be pulled for reconsideration and full discussion.***

→ ***Items pulled from this Consent Agenda are automatically trailed to the next LJCPA meeting.***

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair (vacant), 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

### A. Mobile Food Trucks LDC Amendment

**PDO Motion: Request the La Jolla Community Planning Assoc. create a committee to review the Amendment 010913 regarding mobile food trucks. The committee is concerned that the City of San Diego has added/ will add new uses within the framework of the La Jolla Planned District Ordinance and to the La Jolla Community Plan without community review. 9-0-0.**

Please see the attached Notice of Right to Appeal an Environmental Determination for a future project in your community planning area which will be posted on the City of San Diego's Official website on Friday, January 10, 2014. Please note that this is a Citywide item and therefore, the same information has been provided to all City Council districts. This project was reviewed by the Development Services Department and a determination made that the project is exempt from the California Environmental Quality Act (CEQA). If you have any questions, please contact the Project Manager identified on the attached notice.

See: <http://www.sandiego.gov/development-services/pdf/industry/2014/regulationsfoodtrucks.pdf>

### B. Sprint Site

**PDO Motion: Findings can be made that the antenna and relocation of radio cabinetry equipment of the proposed project conforms to the Planned District Ordinance with respect to materials and esthetics. 8-0-1**

7590 Fay Avenue- Removal and replacement of three antennas (1 per sector), addition of three (3) remote radio head (RRH) units, relocation of the existing radio equipment from the rooftop to an interior office suite.

### C. Rudolph NDP Encroachments

**DPR Motion: Findings can be made for a Neighborhood Development Permit to allow existing fencing (greater than 3 feet in height), and encroachments, within the public right-of-way located at 1559 El Paso Real 5-0-0**

**DPR Motion (As an advisory to the City): The boulders, including those in the public right-of-way, are an important Cultural Landscape Feature of the older La Jolla hillside Neighborhood, and should be preserved. 5-0-0**

1559 El Paso Real- Neighborhood Development Permit to allow existing fencing, greater than 3 feet in height, within the public right-of-way located in the RS-1-2 zone, Coastal (Non-appealable area 1), Coastal Height Limit and Coastal Parking Impact Overlay Zones, and Steep Hillside within the La Jolla Community Plan. *Application was formerly for a CDP to construct a new detached 660 sq. ft. garage with 660 sq. ft. guest quarters above, on a 0.56 acre site with an existing 4,047 sq. ft. SFR. Findings for the CDP were made by the DPR on 5/21/13. NDP was subsequently required in addition to CDP. Changes to the City's Land Development Code effective Oct 10th, 2013, vacated the requirement that this project obtain a CDP.*

**D. 7330 Eads Duplex CDP**

**DPR Motion: Findings can be made for a Coastal Development Permit to allow the proposed development to construct a 2-story 4,129 square-foot, residential duplex with roof decks on a 0.16-acre lot located at 7330 Eads Avenue 4-0-1**

A Coastal Development Permit (Process 2) to demolish an existing single-family residence and construct a 2-story 4,129 square-foot, residential duplex with roof decks on a 0.16-acre lot located in the RM-1-1 Zone, the Coastal (non-appealable), the Coastal Height and Parking Impact Overlay Zones within the La Jolla Community Plan.

**E. 2350 Calle De La Garza**

**PRC Motion: Findings can be made for a process 3 site development permit for Project No. 341630, with plans dated 1-28-2014. 5-0-0**

**2350 Calle De La Garza-** PROCESS 3 -SDP to remodel and add 4,412 square feet to an existing 3,634 square foot, 2-story single family residence on a 0.56 acre lot. The site is located in the SF Zone of the La Jolla Shores Planned District, Coastal Overlay (non-appealable), Coastal Height Limit, and Parking Impact Overlay Zones in the La Jolla Community Plan area.

**F. Whale Watch Way Residence**

**PRC Motion: Findings can not be made for Site Development Permit or a Coastal Development Permit for Project No. 328415. It is not compatible with the neighborhood in form, bulk and scale. In particular, the east side of the building envelope is incompatible with the neighboring structures. The size, form, and relationship of the the proposed project will disrupt the architectural unity of the neighborhood. 5-0-0**

8490 Whale Watch Way- PROCESS 3 - CDP, and SDP to demolish an existing single family residence and construct a 7,001 two-story, over basement single family residence on a 20,093 sq.ft. lot. The site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking.

**G. Bike Lane – Nautilus between Aranda and West Muirlands**

**T&T Action: Motion to approve 7-1**

**H. La Jolla Concoers Street Closures**

**T&T Action: Motion to approve 8-0**

Street closure- April 13<sup>th</sup> 2014

**I. Remove Commercial Loading at 7414 Marine (near corner of Herschel & Marine)**

**T&T Action: Motion to approve 7-0**

**11. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only**

A. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 5pm, Rec Center

B. COMMUNITY PLANNERS COMMITTEE – Meets 4<sup>th</sup> Tues, 7p, 9192 Topaz Way

**12. Tyrian st. & Soledad Ave. Sewer Main Replacement**

**Information Only.** The Tyrian St. & Soledad Ave. Sewer Main Replacement is within the public right-of way of Electric Avenue, Rosemont Street, Tyrian Street, Soledad Avenue, Hillside Drive, Castellana Road, and Puente Drive. This project will replace approximately 1,300 linear feet and rehabilitate 100 linear feet of sewer mains. Yousif Benyamin from the city of San Diego will provide a brief presentation.

Time  
Certain:  
6:45pm

**13. Harbach Residence – full review (Pulled by John Ellison)**

5372 Calumet Avenue- Coastal Development and Site Development Permit (Process 3) for ESL to demolish a one-story, single-family residence and construct a 4,757 square foot, two-story over basement, single-family residence on a 0.20-acre property. The site is located in the RS-1-7, Coastal Overlay (appealable), Coastal Height, Sensitive Coastal (bluffs), Parking Impact Overlay Zones, and First Public Roadway in the La Jolla Community Plan.

*DPR Action (Dec 2013): Findings can be made for an amendment to the Coastal Development Permit and Site Development Permit for a CDP for the single-family residence as presented for 5372 Calumet. 6-0-1*

Applicant: David Dombroski

**14. The Reserve – full review (Pulled by Kevin Johnson)**

6850 Country Club Drive- (Process 4) CDP, PDP, SDP (ESL) and Vesting Tentative Map to subdivide a 25.14 Acre site into three parcels (three SDU). The site is located within Zone RS-1-4/Coastal Overlay (Non-appealable), Coastal Height, Parking Impact, Brush Management, Very High Fire Hazard, Earthquake Fault Buffer, and Open Space Overlay Zones in La Jolla Community Plan.

*DPR Action (Dec 2013): Findings can be made for the Coastal Development Permit, Planned Development Permit, Site Development Permit (Environmentally Sensitive Lands) and Vesting Tentative Map to subdivide a 25.14 Acre site into three parcels (three Single-Family Dwelling Units). The site is located at 6850 Country Club Drive. 5-0-1-1*

Applicant: Greg Shannon

**15. Hillel Center for Jewish Life –Draft Environmental Impact Report**

The proposed project is a SITE DEVELOPMENT PERMIT AND RIGHT-OF-WAY VACATION to develop a vacant site located at the southwest corner of the intersection of La Jolla Village Drive and La Jolla Scenic Way, just south of UCSD in two phases. Phase 1 would consist of the temporary use of the Cliffridge property until the new HCJL facilities (Phase 2) are occupied. Phase 2 would involve development of the 0.8-acre vacant parcel east of the Cliffridge property. The new facility would provide three new buildings of approximately 6,479 square feet of gross floor area (GFA) around a central outdoor courtyard. The project site is within a Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone, and the La Jolla Community Planning Area. (Legal Description: Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego). The site is not included on any Government Code listing of hazardous waste sites. **Comments Due Feb. 11<sup>th</sup>**

*PRC Action (Feb 2014): This committee tried to focus on the changes to the revised Draft EIR, but did not have a redline version to specifically identify the changes. We did find the DEIR deficient in the following areas and recommend that the LJCPA look into these further, due to lack of sufficient analysis in the DEIR:*

- *Use of an attendance limit of 50 persons for noise analysis, even though the building has occupancy limit far greater.*
- *Increased traffic in the area due to projected future building in the Scripps Upper Mesa site next to the Venter Institute.*
- *Siting of a student center in the Single Family Zone.*
- *The traffic pattern, turning from LJ Village drive onto LJ Scenic Drive North makes the driveway unsafe.*
- *Onsite parking inadequate for a religious designation and for a student center that can hold 100 to 150 people.*
- *The project will be precedence setting.*
- *Loss of 9 spaces of street parking in the campus impact parking overlay zone in an area already impacted by the UCSD campus.*
- *Tall windows on the buildings will create light pollution into the residential neighborhood.*
- *Cumulative effect of other student centers being built in the single family zone.*

5-0-0

**The DRAFT EIR and associated technical appendices are available online at:**  
**<http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>**

**Note: The draft EIR was revised to update the Traffic and Cumulative Impacts sections to reflect other projects in the area.** The draft EIR is being recirculated with this new information. The LJCPA commented on the previous version of the draft EIR (See **[http://www.lajollacpa.org/minutes/ljcpa13\\_0307min.pdf](http://www.lajollacpa.org/minutes/ljcpa13_0307min.pdf)**, Item 17.) There is no change to the design of the project.

16. **Adjourn** to next Regular Monthly Meeting, March 6th, 2014, 6:00pm



PO Box 889, La Jolla, CA 92038  
http://www.LaJollaCPA.org  
Voicemail: 858.456.7900  
info@LaJollaCPA.org

President: Tony Crisafi  
Vice President: Joe LaCava  
Second Vice President: Patrick Ahern  
Treasurer: Jim Fitzgerald  
Secretary: Helen Boyden

## La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month  
La Jolla Recreation Center, 615 Prospect Street

Wednesday, 8 January 2014

### DRAFT MINUTES -- Special Meeting

Trustees Present: Patrick Ahern, Cynthia Bond, Helen Boyden, Tom Brady, Bob Collins, Dan Courtney, Tony Crisafi, Janie Emerson, Jim Fitzgerald, Gail Forbes, Joe LaCava, David Little, Nancy Manno, Myrna Naegle, Bob Steck, Ray Weiss, Frances O'Neill Zimmerman  
Trustee Absent: Phil Merten

1. **Welcome and Call To Order: Tony Crisafi, President at 6:04 PM**
2. **Adopt the Agenda**  
**Approved Motion: To approve the agenda as posted (Emerson, Fitzgerald: 12-0-1)**  
In favor: Bond, Boyden, Brady, Collins, Emerson, Fitzgerald, Forbes, LaCava, Little, Naegle, Steck, Weiss  
Abstain: Crisafi (Chair)
3. **Meeting Minutes Review and Approval**  
**Approved Motion: To approve the Minutes of 5 December 2013 as distributed (Collins, Little, 13-0-1)**  
In favor: Bond, Boyden, Brady, Collins, Emerson, Fitzgerald, Forbes, LaCava, Little, Manno, Naegle, Steck, Weiss  
Abstain: Crisafi (Chair)
4. **Elected Officials Reports - Information Only**
  - A. **Council District 1 – Council President Pro Tem Sherri Lightner Rep: Erin Demorest, 619.236.7762, [edemorest@sandiego.gov](mailto:edemorest@sandiego.gov)** reported that Ave. de la Playa Sewer/Storm Drain renewal is on schedule. La Jolla Cove Lifeguard station construction will begin in January. Children's Pool Lifeguard station work will resume in June after the pupping season. Sewer/Water reconstruction is being done on Coast Blvd between Cave Street and Scripps Park. Street is open, but there is no parking due to construction equipment. Member Daisy Fitzgerald, thanked Ms Demorest for intervening to restore parking on Girard during the holiday shopping season. Street work had started prematurely.
  - B. **39<sup>th</sup> Senate District – State Senator Marty Block**  
Rep: Allison Don, 619-645-3133, [Allison.don@sen.ca.gov](mailto:Allison.don@sen.ca.gov) was not present
  - C. **78<sup>th</sup> Assembly District Majority Leader Toni Atkins**  
Rep: Toni Duran, 619-645-3090, [Toni.Duran@asm.ca.gov](mailto:Toni.Duran@asm.ca.gov) was not present.
5. **Non-Agenda Public Comment - Issues not on the agenda and within LCPA jurisdiction, two (2) minutes or less**
  - A. **UCSD: Robert Clossin, AICP, Director, Physical and Community Planning: [rclossin@ucsd.edu](mailto:rclossin@ucsd.edu)**, is working with the Coastal Commission to get the Venter Institute access changed and to develop the 400' pedestrian trail at SIO to connect to present and future overlooks. They hope to start in a couple of weeks. The trail will be decomposed granite and will adhere to the ADA standards of <= 5% grade.
  - B. **Joyce Abrams- District 1 Gang Prevention Commission:** distributed and collected a 20-question survey to trustees and attendees asking about awareness of gang activity.



**Cheri Jacobs Asten**, Representing the Paraplegic Assn. presented a vision of what the Children's Pool would look like with ADA accessibility.

**Clint Carney** of I Love a Clean San Diego—a 60-year-old organization devoted to Environmentalism and Education. They organize environmental cleanups and can be contacted for assistance. Website: [cleansd.org](http://cleansd.org)

**Tim Lucas**, PRC Committee member, referred to the Whitney project dEIR heard by the LJCPA last month, saying the PRC has spent many hours reviewing the dEIR and the LJCPA ignored all the work, possibly due to a lack of time. He referred to Trustee Merten's remarks in the December PRC minutes about the importance of the land use expertise of official community groups in providing advice on environmental determinations.

**6. Non-Agenda Items for Trustee Discussion - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.**

**Trustee Fitzgerald** referred back to Tim Lucas's remarks and asked that the LJCPA recognize the PRC's work on the Whitney dEIR, by requesting that the LJCPA have it on the agenda in February to supplement the motion made in December.

**Trustee Little** referred to the project parking scheme at 904-910 Turquoise, saying DSD decisions with respect to variances would set a precedent. **Trustee LaCava** stated that this project was in Pacific Beach.

**Trustee LaCava** clarified his remarks made at the December LJCPA meeting: He should have said that Special Member meetings require two weeks notice, but Special Trustee meetings only require one week notice.

**Trustee Zimmerman** requested efforts to assure accurate vote counts. **Trustee LaCava** said he would also count the votes.

**7. Officers' Reports**

**A. Secretary**

**Trustee Boyden** stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: [www.lajollacpa.org/](http://www.lajollacpa.org/). We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period. Reference to upcoming election was made.

If you want to have your attendance recorded without signing in at the back, then hand to the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded.

Please note that members who failed to attend a meeting between March of 2012 and February 2013 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated

**B. Treasurer**

**Trustee Fitzgerald** reported that the beginning balance on December 1 was \$343.33. Receipts in December from donations were \$170.00. Expenses including agenda printing, Rec Center rent and telephone expenses were \$430.60 for an ending balance on December 31, 2013 of \$82.73. The 2013 summary is: Beginning Balance, \$175.16; Total Revenue, \$2056.98; Total Expenses, \$2149.41; Ending Balance, \$82.73.

**Trustee LaCava** has stated that website expenses (every two years) will be due in 2014.

**Trustee Fitzgerald** commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests that LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. He stressed the need for continued donations to support the expenses of the organizations. All donations are in cash to preserve anonymity.

## 8. President's Report

- A. **Children's Pool Beach Closure @ Planning Commission rescheduled to January 16<sup>th</sup>.**
- B. **Report from Ad Hoc committee on vacation rentals**  
1<sup>st</sup> meeting was Jan. 6<sup>th</sup> @ 5:00p Minutes provided at this meeting (see attached)
- C. **Hillel Draft EIR review comments extended to Feb. 11<sup>th</sup>**
- D. **Trustee Elections in March-** In order to run for a Trustee in the March election you must have attended three meetings in the period from March 2013 to February 2014. The candidate forum will be at the February meeting.
- E. **President Crisafi** also requested that committees adhere to the Rec Center closing time or else the LJCPA will be charged for the overtime use

## 9. Consent Agenda – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next LJCPA meeting.

- PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm
- DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm
- PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm
- T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

No PDO & T&T Meetings in December.

### A. Harbach Residence (pulled by John Ellison)

**DPR Motion: Findings can be made for an amendment to the Coastal Development Permit and Site Development Permit for a CDP for the single-family residence as presented for 5372 Calumet. 6-0-1**  
5372 Calumet Avenue- Coastal Development and Site Development Permit (Process 3) for ESL to demolish a one-story, single-family residence and construct a 4,757 square foot, two-story over basement, single-family residence on a 0.20-acre property. The site is located in the RS-1-7, Coastal Overlay (appealable), Coastal Height, Sensitive Coastal (bluffs), Parking Impact Overlay Zones, and First Public Roadway in the La Jolla Community Plan.

### B. The Reserve (pulled by Kevin Johnson)

**DPR Motion: Findings can be made for the Coastal Development Permit, Planned Development Permit, Site Development Permit (Environmentally Sensitive Lands) and Vesting Tentative Map to subdivide a 25.14 Acre site into three parcels (three Single-Family Dwelling Units). The site is located at 6850 Country Club Drive. 5-0-1-1**  
6850 Country Club Drive- (Process 4) CDP, PDP, SDP (ESL) and Vesting Tentative Map to subdivide a 25.14 Acre site into three parcels (three SDU). The site is located within Zone RS-1-4/Coastal Overlay (Non-appealable), Coastal Height, Parking Impact, Brush Management, Very High Fire Hazard, Earthquake Fault Buffer, and Open Space Overlay Zones in La Jolla Community Plan.

### C. Calle De La Garza

**PRC Motion: Findings can be made for a Site Development Permit and a Coastal Development Permit for Project Number: 333421. 8-0-0**  
8347 La Jolla shores Drive-'SUSTAINABLE EXPEDITE PROGRAM', PROCESS 3 CDP and SDP to demolish a single family residence and construct a new 2-story, 5,990 square foot, single family residence on a 0.22 acre lot located at 8347 La Jolla shores Drive (address will change to Calle de la Garza), in the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal Overlay (non-appealable), Coastal Height Limit and Parking Impact Overlay Zones within the La Jolla Community Plan area.

### D. Qin Addition (pulled by the applicant to return to PRC)

**PRC Motion: Findings cannot be made to amend the existing Site Development Permit and Coastal Development Permit No. 99-1339, based on the insufficient setbacks on the East and North sides of the property, and the bulk of the project in relation to surrounding neighborhood. The proposed project, due to its form and relationship, will be disruptive of the architectural unity of the neighborhood. 7-0-0**

2604 Hidden Valley Road- PROCESS 3 - CDP and SDP to amend CDP/LJSPD Permit No. 99-1339 to remodel and add 3,124 sq. ft. to an existing 9,167 sq. ft. single family residence on a 0.62 acre lot located in the Single family Residence Zone of the La Jolla Shores Planned District, Coastal Overlay(non-appealable), Coastal Height Limit, Parking Impact Overlay Zone within the La Jolla Community Plan area.

**E. Whale Watch Way Residence** (pulled by the applicant to return to the PRC)

**PRC Motion: Findings cannot be made for a Coastal Development Permit and a Site Development Permit for Project Number: 328415, based on the limited information provided to the committee. 5-1-0**

8490 Whale Watch Way- PROCESS 3 - CDP, and SDP to demolish an existing single family residence and construct a 7,001 two-story, over basement single family residence on a 20,093 sq.ft. lot. The site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking.

**Approved Motion: To accept the recommendation of the PRC Committee for ( C ) Calle de la Garza: that the findings can be made for a Site Development Permit and a Coastal Development Permit for Project Number: 333421 and forward the recommendation to the City. (Fitzgerald, Emerson: 15-0-1)**

In favor: Ahern, Bond, Boyden, Brady, Collins, Emerson, Fitzgerald, Forbes, LaCava, Little, Manno, Naegle, Steck, Weiss, Zimmerman

Abstain: Crisafi (Chair)

**10. Reports from Other Advisory Committees - Information only**

**A. Coastal Access and Parking Board** - Meets 1st Tues, 5pm, La Jolla Recreation Center. No report

**B. Community Planners Committee** – Meets 4<sup>th</sup> Tues, 7p, 9192 Topaz Way. Did not meet in December

**11. Girard Avenue Mixed Use- Full hearing at request of applicant**

7610 Girard Avenue- A Coastal Development Permit and Map Waiver application to waive the requirements of a Tentative Map to construct eight residential condominium units and one 5,125 square foot commercial condominium unit on a vacant 0.27 acre site in Zone 1 of La Jolla Planned District within the La Jolla Community Plan in Council District 1.

*DPR Action (October 2013): Findings can NOT be made for a Coastal Development Permit and Map Waiver to waive the requirements of a Tentative Map to construct the proposed eight residential condominium units and one 5,125 square foot commercial condominium unit in a three-story building (where a maximum of only two stories is allowed) at 7610 Girard Avenue. The proposed design is consistent with neither the intent nor the letter of the LJPDO, which clearly is intended to promote pedestrian-friendly accessible commercial environments with two-story buildings. The proposed project is not consistent with the neighborhood character of existing commercial development in the immediate vicinity of this LJPDO Zone 1 project site. The quality of the plaza space at the lower level fronting Girard Avenue is very poor. The placement of commercial uses 5' to 7' below the sidewalk level is not consistent with the PDO requirement that commercial uses be placed at the ground floor. The limited visibility of the commercial spaces and the difficulty in accessing the lower commercial level is not consistent with the neighborhood commercial character, nor with the intent nor spirit of the LJPDO. The proposed three-story building violates the LJPDO whether or not the overall structure height conforms to the SDMC. (Leira/Kane 7-0-1)*

*PDO Action (November 2013): (1.) Findings cannot be made. The project does not meet the requirements of the Planned District Ordinance because the building is three stories in a two story Zone. Citing, Muni Code Section 113.0261. Passed 6-0-0*

*(2.) Findings cannot be made. The proposed project does not conform to the Planned District ordinance as it exceeds 30 feet in height from the final, finished proposed grade. Citing LJ PDO Section 159.0110 (n) definitions. Passed 6-0-0*

*(3.) Committee finds that the project does not conform to the Planned District Ordinance based on LJPDO Statement of Intent and Purpose and the maintenance of traditional building scale and facades in new commercial development. Citing LJPDO Section 159.0101 subsection (b) 2. Passed 6-0-0.*

Philip Quatrino of P Q Design Studio stated that DSD had approved the project as a 3-story building in 2011 and the LICPA had recognized in 2012 that the 3-stories violated the LJ PDO. This redesign includes a 5,000 sf commercial and retail complex below and 8 residential units (1400sf to 2000sf) in the two stories above. There are 9 commercial and 10 residential (in tandem) parking spaces underground.

Community commenters: **Member Daisy Fitzgerald** commented that the project would compromise Jonathan's loading dock. **Member Sally Miller** questioned the need for more commercial space when there were so many vacancies. **Members Pat Granger** and **Alex Outwater** also commented. Responses from the applicant clarified that the property was now vacant and leased by Von's for employee parking, but Von's did not purchase the property which is located between Von's and Everett Stunz on Girard and is screened from the street. Only a patio cover will be torn down. Possible tenants have been identified. DSD has determined that the commercial level did not count as a story.

**Architect Paul Benton**, chair of the DPR subcommittee, discussed the varying heights of the commercial level with respect to the street grade and concluded that the ground floor does not conform to the specific required measurements in the two-story zone of the LJ PDO.

**Trustee Boyden** said that the project's conclusion that there was no 3<sup>rd</sup> story as the commercial level was a basement conflicted with the PDO requirement that commercial activity be restricted to the ground floor. **President Crisafi** stated that there seemed to be a discrepancy with the height of the residence above the sidewalk. **Trustee Forbes** inquired whether Von's parking had or needed a permit for shared use and stated that the residences would be subject to noise from the commercial loading activity. **Trustee Fitzgerald** quoted the requirement of SDMC (113.0261) that the first story be no more than 2.6" above grade and that the first residential story did not qualify. No applicant response to these comments.

**Approved Motion: The findings cannot be made for a Coastal Development Permit for the Girard Avenue Mixed Use Project as the project does not conform to the LJ PDO on the height or ground floor retail requirement and that the building is a 3-story building in a 2-story zone and referencing SDMC 113.0261. (LaCava, Manno: 13-3-1)**

In favor: Ahern, Bond, Boyden, Collins, Courtney, Fitzgerald, LaCava, Little, Manno, Naegle, Steck, Weiss, Zimmerman  
Opposed: Brady, Emerson, Forbes  
Abstain: Crisafi (Chair)

**Approved Motion: That the actions and findings of the LJ PDO and DPR subcommittees as presented in Item 11 of the January 8 LICPA agenda be included as supporting information to the main LICPA motion for the Girard Avenue Mixed Use Project. (Emerson, Fitzgerald: 16-0-1)**

In favor: Ahern, Bond, Boyden, Brady, Collins, Courtney, Emerson, Fitzgerald, Forbes, LaCava, Little, Manno, Naegle, Steck, Weiss, Zimmerman  
Abstain: Crisafi (Chair),

**Approved Motion: That the color palette and finishes for the Girard Avenue Mixed Use Project do not conform to the requirements of the LJ PDO. (Forbes, Collins: 12-0-5)**

In favor: Bond, Brady, Collins, Courtney, Emerson, Fitzgerald, Forbes, Little, Naegle, Steck, Weiss, Zimmerman  
Abstain: Ahern, Boyden, Crisafi (Chair), LaCava, Manno (other abstentions, lack of confirming display)

## **12. Hillel Center for Jewish Life –Draft Environmental Impact Report**

The proposed project is a SITE DEVELOPMENT PERMIT AND RIGHT-OF-WAY VACATION to develop a vacant site located at the southwest corner of the intersection of La Jolla Village Drive and La Jolla Scenic Way, just south of UCSD in two phases. Phase 1 would consist of the temporary use of the Cliffridge property until the new HCJL facilities (Phase 2) are occupied. Phase 2 would involve development of the 0.8-acre vacant parcel east of the Cliffridge property. The new facility would provide three new buildings of approximately 6,479 square feet of gross floor area (GFA) around a central outdoor courtyard. The project site is within a Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone, and the La Jolla Community Planning Area. (Legal Description: Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego). The site is not included on any Government Code listing of hazardous waste sites. *Comments due Feb. 11<sup>th</sup>*

The DRAFT EIR and associated technical appendices are available online at: <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>

**Note: The draft EIR was revised to update the Traffic and Cumulative Impacts sections to reflect other projects in the area. The draft EIR is being recirculated with this new information. The LICPA commented on the previous version of the**

draft EIR (See [http://www.lajollacpa.org/minutes/ljcpa13\\_0307min.pdf](http://www.lajollacpa.org/minutes/ljcpa13_0307min.pdf), Item 17.) There is no change to the design of the project.

**Michael Rabkin**, Executive Director of Hillel of San Diego, commented that Hillel had not been informed of this item being on the agenda and that he was not prepared to respond to any issues raised.

**Trustee Boyden** stated that the LJCPA had sent an extensive response to the previously circulated dEIR (included with today's agenda) and that additional comments should be directed at changes reflected in the recirculated version. **Trustee LaCava** said that City staff confirmed that previously sent comments were still live, but they could be resent by the LJCPA. **Trustee Emerson** asked that the dEIR be reviewed by the PRC. **Taxpayers for Responsible Land Use Attorney Julie Hamilton** recognized the LJCPA's previous work and suggested that the PRC review the changes in the recirculated dEIR at its January meeting in making recommendations to be heard by the LJCPA in February.

**Approved Motion: That consideration of the recirculated Draft Environmental Impact Report for the Hillel project be referred to the Permit Review Committee for review at its January 28 meeting and returned to the LJCPA for its February 6 meeting. (Emerson, Brady: 13-2-1)**

In favor: Ahern, Bond, Brady, Collins, Emerson, Fitzgerald, Forbes, Little, Manno, Naegle, Steck, Weiss, Zimmerman  
Opposed: Boyden, LaCava  
Abstain: Crisafi (Chair)

### **13. Assessment of La Jolla Beaches, Rocky Shores & Biological Environment- Action Item**

Whether to request via letter that the City of San Diego take the following action: To initiate a comprehensive study of the La Jolla Beaches and Rocky Shores areas. The assessment may include a typical scoping meeting and professional studies.

**Member Mike Costello** presented information showing the increases in marine mammal activity at La Jolla beaches (from Goldfish Point south) in the last 40 years, suggesting that spreading of sea lion habitat would occur in the future, potentially endangering humans with increased numbers of shark attacks. He cited several groups that had been inconvenienced. He asked that the City be asked to do the study referenced above and come up with a comprehensive management plan. He characterized a NOAA letter (see attached) sent to the City as saying that Children's Pool mandated year round shared use.

**Trustees Weiss and LaCava** said that the NOAA letter said only that shared use was allowable.

**Member Melinda Merryweather** stated that more than 15 years ago at a Congressional hearing, the State told the City not to encourage the seals. She said something needed to be done to control the stench and save the village beaches from further degradation. **Cheri Jacobs Aspen** raised the ADA issue at the Children's Pool. **Trustee LaCava** advised that she keep her issue separate from public discussion about the seals.

**Member Alex Outwater** and **Trustees Weiss, LaCava, Boyden, Ahern, Manno and Brady** expressed general support for the need to address this problem. Suggestions were made that a science-based study was necessary; all levels of government needed to be involved; other community groups, such as LVM and Parks and Beaches should be consulted; outside funding needed to be secured; and that some small efforts might be successful.

**Approved Motion: That the LJCPA supports finding a permanent solution to the stench at the La Jolla Cove that does not compromise other beaches in the area. (LaCava, Brady: 8-4-1)**

In favor: Ahern, Boyden, Brady, Courtney, Emerson, Fitzgerald, LaCava, Manno  
Opposed: Bond, Forbes, Little, Weiss  
Abstain: Crisafi (Chair)

### **14. Adjourn at 8:59 PM to next Regular Monthly Meeting, Feb. 6th, 2014, 6:00pm**



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President: Tony Crisafi  
Vice President: Joe LaCava  
2<sup>nd</sup> Vice President: Patrick Ahern  
Treasurer: Jim Fitzgerald  
Secretary: Helen Boyden

## La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursday of the Month  
La Jolla Recreation Center, 615 Prospect Street

### Thursday December 5, 2013

## D R A F T AGENDA

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval: 7 November 2013**
4. **Elected Officials Report – Information Only**
  - A. Council District 1 – Council President Pro Tem Sherri Lightner  
Rep: **Erin Demorest**, 619.236.7762, [edemorest@sanidiego.gov](mailto:edemorest@sanidiego.gov)
  - B. 39<sup>th</sup> Senate District – State Senator Marty Block  
Rep: **Allison Don**, 619-645-3133, [Allison.don@sen.ca.gov](mailto:Allison.don@sen.ca.gov)
  - C. 78<sup>th</sup> Assembly District - Majority Leader Toni Atkins  
Rep: **Toni Duran**, 619-645-3090, [Toni.Duran@asm.ca.gov](mailto:Toni.Duran@asm.ca.gov)
5. **Non-Agenda Public Comment**

Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.

  - A. UCSD - Planner: **Anu Delouri**, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://commplan.ucsd.edu/>
6. **Non-Agenda Items for Trustee Discussion**

Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
7. Officer's Reports
  - A. **Secretary**
  - B. **Treasurer**
8. **President's Report**
  - A. **Children's Pool Beach Closure @ Planning Commission Dec. 12<sup>th</sup>**

The City has issued a negative declaration of environmental impact on the proposed closure of the children's pool during pupping season. The city council hearing date for this item is not yet determined.
  - B. **Report from Ad Hoc committee on vacation rentals**

## 9. CONSENT AGENDA – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items.

→ ***Anyone may request a consent item be pulled for reconsideration and full discussion.***

→ ***Items pulled from this Consent Agenda are automatically trailed to the next LJCPA meeting.***

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair (vacant), 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

No T&T meeting in November.

### A. Neptune SCR

**DPR Motion: Findings can be made for the Substantial Conformance Review of the Coastal Development Permit and Site Development Permit to reduce the number of units from 24 to 18 for a residential apartment complex, and as modified at the LJDPR meeting 19 November 2013, allowing for additional horizontal dimension to the step-back at the balconies, which shall be increased as follows: first floor: 2'-0", second floor: 1'-0", roof: 3'-0"; achieved either by an increased setback at the upper balconies or a reduced setback at the lower balconies 6-0-1**

6767 Neptune Place- **\*\*SUSTAINABLE BUILDING EXPEDITE PROGRAM\*\*** SCR (PROCESS 2) to reduce the number of units from 24 to 18 for a residential apartment complex on a 0.56 acre site. The original project was approved pursuant to Coastal Development Permit No. 518964 and Site Development Permit No. 519873, and an Extension of Time for the permits was approved on September 11, 2013. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption. The project site is located in the RM-3-7 Zone, Coastal Overlay Zone (Appealable), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking and Transit Area Overlay Zones within the La Jolla Community Plan and the Local Coastal Program Land Use Plan.

### B. BC Camino

**DPR Motion: Findings can be made for an amendment to the Coastal Development Permit and Site Development Permit and Variance (Process 3) to amend CDP, SCR & Variance 91-0332 for an addition to a single-family residence 6-0-1**

6106 Camino de la Costa - CDP, SDP and Variance (PROCESS 3) to amend CDP, SCR & Variance 91-0332 for an addition to a single-family residence consisting of an approximate 3,528 square foot addition and second driveway where only one is permitted, to an existing 5,493 sq ft, 2-story residence. The site is in the RS-1-5 zone, Coastal (appealable), Coastal Ht, Environmentally Sensitive Lands (bluffs), 1st Public Roadway, and Parking Impact Overlay zone in the La Jolla Community Plan.

### C. Paydar Residence EOT

**DPR Motion: Findings can be made for an Extension of Time amendment to the Coastal Development Permit No. 587174 as presented for a lot at 7227 & 7247 Fairway Road. 6-0-1**  
7227 & 7247 Fairway Rd -Extension of Time for Coastal Development Permit No. 587174 (Process 2) to demolish a single family residence and construct a 13,624 square foot residence with detached guest quarters on a 0.9-acre lot located at 7227 & 7247 Fairway Rd. The site is in the RS-1-4 Zone, Coastal (non-appealable), Coastal Height & Parking Impact Overlay Zones within the La Jolla Community Plan.

### D. Ivanhoe Place

**PDO Motion: Proposed signage conforms to the PDO 6-0-0**

7776 Ivanhoe Avenue- Scope of work to include: Review of signage for LJPDO compliance in Zone LJPDO 1-A.

Time  
Certain:  
6:30p

**E. Coldwell Banker**

**PDO Motion: Signage, as altered by applicant, eliminating one banner and the remaining sign printed on both sides, conforms to the PDO 6-0-0**

930 Prospect Street- Scope of work to include: Review of signage for LJPDO compliance in Zone LJPDO 1-A.

**10. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only**

- A. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 5pm, Rec Center
- B. COMMUNITY PLANNERS COMMITTEE – Meets 4<sup>th</sup> Tues, 7p, 9192 Topaz Way

**11. La Jolla Children's Pool Lifeguard Tower –Information Only**

The La Jolla Children's Pool lifeguard station project kicked-off in June of 2013. Demolition is complete and the construction phase has begun. The Design-Build Contractor is installing Potable Water, Sewage and water proofing systems and constructing the building foundation. Construction will halt during the seal pugging moratorium (December 15, 2013 through June 1, 2014). Construction will resume on June 2, 2014, and is scheduled for completion by December 2014.

Applicant: Yousif Benyamin, Assistant Engineer – Civil, Public Works, City of San Diego

**12. Henely Residence No. 279093- Action Item**

**Appeal Deadline: Dec. 9th, 2013 / Planning Commission Hearing date: Nov. 14th, 2013 appeal denied, permit upheld**

Whether to appeal the project to the California Coastal Commission

The appeal period for the environmental document was announced at the meeting as "closed" prior to the meeting. The environmental document noticing process is being challenged.

*CPA Previous Action (Aug 2013): That the findings are not sufficient for a Coastal Development Permit (Little, Collins: 7-5-3)*

*Appeal to Planning Commission: Sept. 25<sup>th</sup>, 2013*

**13. West Muirlands Traffic Calming Median Chokers ( Pulled by Trustee Zimmerman)**

*T&T Motion (Oct. 2013): Traffic Calming Median Chokers Approved 6-1*

Traffic calming median chokers on West Muirlands

**14. Café la Rue Sidewalk Café- Full hearing at request of applicant**

1132 Prospect Street- (Process 2) A Neighborhood Use Permit (NUP) for a 198-square-foot sidewalk cafe for an existing restaurant at 1132 Prospect Street in Zone 1 of the La Jolla Planned District within the La Jolla Community Plan and Local Coastal Program Land Use Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact Overlay Zone (Coastal), and Transit Area Overlay Zone.

*PDO Action (November 2013): Proposed project has issues with a clear path, not addressing the encroachment; remainder of project conforms to PDO 5-1-1.*

Applicant: Carey Algaze

**15. Whitney Mixed Use- Revised Building Design**

PROCESS 3 - TM Waiver, CDP, and SDP to demolish existing structures, construct 3 story building with 2 residential condo units and 2,000 sq. ft. of commercial space with basement parking on a 0.09 acre site at 2202 and 2206 Avenida De La Playa in the CC Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking.

*PRC Motion (Nov 2013): Findings can not be made for a Site Development Permit or a Coastal Development Permit based on the excessive upper floor building area, which is out of character in form and relationship with the other mixed use buildings in the area. 4-0-2*



**16. Whitney Mixed Use – Draft Environmental Impact Report**

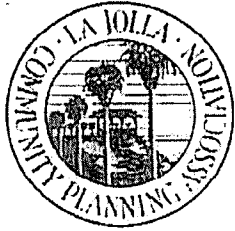
The proposed project is a SITE DEVELOPMENT PERMIT and COASTAL DEVELOPMENT PERMIT to demolish existing previously conforming 1,519-square foot single-story residential and 1,538-square foot single-story commercial structures and construct a new three-story 8,518-square foot mixed-use building with commercial and residential condominiums. The 0.09-acre project site is located at 2202 and 2206 Avenida de la Playa within the La Jolla Shores Planned District area of the La Jolla community.

*PRC Motion (Nov. 2013): pending minutes from Special Meeting on Tuesday, Dec. 3<sup>rd</sup>*

**NOTE: The DRAFT Environmental Impact Report is a available online at:**

[http://google.sannet.gov/search?partialfields=&sort=date%3AD%3AS%3Ad1&proxyreload=1&num=100&requiredfields=STARTED:TRUE,ENDED:FALSE,PATH:CEQA&layout\\_type=datetitlelink&getfields=DOCUMENT\\_URL,TITLE,DOC\\_DATE&output=xml\\_no\\_dtd&ie=UTF8&client=scs\\_ocd&filter=0&site=documents&config=ceqa.js&proxystylesheet=scs\\_ocd&q=](http://google.sannet.gov/search?partialfields=&sort=date%3AD%3AS%3Ad1&proxyreload=1&num=100&requiredfields=STARTED:TRUE,ENDED:FALSE,PATH:CEQA&layout_type=datetitlelink&getfields=DOCUMENT_URL,TITLE,DOC_DATE&output=xml_no_dtd&ie=UTF8&client=scs_ocd&filter=0&site=documents&config=ceqa.js&proxystylesheet=scs_ocd&q=)

**17. Adjourn** to next Regular Monthly Meeting, Jan. 2nd, 2014, 6:00pm



PO Box 889, La Jolla, CA 92038  
http://www.LaJollaCPA.org  
Voicemail: 858.456.7900  
info@LaJollaCPA.org

President: Tony Crisafi  
Vice President: Joe LaCava  
Second Vice President: Patrick Ahern  
Treasurer: Jim Fitzgerald  
Secretary: Helen Boyden

## La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month  
La Jolla Recreation Center, 615 Prospect Street

Thursday, 7 November 2013

### DRAFT MINUTES -- Regular Meeting

Trustees Present: Patrick Ahern, Helen Boyden, Tom Brady, Bob Collins, Tony Crisafi, Janie Emerson, Jim Fitzgerald, Gail Forbes, Joe LaCava, David Little, Phil Merten, Myrna Naegle, Bob Steck, Ray Weiss, Frances O'Neill Zimmerman  
Absent: Cynthia Bond, Dan Courtney, Nancy Manno

**1. Welcome and Call To Order: Tony Crisafi, President, at 6:02PM**

**2. Adopt the Agenda**

Approved Motion: To approve the agenda as posted: (Emerson, Fitzgerald: 10-0-1)

In favor: Ahern, Boyden, Brady, Collins, Emerson, Fitzgerald, LaCava, Merten, Steck, Weiss  
Abstain: Crisafi (Chair)

**3. Meeting Minutes Review and Approval**

Approved Motion: To approve the Minutes of 3 October 2013 as presented in the Public Document (Collins, Brady: 11-0-2)

In favor: Ahern, Boyden, Brady, Collins, Emerson, Fitzgerald, LaCava, Little, Merten, Naegle, Steck  
Abstain: Crisafi (Chair), Weiss (absent)

**4. Elected Officials Reports - Information Only**

**A. Council District 1 – Council President Pro Tem Sherri Lightner**

Rep: Erin Demorest, 619.236.7762, [edemorest@sandiego.gov](mailto:edemorest@sandiego.gov) was absent but submitted a written report.

The City Council has approved separating the Planning Department (to be led by renowned planning expert Bill Fulton) from Development Services. The Planning Department will also handle environmental reviews and economic development. Other changes in management structure are being phased in. The City Council committee structure is being revised, to take place in January 2014.

**B. 39<sup>th</sup> Senate District – State Senator Marty Block**

Rep: Allison Don, 619-645-3133, [Allison.don@sen.ca.gov](mailto:Allison.don@sen.ca.gov)

During the legislative recess Senator Block has been meeting with local groups. Bicycles will no longer be allowed on the steep grade up to the Torrey Pines State Reserve.

**C. 78<sup>th</sup> Assembly District Majority Leader Toni Atkins**

Rep: Toni Duran, 619-645-3090, [Toni.Duran@asm.ca.gov](mailto:Toni.Duran@asm.ca.gov) was not present.

**5. Non-Agenda Public Comment - Issues not on the agenda and within LCPA jurisdiction, two (2) minutes or less**

UCSD - Planner: Anu Delouri, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://physicalplanning.ucsd.edu>, was not present due to the recent birth of a son. She is being replaced on a temporary basis by: Todd Pitman, Principal Planner UCSD, [tdpitman@ucsd.edu](mailto:tdpitman@ucsd.edu), 858.822.3791 who was not present.

**Member Don Schmidt**, complimented the trustees on their action on the Sierra Mar residence but cautioned that even though trustees are not experts on the Secretary of Interior standards for historical designation and don't want to second guess City staff, they can serve as another pair of eyes. He said, furthermore, that **DPR member Angeles Liera** has suggested that in 2014 the La Jolla Historical Society might conduct a workshop for LJCPA trustees. He pointed out that the archaeology (sacred sites) is a part of the historical review.

**Member Pat Granger** said she understood that **John Fisher**, DPM for the Hillel project, would be circulating a third Draft Environmental Impact Report and expressed the opinion that the community was being harassed.

**Zach Plopper**, Coastal and Marine Director of WILDCOAST ([www.wildcoast.net](http://www.wildcoast.net) or 619-423-2258), stated that his organization was partnering with the California Department of Fish and Game to inform the local community about San Diego's Marine Protected Areas. He provided brochures: "Fishing Guide for San Diego's Marine Protected Areas (MPAs)" that feature maps, descriptions and rules for the MPAs. ([www.dfg.ca.gov/mlpa](http://www.dfg.ca.gov/mlpa) to look for the brochure for Southern California)

**Member Sally Miller** noted the loss of public sidewalk space to sidewalk cafes. She said the three foot corridor [sic] that remains is inadequate for pedestrian traffic.

## 6. **Non-Agenda Items for Trustee Discussion** - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

**Trustee Little** referenced previous trustee discussion of short-term-rental abuse and noted that the ad hoc committee appointed in September had not met, citing lack of a chairman as a possible reason. **President Crisafi** appointed **Trustee Ahern** to notice and convene a meeting of the committee which consists of **Trustees Fitzgerald, Brady, Little, Ahern, Steck and Members Outwater and Costello**. The Committee can then elect its chair.

**Trustee Weiss** noted that overgrown shrubbery is blocking sidewalks in many areas.

**Trustee Merten** referenced Item 8C (LJS PRC special meeting of November 20) and announced that a special meeting of the PRC would be held on Wednesday, December 18 at 4 PM at the Rec Center.

## 7. **Officers' Reports**

### A. **Secretary**

**Trustee Boyden** stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: [www.lajollacpa.org/](http://www.lajollacpa.org/). We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period.

If you want to have your attendance recorded without signing in at the back, then hand to the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded.

Please note that members who failed to attend a meeting between March of 2012 and February 2013 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated

### B. **Treasurer**

**Trustee Fitzgerald** reported that the beginning balance on October 1 was \$25.50. Receipts in October from donations only were \$197.00. Expenses including, telephone expenses and PO Box rental were \$124.45 for a, for an ending balance on October 31, 2013 of \$98 .05.

**Trustee Fitzgerald** commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests that LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. He stressed the need for continued donations to support the expenses of the organizations. All donations are in cash to preserve anonymity. He stated that in January 2014 the LJCPA will need to pay the semi-annual rent bill of \$300.00 for the after-hours-use of the Rec Center.

## 8. President's Report

### A. Whitney Mixed Use project EIR

[http://google.sannet.gov/search?partialfields=&sort=date%3AD%3A%3Ad1&proxystylesheet=scs\\_ocd&filter=0&site=documents&config=ceqa.js&proxystylesheet=scs\\_ocd&q=](http://google.sannet.gov/search?partialfields=&sort=date%3AD%3A%3Ad1&proxystylesheet=scs_ocd&filter=0&site=documents&config=ceqa.js&proxystylesheet=scs_ocd&q=)

-Public review extended 14 days to December 13, 2013

B. **Follow-up on Girard Ave School Crossing- trustee comments at September LJCPA meeting.** Delays in construction were due to funding issues and the normal review process. To alleviate traffic problems the Gillispie School has shifted some school traffic to Fay Avenue. The change to one lane is due to Federal ADA regulations for grade school crossing guards.

C. **November 20, 2013 will be the special meeting date** for the La Jolla Shores Permit Review Committee meeting as the regular date of November 26, 2013 is during Thanksgiving week and there would not be a quorum. Three items will be docketed on the agenda.

### D. Action to appoint second Vice-President

#### Approved Motion: To appoint Trustee Ahern Second Vice-President (LaCava, Fitzgerald: 14-0-1)

In favor: Boyden, Brady, Collins, Crisafi, Emerson, Fitzgerald, Forbes, LaCava, Little, Merten, Naegle, Steck, Weiss, Zimmerman  
Abstain: Ahern (candidate)

### E. Action to appoint a new member to the Traffic and Transportation Joint Committee

The Chair called for volunteers and only Trustee Little expressed interest.

#### Approved Motion: To appoint Trustee Little to the Traffic and Transportation Joint Committee (Fitzgerald, Collins: 15-0-0)

In favor: Ahern, Boyden, Brady, Collins, Crisafi, Emerson, Fitzgerald, Forbes, LaCava, Little, Merten, Naegle, Steck, Weiss, Zimmerman

## 9. Consent Agenda — Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next LJCPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

PRC did not have any projects for an October meeting so the meeting was cancelled.

President Crisafi recused due to involvement with (B) Giusti Residence and left the room. Vice President LaCava chaired.

### A. Morse Residence CDP/SDP

**DPR Motion: Findings can be made to recommend a Coastal Development Permit and Site Development Permit to construct an addition at the first and second stories, and reconstruct existing wood deck 6-0-1**

5550 Calumet Ave - (Process 3) CDP & SDP to remodel existing SFR, add 930 sq. ft., w/2nd-story addition, & reconstruct existing wood deck on a 0.12 acre site in the RS-1-7 zone of the La Jolla Community Plan area; Coastal (appealable), Coastal Height & Sensitive Coastal Overlay; First Public Roadway; Geo 12, 47 & 53; ESL-Sensitive Coastal Bluffs; Parking Impact-Coastal & Beach, Residential Tandem & Transit Area Overlay.

### B. Giusti Residence

**DPR Motion: Findings can be made to recommend a Coastal Development Permit and Site Development Permit to construct a new single-family residence 5-0-3**

7062 Vista del Mar- A Coastal Development Permit to demolish an existing duplex and construct a new, approximately 2,593-square-foot, two-story, single-family residence (with 962 square foot basement),

pool, spa and cabana on a 0.09-acre in the RS-1-7 Zone, the Coastal Overlay Zone (Coastal Commission Appeal Jurisdiction), the Coastal Height Limit Overlay Zone, the Parking Impact Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan area.

**C. "La Plaza"**

**PDO Motion: Proposed signage, paving material, and furniture conform to the PDO 5-1-1**

7863 Girard Ave- Scope of work to include: Street furniture, paving materials, and signage locations with calculations presentation for the renovation at La Plaza.

**D. West Muirlands Traffic Calming Median Chokers (Pulled by Trustee Zimmerman)**

**T&T Motion: Traffic Calming Median Chokers Approved 6-1**

Traffic calming median chokers on West Muirlands

Item 9.D. was pulled from the Consent Agenda by Trustee Zimmerman and is expected to be heard at the LICPA's December meeting.

**Approved Motion: To accept the recommendations of the DPR Committee that (A) Morse Residence CDP/SDP: Findings can be made to recommend a Coastal Development Permit and Site Development Permit to construct an addition at the first and second stories, and reconstruct existing wood deck 6-0-1 and (B) Giusti Residence: Findings can be made to recommend a Coastal Development Permit and Site Development Permit to construct a new single-family residence 5-0-3; to accept the recommendation of the PDO Committee that: (C) "La Plaza": the proposed signage, paving material, and furniture conform to the PDO 5-1-1 and forward the recommendations to the City. (Collins, Merten: 12-1-1)**

In favor: Ahern, Boyden, Brady, Collins, Fitzgerald, Forbes, Little, Merten, Naegle, Steck, Weiss, Zimmerman

Opposed: Emerson

Abstain: LaCava (Chair)

Recused: Crisafi

**10. Reports from Other Advisory Committees - Information only**

**A. Coastal Access and Parking Board - Meets 1st Tues, 5pm, La Jolla Recreation Center. No report.**

**B. Community Planners Committee – Meets 4<sup>th</sup> Tues, 7p, 9192 Topaz Way – CPC voted unanimously to recommend the City Council deny the revised proposed Marijuana Dispensary ordinance due to lack of confidence in enforcement mechanisms. The revision proposes additional possible locations and an increase from 600' to 1000' distance from sensitive uses.**

**11. Biddulph Residence– Full hearing at request of applicant – Action Item**

7106 Vista Del Mar – CDP and SDP (Process 3) to demolish a 3,321-square-foot, two-story residence, process a lot line adjustment, and construct a 3036-sq ft, two-story over a 2222-sq ft basement, single-family residence on a 0.12-acre site.

*Applicant has met with primary opposition and has agreed to increase setbacks and reduce height. Request from applicant to submit for reconsideration and revote.*

*DPR Action (July 2013): Findings can be made for a Coastal Development Permit and Site Development Permit to demolish a 3,321-square-foot, two-story residence, process a lot line adjustment, and construct a 2875-sq ft., two-story over a 2129-sq ft. basement, single-family residence located at 7106 Vista Del Mar as modified at the LIDPR meeting 16 July 2013. 3-2-1*

*LICPA Action (Aug. 2013): The findings cannot be made because the project is not in conformance with the La Jolla Community Plan because the proposed building's bulk neither maintains nor enhances the existing neighborhood character with regard to surrounding structures as viewed from the public right of way. 12-0-2.*

**President Crisafi** recused and left the room during the discussion about reconsideration of the project. He returned for the presentation of the project and left the room again at 7:09. **Vice President LaCava** chaired the item.

**Applicant Land Use Attorney Matt Peterson** asked that the project be reconsidered due to height reductions, side yard setback increases and side yard landscape height restricted to 6'. The changes have been submitted to the City and previous opponent **Jeremy Horowitz** has withdrawn his opposition due to these changes and the assurance by the applicant that the

changes would be maintained throughout the permitting process. **Mr. Horowitz's** letter had been e-mailed to all the trustees along with information about the project changes.

Meeting attendees in support of the project stood at **Mr. Peterson's** direction. **Trustee Little** commented.

**Approved Motion: To reconsider previous motion to deny this project as substantial changes have been made (Fitzgerald, Merten: 12-1-1)**

In favor: Ahern, Boyden, Brady, Emerson, Fitzgerald, Forbes, Little, Merten, Naegle, Steck, Weiss, Zimmerman

Opposed: Collins

Abstain: LaCava (Chair)

Recused: Crisafi

**Richard Schneider, Kevin Steele and Member Mike Costello** spoke in favor of the project. **Trustee Collins** inquired as to who in the audience actually lived in the vicinity of the residence; only two persons in the audience identified themselves as living nearby.

**Trustees Zimmerman, Little, Forbes, Merten, Ahern, Collins and LaCava** asked for clarification on a number of issues: height of project (23'11"); 6' vegetation limit will be a permit condition; articulation of north elevation displayed; the basement is not visible from the street; the view corridor along Fern Glen is already blocked by intervening structures.

**Approved Motion: To recommend approval of the revised project dated October 30, 2013 and submitted to the City (Fitzgerald, Merten: 11-0-3)**

In favor: Ahern, Boyden, Brady, Emerson, Fitzgerald, Forbes, Merten, Naegle, Steck, Weiss, Zimmerman

Abstain: Collins, LaCava, Little

Recused: Crisafi

**Trustee Collins** thought the project was not consistent with the Community Plan. **Trustee Little** thought the allowed height of the building was incorrectly listed on the plans.

**Mr. Biddulph** spoke in appreciation of the **Trustee's** approval of the project. Others thanked the applicant and the architects for working with the community.

**12. Adjourn at 7:12 PM to next Regular Monthly Meeting, December 5, 2013, 6:00 pm.**



## La Jolla Community Planning Association

P.O. Box 889, La Jolla, CA 92038  
858.456.7900 | [info@lajollacpa.org](mailto:info@lajollacpa.org)

[LJCPA Home](#)

### Trustees

*(also known as the elected members of the planning group)*

<u>Trustee</u>	<u>2013-2014 Officers</u>	<u>Year First Elected</u>	<u>Term Ends</u>
1. Crisafi, Tony	President	2008	2014
2. LaCava, Joe	Vice President	2008	2014
3. Ahern, Patrick	2nd Vice President	2013	2016
4. Boyden, Helen	Secretary	2013	2016
5. Fitzgerald, Jim	Treasurer	2008	2014
6. Bond, Cynthia		2011	2015
7. Brady, Tom		Aug 2008	2015*
8. Collins, Bob		Aug, 2012	2014
9. Courtney, Dan		Dec 2008	2015*
10. Emerson, Janie		2013	2015
11. Forbes, Gail		2013	2016
12. Little, David		2008	2014
13. Manno, Nancy		2009	2015
14. Merten, Phil		2009	2015
15. Naegle, Myrna		2013	2014
16. Steck, Bob		2013	2016
17. Weiss, Ray		2013	2016
18. Zimmerman, Frances O'Neill		2012	2016

*\*Trustee may not be able to serve full term due to 6 years of continuous service term limitation. Bylaws allow service beyond 6 continuous years under certain circumstances.*

*Pursuant to the bylaws, the LJCPA Board consist of eighteen Trustees elected by the Members of the LJCPA. Trustees serve for fixed terms of 3 years for no more than six consecutive years.*

*Annual elections to fill 1/3rd of the seats are held on the day of the regular March meeting. To be eligible to run for a trustee seat, candidates must be eligible by the regular February meeting, must be a Member, and must have attended 3 of the LJCPA's meetings in the preceding 12-month period. Send an email or notify one of the seated trustees if you are interested in running and be sure to read the bylaws. Special elections are held as necessary to fill a vacant seat.*

LA JOLLA COMMUNITY PLANNING ASSOCIATION ATTENDANCE AND MEMBERSHIP LIST  
 Membership based on (1) property/business ownership or residency and (2) attendance at 1 meeting in 12 months prior to March Election (See Bylaws for details.)

Many Memberships expired 2/28/2014. Active Memberships as of 2/29/2014  
 Lists only Members and those that have attended at least one meeting past year (Mar 13 - Feb 14)  
 Based on attendance records, membership applications, and eligibility as of meeting held: 02/06/14

Attendees (see rightmost column for list of members)	2014												Meetings Attended in 12 months prior to March 2014 ..	Submission Date of Active Application for Membership	Expiration Date of Voting Eligibility	Members	
	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB					
Thomas, Betsy														1	--	n/a	
Thorsen, Cynthia	1	1		1										3	2/1/2007	2/28/2015	Thorsen, Cynthia
Tomphins?, Erin				1										1	--	n/a	
Torres, Ricardo				1										1	--	n/a	
Tuthill, James														1	2/5/2009****	n/a	
Valew sp?, Elizabeth														1	--	n/a	
Vanstrum, Glenn														1	--	n/a	
Varone, Sasha				1										1	--	n/a	
Viii, Esther														2	2/1/2007	2/28/2015	Viii, Esther
Webster, Ellen														1	--	n/a	
Weiermann, Heather														3	12/5/2013	2/28/2015	Weiermann, Heather
Weiss, Ray				1	1	1	1	1	1	1	1	1	1	10	2/1/2007	2/28/2015	Weiss, Ray
Weissman, Edward	1													1	2/7/2013	2/28/2015	Weissman, Edward
Weissman, Suzanne	1	1												5	4/4/2013	2/28/2015	Weissman, Suzanne
Whitney, Bob	1	1	1	1	1									5	4/1/2010	2/28/2015	Whitney, Bob
Whitney, Kimberly	1	1	1	1	1	1	1	1	1	1	1	1	1	11	12/2/2010	2/28/2015	Whitney, Kimberly
Whittemore, Rob	1													2	2/1/2007	2/28/2015	Whittemore, Rob
Wickersham, Jean														1	2/1/2007	2/28/2015	Wickersham, Jean
Wildman, Rick														2	3/1/2012	2/28/2015	Wildman, Rick
Wolf, Roberta														1	--	n/a	
Zaki, Eman	1													2	--	n/a	
Zimmerman, Frances	1	1	1	1	1	1	1	1	1	1	1	1	1	12	5/3/2007	2/28/2015	Zimmerman, Frances

\* Assuming Member meets all other eligibility reqmnts.  
 \*\* Attendance based on sign-in or other written evidence.  
 \*\*\*\* Membership expired



# EXHIBIT 6

**This is a transcription of the “Non Agenda Public Comment” section of the LJCPA February 6, 2014 meeting in which the April election was discussed.**

**No Agenda Public Comments:**

**Trustee Joe La Cava:** Public comment. There was no report from UCSD today or with any other non-agenda public comment? I'll go with Tim first.

**Tim Lucas:** Good evening. I'm Tim Lucas with La Jolla Shores Association and we are on a similar track with the Community Planning Association in that we have an election coming up in March. It's our annual election. Our meeting's next Wednesday night. If you're interested go to our website, La Jolla, LJSC.org or Google La Jolla Shores Association, but if you live in La Jolla Shores area, we have eight seats that are up for election and we need a few people to run. So you go to our webpage to contact us or talk to me and we'll get you the information you need and hopefully some of you will volunteer to help your community.

**Trustee Joe La Cava:** Like I said, you can, La Jolla Light had a little brief article about that and they said only one seat is available because there were so many incumbents running. **That's not exactly democracy.** If there eight seat there eight seat, right.

**Tim Lucas:** Let me apologize for that. That was slightly misstated. I did not write that. We do have eight seats; seven of them currently have people in them, but they're going to, it doesn't mean that they're rerunning or not, we have no idea, and there is one that is currently unoccupied. So eight seats are up out of the 16, most votes takes them and so I apologize for that little blurb in La Jolla Light.

**Trustee Joe La Cava:** Bob?

**Bob Whitney:** Aren't a lot of the people that are sitting on that committee appointed by you and the rest of the group? There's three or four people that have just recently been appointed without elections, right?

**Trustee Janie Emerson:** They'll still fill empty seats.

**Tim Lucas:** The point is they're not turned down. So everyone's not for, there are people occupying the seats right now and those are up, no one's turned down at this point over the seven that are occupied right now.

**Trustee Joe La Cava:** Okay, Tom?

**Trustee Tom Brady:** I don't know if it would be the appropriate time to bring this up, \_\_\_\_\_, but I'm terming out and I would like to resign effective in April, so you can put a space for me on the ballot for next month.

**Trustee Joe La Cava:** But you would still be termed out in August. So your six years will be up in August.

**Trustee Helen Boyden:** He wants to resign now.

**Trustee Joe La Cava:** So if you resign now, then you could run again in March 2015 or you would be termed out in August and then run again in March 2016.

**Trustee Tom Brady:** I would just assume do the earlier one.

**Trustee Joe La Cava:** The earlier?

**Trustee Tom Brady:** Yea.

**Trustee Joe La Cava:** Ok.

**Trustee Tom Brady::** So you will have an extra seat to fill in next month's election.

**Trustee Joe La Cava:** And you save the organization a special one.

**Trustee Helen Boyden:** Okay he wants to resign.

**Trustee Joe La Cava:** He can resign effective April.

**Trustee Helen Boyden:** So he won't be a member in April so he could run again next March?

**Trustee Joe La Cava:** Right he'll have the one year gap.

**Trustee Tom Brady:** And I handed out a letter to the La Jolla Light, which was written by Devin Bernstein last year \_\_\_\_\_. It really expresses my desire to \_\_\_\_\_ to serve you for six years. \_\_\_\_\_ fantastic \_\_\_\_\_ community and very much appreciated and \_\_\_\_\_ it's in the La Jolla Light it speaks really highly of the community groups and what they're able to do in the community. Without them it would just be camp run a mock

**Trustee Joe La Cava:** Thank you for that vague TV reference. Okay, any other non-agenda public comment? I'm not seeing any will close \_\_\_\_\_. Any comments from the trustees? Mr. Little?

**Trustee Dave Little:** In the package that was handed out it contains \_\_\_\_\_ information item that I provided \_\_\_\_\_ that's his \_\_\_\_\_. Thanks Gail Forbes for including that she did accurate job.

**Trustee Janie Emerson:** There were expanded notes on the Heliel vote from the permit review committee that were supposed to be in the packet and I see they were not.

**Trustee Joe La Cava:** They were emailed to the trustees.

**Trustee Janie Emerson:** Correct.

**Trustee Joe La Cava:** They were not printed out because they were about a thousand pages.

**Trustee Janie Emerson:** Actually there weren't. They were only four pages.

**Trustee Joe La Cava :** There were others as well. We do appreciate the good work of the committees. Any other trustee comments. Mr. Merten

**Trustee Phil Merten:** Just a heads-up for those who are not on the city's public notice email list, the La Jolla Shores Advisory Board will be meeting Tuesday morning February 18<sup>th</sup> at 9:00 in this building. There are two projects on the agenda. The \_\_\_\_\_ Taylor residence on Soledad Avenue and the Whale Watch Way residence on the agenda. So if you're interested in either of those, that would be a valuable meeting to attend.

**Trustee Nancy Mano:** Can you give the time and date again, please?

**Trustee Phil Merten:** They meet at 9:00 AM February 18<sup>th</sup> that's a Tuesday morning.

**Trustee Nancy Mano:** What's the address on Soledad, the addresses on Soledad?

**Trustee Phil Merten:** The address on Soledad is 2037 Soledad Avenue. It's a project that has not been submitted for review, but they're asking the advisory board to see if it's substantial enough to go through a full project review.

**Trustee Nancy Mano:** And the address on Whale Watch?

**Trustee Phil Merten:** The Whale Watch Way project is 8490 Whale Watch Way.

**Trustee Joe La Cava:** Any other trustee comments? I'm seeing none. We'll move along to officer's reports. Helen.

**Trustee Helen Boyden:** Okay, if you want your attendance recorded today, you should sign in at the back of the room. There's two sign-in sheets, one for La Jolla CPA members and a yellow one for guests. A reminder that if you have been all year since last February and you wish to vote next month, you need to sign in tonight. La Jolla CPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join need to submit an application, copies of which are available at the sign-in table or online at our website. We encourage you to join so that you can vote in the trustee elections and at the annual meeting of March and I have been told that we may be lacking some membership applications and so if you wish to join tonight, would you please write your name down on a piece of paper and give it to Joe or myself at the end of the meeting and explain how you qualify. You have to give us your address and you're here tonight so that would qualify you. You're entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You can become a member after attending one meeting and must maintain your membership by attending one meeting per year. **To qualify as a candidate in an election, to become a trustee, a member must have had**

**documented attendance at three La Jolla Community Planning Association meetings in the preceding 12-month period, that's between March and today. If you want to have your attendance recorded without signing in at the back, then hand to me, the secretary, before the end of the meeting a piece of paper with your printed full name, signature and statement that you want your attendance recorded. I think I've already gone through that tonight is the last night to either get your one meeting in, to join, having attended one meeting in the past year, or to attend your third meeting in, and be a member in order to run for the election next month.**

Joe La Cava: Thank you, Helen. Jim.

**Trustee Jim Fitzgerald:** Thank you, Mr. President. The treasurer's report for the meeting February 6, 2014. We began with a balance of \$82.73. We had \$134 in collections, so thanks for the audience, the members of the public as well as the trustees. We had expenses for the month of \$140.93 which basically consisted of, it entirely consisted of our phone bill and the printing bill for the agenda, which left us with a deficit for the month of \$6.93 and we there have \$75.80 in the current bank balance, which would be reconciled to our account at Wells Fargo. I'd say it's been a pleasure serving as treasurer of this organization. My term expires, and so \_\_\_\_\_ for the last six years. It's been my pleasure to pass around the box, which I'm going to do again tonight, last time at least for a year and I'd like to emphasize I'm really going to ask for your generosity because this month our expenses are going to be higher than normal, not because of the phone bill or printing bill, because of the size of the agenda and the attachments of over \$130 and we need to renew our website domain name and maintenance agreement and that's another roughly \$120 or so. I'm going to ask you to please be as generous as you can. I want to remind you that all contributions are in cash. They have to remain anonymous as a matter of the policy of this organization. So whatever you can give would be very much appreciated. I'll pass the box around and if it comes back to me, anybody who didn't have a chance, I'll give you one more chance, but thank you very much for your \_\_\_\_\_.

**Trustee Joe La Cava:** Thank you, Jim. Okay next up candidates statements. This is your opportunity now if you're interested in running for one of the now seven seats that are open. We do ask people if they're willing, they're not required, to come up and give your name to the audience and explain a bit about who you are, maybe no more than two minutes, and why you're interested in running, why people should vote for you. So Mr. Collins has already indicated and I think there is nobody in La Jolla that does not know Bob, so we'll excuse him from coming up if he wants to pass, but we certainly can, but any other candidates, this would be your time to come up and announce and one of the things we'll be doing is **Nancy will be double checking to make sure you have at least three attendance in the past year. Come on, line up so we can move through this because we have a full agenda.**

**Trustee Helen Boyden:** Can I have your name please, sir?

**Candidate Peter Ovanessoff:** First name is Peter, I'll spell the last name; it's O-V-A-N-E-S-S-O-F-F. Hi, my name is Peter Ovanessoff. I'm a resident of La Jolla since 1985. I'm a real estate broker by trade, but my main forte is a project manager. I have been involved in some recent projects here in La Jolla and I had the opportunity to attend these meetings and I've decided that

since I've been living here for last 30 years, I'd really like to start to learn how to contribute towards the community myself. I'm not a good public speaker so that's why you hear the shaking in the background, but I hope to improve that once I join you guys. So that's it and I'm open to questions, of course, during the meeting. Thank you.

**Trustee Joe La Cava:** Thanks, Peter. I'll also mention that for all the candidates to submit like a one or two- paragraph statement and we'll put it on the website and the local newspapers will use that.

**Candidate Alex Atwater:** Hello, everybody. My name is Alex Atwater. I'm an attorney. I live here in town down in \_\_\_\_\_ with my wife. My wife grew up here. I grew up in Santa Monica, but I've been coming down here since I was a little kid. My grandmother had a condo on King Street, so I've always loved this place. I went to University of San Diego Law School and graduated in 2008. My practice focus is a lot on construction law and professional liability so I have occasion to work with architects and engineers quite a bit. I look at plans a lot. So I think this, being a trustee would fit in nicely with my skillset. I'm running for office because I want to give back to the community. I want to be part of the La Jolla community. I think there needs to be a balance between development and maintaining the character of La Jolla so I want to try and bring a common sense approach to balancing those two issues and I hope you'll vote for me.

**Trustee Joe La Cava:** Thank you, Alex.

**Candidate Michael Morten:** Good evening, everyone. My name is Michael Morton. I'm an architect and business owner here in La Jolla. Excuse me, I'm an architect and business owner in La Jolla and I'm also a former trustee in the CPA and a longtime volunteer on various CPA committees. I'm running once again to see that a more fair and balanced approach is taken to projects in La Jolla. I was born in San Diego. I met my wife on La Jolla Shores. I grew up swimming in the Children's Pool. I taught my kids how to swim in the Children's Pool. I'm in favor of joint use of the Children's Pool year around. I would like to become another member of the CPA again. I look forward to \_\_\_\_\_. Thank you.

**Trustee Joe La Cava:** Thank you, Mr. Martin. Do we have anybody else? Going once.

**Trustee Helen Boyden:** You had some people on a list, don't you.

**Trustee Joe La Cava:** They've already asked. Going twice.

**Candidate Nancy Gardner:** Any chance you can count next month meeting toward the required third attendance? I would like to help out.

**Trustee Joe La Cava:** No.

**Candidate Nancy Gardner:** The last one was \_\_\_\_\_, was last February so I would \_\_\_\_\_.

**Trustee Joe La Cava:** Okay, well we appreciate that. **If I've learned nothing else in this thing we need to stay by the rules.**

**Trustee Nancy Mano:** We would love to have you, but it's right here in the bylaws.

**Trustee Joe La Cava:** Some people don't think I do that so.

**Trustee Helen Boyden:** Are you going to announce for yourself?

**Trustee Jim Fitzgerald:** Joe, I just want, the box just came box. Has anyone not had the opportunity to contribute? If you did, it's available or didn't it's available; if not, thank you very much. If not I will thank you all for your generous support this evening and have a wonderful rest of the evening.

**Trustee Joe La Cava:** Okay, under the terms of our bylaws, people that have met the six-year, last chance. Okay, not seeing anyone. Under the terms of the bylaws, if you've exceeded your six years and there are not enough people to fill the vacant seats, people can rerun. They have a higher threshold as to how many votes they have to get in order to prevail. So, in fact, as Nancy points out, they must receive at least two-thirds majority of the votes cast in order to serve more than six years. So since there's only four people running for seven seats, I will throw my hat back in the ring because I just can't get enough punishment, but I am not going to, if I am successful I am not coming back as president, so don't get any ideas. So, Mr. Costello.

**Former Trustee Michael Costello:** May I point out that the Bylaws Article 4, Section 2, the La Jolla CPA election shall be established no later than the first week of January. So solicit members to become candidates, the LJCPA shall make good faith efforts to utilize means to, means appropriate to emphasize the CPA's eligibility to find some candidates for the upcoming election.

**Trustee Nancy Mano:** Why is he doing this?

**Trustee Helen Boyden:** Michael.

**Nancy Mano:** We did.

**Former Trustee Michael Costello:** I'm not sure you did.

**Trustee Nancy Mano:** Oh we did.

**Former Trustee Michael Costello:** That's the point.

**Trustee Joe La Cava:** Let him finish.

**Former Trustee Michael Costello:** And I asked Tony two years ago, he's got to start beating the bushes because a lot of you guys are going to turn me down \_\_\_\_\_, and I asked him again last summer and last fall \_\_\_\_\_. It also says in here that you have to establish a good faith effort to bring in new people and I just haven't seen that happen. So,

yes, it is a mechanism that if you had had six years, six consecutive years, you can come back with a two-thirds vote, but I think that's kind of a default, which is not appropriately, you didn't appropriately , and not enough effort was made to go out and tell people we want new people to come in and join the CPA. We wanted people to be trustees and I just don't see that that's happened here, and you can read it in the bylaws. It's in Section 3, LJCPA shall seek enough new trustee candidates to exceed the number of trustee seats open for election in order to allow those who have served six consecutive years to leave the group for at least one year, and none of these things were done. They should have been started last fall, like I told Tony Crasifi. This should have, the election committee should have been started in December at least by January; that did not happen. It happened two days after I sent Tony Frasanti another email. Hey, Tony, what's going on with the election and then finally comes out with this press release, I mean months later, and then have you sought enough trustee candidates to exceed the number of trustee seats open for election and, no, you haven't done that either. So here you are. Either you vote for me or you have empty seats. Now what kind of Banana Republic situation is that?

Trustee Nancy Mano: That's just terrible. May I respond, Joe?

Trustee Joe La Cava: I had you all the way up until Banana Republic. You raise some legitimate issues. I don't think you have to make it personal though.

Former Trustee Michael Costello: I don't want to make it personal. I'm just saying the board did not do that. It's our own bylaws. I helped write them. You helped them write them, Nancy. You brought Starbucks coffee to our sessions when we were writing these bylaws. You don't follow your own bylaws.

Trustee Nancy Mano: May I respond? May, Michael, may I respond. May I respond? May I respond?

Trustee Joe La Cava: Well, you have to talk to the president.

Trustee Nancy Mano: Okay, first of all, you have absolutely no idea what individual trustees have done. I know positively that I have been on the phone and emailing for months. I know of at least two other trustees who have done that, maybe everybody has, I don't know, but you ought to know, Michael, that getting someone to volunteer as a trustee for this board is not an easy chore partly because of what you just put Mr. La Cava through.

Former Trustee Michael Costello: Well, no, we wrote these ourselves. I want the names of the people you contacted.

Trustee Joe La Cava: Okay, Michael, Michael, Michael, we're not going to have a debate. Mr. Little?

Trustee David Little: I have a question was an election committee form? If so who are the members?



**Trustee Joe La Cava:** Mr. Crisafi, raise your hand if you're on the committee to make it easier for me.

**Trustee David Little:** Election committee.

**Trustee Joe La Cava:** Yeah. This actually is the most robust committee we've had in the six years that I've been on the committee. Usually it's one person gets appointed in February and whoever can show up in March. So this is the most robust. Fran.

**Trustee Fran Zimmerman:** I would have taken exception to that comment, which is personal, because David Little and I and what was her name, Jenny. You can't remember, well anyway, I remember, we sat on a nominating committee and we beat the bushes and we came up with a list of people to fill every seat and I didn't know that a nominating committee had been named. Apparently they haven't met as \_\_\_\_\_ . The list of vacancies was never published anywhere and I would agree with Mike. I have to say it's unusual and irregular Joe.

**Trustee Helen Boyden (LJCPA Secretary):** Whisper "there is no nominating committee"

**Trustee Joe La Cava:** Well what I offer is this because I'm not sure what we can do at this point in time. A, the vacancy list is published. It's on the website, so you know exactly who's terming out, and you can also figure out who's not only term is ended up, but who's actually terming out because we put both dates on there. So that's available. We have roughly 200, 250 members as of January. We send out several hundred emails. So you can only run if you've been to three meetings. So that narrows the population down, and I was one of the trustees that was out looking as well to see if there was anybody interested who is not currently a trustee. I didn't advertise though.

**Trustee Helen Boyden:** Will you address the nominating committee issue?

**Female in audience:** My name is Cathleen \_\_\_\_\_ I been a member for a number of years and I just wanted to support what you've said. I have gotten that email \_\_\_\_\_. No, I didn't come three times in the last three months. I think I've gotten it each time \_\_\_\_\_. I mean I'm not speaking for other people, but just as a member at large, I well knew there would be vacancy and it was clear who wasn't going to be eligible to run.

**Trustee Joe La Cava:** So, Mr. Merten.

**Trustee Phil Merten:** I would just like to extend an invitation to people in the audience today in this meeting. I see a lot of faces who are here almost every month attending monthly meetings. Now is the last chance to speak up and throw your hat into the ring as an opportunity to be elected.

**Trustee Joe La Cava:** You can't hide in the dark back there; we know you're in there.

**Trustee Paul Benton:** I think we should take Joe's offer at face value. I think he was standing

aside in the event that anybody else wanted to run and crowd the field and discourage anybody and risk a no vote and I think they may be \_\_\_\_\_.

**Trustee Gail Forbes:** Council policy 600-24 if you read that, it has provisions in it that if there is a vacancy on the Committee Planning Association for two years that the City Council will step in and adjust and suggest that changes be made. So it's not an unusual situation for a planning association to have vacancies and to have languish in the dark, because serving on this committee is sometimes not a happy task. So meetings can be pretentious. So it's not unusual for a vacancy to exist on a community planning association for months and months and months and not be filled for the normal processes, and if so the City Council policy says that this community planning association is not operating up to its policy and, therefore, they step in and provide a different pathway.

**Trustee Joe La Cava:** Now, Mr. Courtney

**Trustee Dan Courtney:** Two questions. I thought I saw something in the La Jolla Light and \_\_\_\_\_ and that's the first question if anything ran in the local paper. Second question, just the absolute cutoff or is there any room in the bylaws to extend the date to put more advertising.

**Trustee Joe La Cava:** The bylaws provide that this is the last time to announce and then there is an odd write-in opportunity if you otherwise qualify.

**Trustee Dan Courtney:** Is there anything in newspapers?

**Trustee Joe La Cava:** You know I can't tell you. I don't read the Light that carefully anymore. I did when I was president. Mr. Little, and then we'll wrap it up.

**Trustee David Little:** I assume nominations are in order, nominating somebody I understand if you don't have their approval to run then, but if they're here, they can express their disapproval. I'd like to nominate Sherry Miller who's sitting back there. It's time for her to come out and join the committee, I was wondering if she would run.

**Sherri Miller:** I've been asked and I've declined because \_\_\_\_\_.

**Trustee Joe La Cava:** Yeah some people find they actually have more of the power from the audience than they do from up here. Okay, with that I guess we'll close the nominations. There is an opportunity for write-in so if somebody changes their mind or has a change of heart. Yeah.

**Trustee Jim Fitzgerald:** I would be available to run again, but I will pass the chalice of treasurer to someone else and help manage that transition.

**Trustee Joe La Cava:** Okay, do you want me to put you down?

**Trustee Jim Fitzgerald:** Yeah, I'll do, under the circumstances, I didn't realize that I was eligible at all to run again.

**Trustee Joe La Cava:** I thought there would be a lot more nominees.

**Trustee Helen Boyden:** We're going to have six people for seven positions.

**Trustee Joe La Cava:** Correct. Mrs. Gardner.

**Nancy Gardner:** Joe do you fill positions throughout the year from time to time.

**Trustee Joe La Cava:** Yeah, we have special elections for those. So we do. So we'll have to figure out. I don't know. We'll have to see if there's a write-in so someone could actually fill that seventh seat and they have to otherwise qualify. **They still have to have met the three meetings as of this night.** So okay with that we'll move on. We still have a full agenda. I think I'm going to go ahead. We had a \_\_\_\_\_ at 6:45 for the city project. We have two engineers from the City of San Diego. So if you gentlemen want to come up \_\_\_\_\_ and Gerico.

**Trustee Helen Boyden:** \_\_\_\_\_ number 12.

**Trustee Joe La Cava:** Yeah for the trustees the last two pages of your trustee packet and I think.

END OF RECORDING

# EXHIBIT 7

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**CURRENT**

SUBJECT: STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES  
OF RECOGNIZED COMMUNITY PLANNING GROUPS  
POLICY NO.: 600-24  
EFFECTIVE DATE: April 5, 2012

BACKGROUND:

Community planning groups have 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 each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agencies. This Policy applies to the 12 to 20 elected members of a recognized community planning group, herein referred to as members.

Planning groups are private organizations. The City does not direct or recommend the election of specified individual members, nor does the City appoint members to planning groups, or recommend removal of individual members of a planning group. The City does not delegate legal authority to planning groups to take actions on behalf of the City. Planning groups are voluntarily created and maintained by members of communities within the City. Council Policy 600-24 was created to provide the guidance for organizations operating as officially recognized community planning groups.

In 2006, it was determined that since planning groups are advisory bodies created by an action of the City Council, that they are subject to California's Open Meeting Law, the Ralph M. Brown Act ("Brown Act") (California Government Code Sections 54950 through 54963). The 2007 amendments to Council Policy 600-24 incorporate clear direction to planning groups about compliance with the Brown Act.

Bylaws of recognized community planning groups shall be amended to conform to the 2007 amendments to Council Policy 600-24 within 6 months from the enactment of the 2007 amendment. Until the expiration of 6 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City Council, shall be deemed to be operating in conformance with this Policy.

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PURPOSE:

The purpose of Council Policy 600-24 is to identify responsibilities and to establish minimum operating procedures governing the conduct of planning groups when they operate in their officially recognized capacity.

POLICY:

It is the policy of the City Council to require each recognized community planning group, as a condition of official recognition by the City of San Diego, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws," to the City. These bylaws must contain, at a minimum, all the provisions addressed in this Policy, and conform to the criteria contained herein, including the standardized bylaws shell attached to this Policy. Individual planning groups' bylaws may utilize options within the standardized bylaws shell and may also expand on provisions in this Policy to better meet the needs of diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy to maintain official recognition by the City. The original bylaws for each planning group and the initial members and terms of each planning group seat and member will be submitted for approval by resolution of the City Council.

Community planning groups that are also incorporated under the laws of the State of California shall maintain corporate bylaws separate from the planning group bylaws.

Subsequent amendments to adopted bylaws may be proposed to the City by a majority vote of the elected membership of a community planning group. Amendments shall be approved by the Mayor's Office and City Attorney if determined to conform with this Policy. Bylaws amendments that cannot be approved by the Mayor's Office and City Attorney will be taken to the City Council for consideration. A planning group's proposed revisions to their adopted bylaws, to bring them into conformity with the 2007 revisions to this Policy, to the extent such bylaws are inconsistent with this Policy, do not go into effect, and may not be used by the planning group, until the City has approved the bylaws and has notified the planning group of the effective date of the amendment. Failure of a planning group to comply with the approved operating procedures and responsibilities will be cause for the City Council to withdraw official recognition.

Planning groups must utilize Council Policy 600-24 and their adopted bylaws to guide their operations. City staff is assigned to prepare and maintain Administrative Guidelines in consultation with the Community Planners Committee.

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The Administrative Guidelines are intended to explain this Policy's minimum standard operating procedures and responsibilities of planning groups. The Administrative Guidelines provide the planning groups with explanations and recommendations for individually adopted bylaws and planning group procedures. Robert's Rules of Order Newly Revised should be used when this Policy, the Administrative Guidelines, and planning group bylaws do not address an area of concern or interest. It is also the policy of the City Council that the City shall indemnify, and the City Attorney shall defend, a recognized community planning group or its individual members in accordance with Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages," as discussed further in Article X, Section 1, and any future amendments thereto.

The intent of the Brown Act, as stated in section 45950, is that the actions of public bodies, "... be taken openly and that their deliberations be conducted openly ..." This is consistent with the goals of the City and planning groups operating pursuant to this Policy. Accordingly, community planning groups shall ensure that all meetings are open to the public, properly noticed, and conducted in compliance with each of the Brown Act provisions as identified in this Policy.

**ARTICLE I Name**

- Section 1. A recognized community planning group shall adopt an official name which shall be subject to the approval of the City Council.
- Section 2. All activities of a recognized community planning group shall be conducted in its official name.
- Section 3. A boundary for a recognized community planning group's area of authority is based on the boundary of the applicable adopted community plan. The boundary is intended to give a planning group the advisory responsibilities over an area that has been established based on logical, man-made, or geographic boundaries. In some cases, the City Council may determine that a boundary other than that of an adopted plan is the appropriate boundary for a planning group's oversight, and may identify an area either smaller than, or more encompassing than, an adopted community plan.

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The community planning area boundaries which are applicable to each recognized community planning group shall be shown on a map to be included in the bylaws as Exhibit "A."

In accordance with Brown Act section 54954(b), meetings of recognized community planning groups shall be held within these boundaries. When however a community planning group does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

- Section 4. The official positions and opinions of a recognized community planning group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

**ARTICLE II Purpose of Community Planning Group and General Provisions**

- Section 1. Community planning groups have 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 each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agency.

Pursuant to the provisions of Council Policy 600-33, a recognized community planning group will be asked to review a park general development plan or capital improvements within the park only if there is no City recognized park advisory group.

- Section 2. A recognized community planning group reviewing individual development projects should focus such review on conformity with 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, a formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process.



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Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.

- Section 3. Insofar as the efforts of the recognized community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided under the direction of the Mayor's Office.
- Section 4. All activities of recognized community planning groups 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, Brown Act section 54953.2 requires that meeting facilities must be accessible to persons with disabilities.
- Section 5. A recognized community planning group shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Planning group members shall not identify affiliation with a planning group when endorsing candidates for public office. A planning group may take a position on a ballot measure.
- Section 6. Pursuant to the provisions of City Council Policy 600-5, a recognized community planning group's consistent failure to respond to the City's request for planning group 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 its community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's office.
- Section 7. A recognized community planning group may propose amendments to its bylaws by majority vote of the elected members of the group. Proposed amendments shall be submitted to the offices of the Mayor and to the City Attorney, respectively, for review and approval. Any proposed amendments that are inconsistent with the standardized bylaws shell, attached to this Policy, shall be scheduled for consideration by City Council.

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**ARTICLE III Community Planning Group Organizations**

- Section 1. A recognized community planning group shall consist of a specific number of members that is not fewer than 12 nor more than 20, provided, however, that when a larger membership shall give better representation to a community, the City Council may approve such larger membership. Upon recognition by the City Council, the members of the planning groups shall constitute the official planning group for the purposes set forth in Article II.
- Section 2. The members of the recognized community planning group shall consist of the members as of the date of recognition by the City Council, and of such additional members as shall thereafter be elected by eligible community members in the manner prescribed by this Policy.
- Section 3. Members of recognized community planning groups shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:
- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
  - (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
  - (3) local business person, who is a local business owner, operator, or designee at a non-residential real property address in the community planning area.

Demonstration of individual eligibility to vote as a property owner, resident, or local business person, as described in (1) through (3) above, may be achieved through an application showing evidence of qualifications. Eligibility (and demonstration of eligibility) to vote may be further defined in planning group bylaws. This may include minimum attendance requirements. Once eligibility to vote in an election is established, an individual remains eligible until he or she does not meet the eligibility requirements.

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Section 4. Members of a recognized community planning group shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial group members for new groups. No person may serve on a planning group for more than eight consecutive years if members are elected to two- or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total 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 or nine consecutive years shall again be eligible for election to the committee.

This Policy provides an exception for a planning group to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats as follows:

A planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership.

The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section.

Section 5. A member of a recognized community planning group must retain eligibility during the entire term of service. A planning group member may be removed from the planning group, upon a majority vote of the planning group, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group and has notified the member in question that the member is no longer eligible to serve. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3 or Article IV, Section 1 of this Council Policy and in the group's adopted bylaws.

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Section 6. A planning group member or planning group found to be out of compliance with the provisions of this Policy, or the planning group's adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Violations of the Brown Act may, in some circumstances, carry civil or criminal consequences as described in this Policy at Article IX, Section 2. However, as stated in a memorandum prepared by the City Attorney, by implementing bylaws and operating in compliance with this Policy, planning groups will be considered to be in substantial compliance with the Brown Act. (City Att'y MOL No. 2006- 26)

**ARTICLE IV Vacancies**

Section 1. A recognized community planning group 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 its 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 regular meeting as established under Article VI, Section 2 below.

Section 2. A single vacancy that occurs on a recognized community planning group shall be filled by the planning group in a manner specified by the bylaws of the planning group.

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. Vacancies shall be filled no later than 120 days, following the date of the determination of the vacancy, unless the end of the 120 day period would occur within 90 days of the annual March election as described in Article V.

The term of office of any member filling a vacancy in accordance with the procedure established in Article III, Section 4 above shall be for the balance of the vacated term.

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Section 3. When a recognized community planning group is unable to fill a vacancy within the 120 days, as specified above, and the planning group has more than twelve members, the planning group shall either leave the seat vacant until the next planning group election, or amend its bylaws to permit decreased membership to a minimum of twelve members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and the planning group has less than 12 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 and the City shall notify the City Council that the planning group will be inactive until it has attained at least 12 members in good standing. The City shall assist with the planning group election in the attempt to regain the minimum Policy membership requirement of 12 members.

**ARTICLE V Elections**

Section 1. Elections of recognized community planning group members shall be held during the month of March in accordance with procedures specified in adopted planning group bylaws. Planning groups shall hold elections every year or every other year. 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 or nine consecutive years to leave the group for at least one year.

In order to be a candidate in the March election, an eligible member of the community must have documented attendance at three of the planning group's last 12 meetings prior to the February regular meeting preceding the election.

Planning groups may establish voting procedures that include opportunities for multiple voting times on the date of the election, or for multiple locations, or both, provided those procedures allow for the completion of the election during the month of March and they demonstrate an ability to assure fair access and avoidance of voting improprieties. Where an opportunity to vote on more than one date is proposed, then the voting procedures for such an election shall be submitted, at least forty-five (45) days in advance of the first day that voting is proposed to occur, to the office of the Mayor and to the City Attorney, respectively, for review and approval. All voting procedures must insure that voting is done only by eligible members of the community.

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Section 2. The City shall publicize the elections of recognized community planning groups through the City website, City TV24 programming, electronic mail, the City's webpage, and other available effective means.

The planning group shall make a good faith effort to utilize means appropriate to their communities to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

Section 3. Voting shall be by secret written ballot. Recognized community planning groups may establish bylaw provisions to address procedures for mailing in ballots for elections if the planning group determines that this procedure, or another specified procedure, would increase community participation in the election process. Under no circumstances is proxy voting for elections allowed. At a minimum, ballots shall be available for a specified period at the noticed planning group meeting at which the election will be held.

Section 4. Unless otherwise explicitly provided for in a recognized community planning group's bylaws, an election becomes final after announcing the election results at a noticed planning group meeting. New members shall be seated in April.

**ARTICLE VI Community Planning Group and Planning Group Member Duties**

Section 1. It shall be the duty of a recognized community planning group to cooperatively work with the Mayor's staff 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.

In accordance with the Brown Act section 54953(a) it shall be the duty of all recognized community planning group members to meet in open and in public, and all persons shall be permitted to attend any meeting of the planning group except as otherwise noted in this Policy.

The community planning group members shall 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.

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It shall be the duty of a planning group as a whole, and of each individual planning group member, to refrain from conduct that is detrimental to the planning group or its purposes under this Policy. 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. Recognized community planning groups and planning group members are responsible for assuring compliance of meeting procedures and meeting records requirements under this Policy.

**(a) Meeting Procedures**

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

- (1) **Regular Agenda Posting.** In accordance with Brown Act section 54954.2(a), at least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item. 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 an agenda item shall include the intended action of the planning group regarding that item, for example, stating that the item is an information item only or it is an action item.

- (2) **Public Comment.**

1. **Agenda Items:** Any interested member of the public may comment on agenda items during regular or special planning group meetings. (Brown Act section 54954.3(a))

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2. Non Agenda Items: 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 that are within the scope of the planning group. (Brown Act section 54954.3(a)) Planning group members may respond by asking for more factual information, or by asking a question to clarify, and also may schedule the item for a future agenda. However, no discussion, debate, or action may be taken on such items. (Brown Act section 59454.2)
  3. A planning group may adopt time limits for individual items and for individual speakers to ensure operational efficiencies but such time limits must be reasonable and give competing interests equal time. (Brown Act section 54954.3(b))
- (3) **Adjournments and Continuances.** In accordance with Brown Act section 54955, planning group meetings may be adjourned to a future date. Within 24 hours, a notice of adjournment must be clearly posted on or near the door of the place where the original 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.
- In accordance with Brown Act section 54954.2, if a subsequent meeting is held more than 5 days from the original meeting, a new regular meeting agenda must be prepared (\*); otherwise if shorter, the original meeting agenda is adequate.
- (4) **Continued Items.** In accordance with Brown Act section 54955.1, 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.



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(5) **Consent Agenda.** In accordance with Brown Act section 54954.3(a), 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.

(6) **Quorum and Public Attendance.** This Policy defines a quorum as a majority of non-vacant seats of a planning group. In accordance with Brown Act section 54952.2, a quorum must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning group meetings.

In accordance with Brown Act section 54953.3, no member of the public shall be required, as a condition of attendance at any meeting of a 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.

(7) **Development Project Review.** Planning groups may not, as a condition of placing an item on their 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.

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It shall also be the duty of a planning group, when reviewing development projects, to 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.

- (8) **Action On Agenda Items.** In accordance with Brown Act section 54954.2(b)(2), 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.

In accordance with Brown Act section 54953(c), planning groups 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 this Policy.

- (9) **Collective Concurrence.** In accordance with Brown Act section 54952.2, any attempt to develop a collective concurrence of the members of a planning group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal **intermediaries**, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

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- (10) **Special Meetings.** In accordance with Brown Act section 54956, the chair of a planning group, 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.

- (11) **Emergency Meetings.** Brown Act section 54956 describes emergency meetings for matters related to public health and safety. These matters are outside of the purview of a planning group and are prohibited under this Policy.
- (12) **Right To Record.** In accordance with Brown Act sections 54953.5 and 54953.6, any person attending a meeting of the planning group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
- (13) **Disorderly Conduct.** In accordance with Brown Act section 54957.9, 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.

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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**

Recognized community planning groups are encouraged to establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

- (1) **Standing Committees.** Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas, such as development review. In accordance with Brown Act section 54952(b), all standing subcommittees of a planning group are subject to Brown Act public noticing and meeting requirements as set forth in Council Policy 600-24, Article IV, Section 2(a).
- (2) **Ad Hoc Subcommittees.** Ad hoc subcommittee meetings are established for a finite period of time to review more focused issue areas and are disbanded following their review. While the Brown Act does not impose requirements upon ad hoc subcommittees when made up entirely of members of the planning group and constituting less than a quorum of the planning group (Brown Act section 54952), this Policy requires all subcommittee meetings be noticed and open to the public by inclusion of the meeting announcement on a regular meeting agenda, by an electronic notice, or by announcement at a regular planning group meeting.
- (3) **Committee Composition.** All committees and subcommittees shall contain a majority of members who are members of the planning group. Any member of a committee or subcommittee, who is not a member of the planning group, shall have completed formal training by the City in the duties and responsibilities of community planning groups, before serving on any such committee or subcommittee.

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- (4) **Recommendations.** All committee and subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

**(c) Abstentions and Recusals**

- (1) **Recusals.** Any member of a recognized community planning group with a direct economic interest in any project that comes before the planning group or its committees or subcommittees must disclose to the planning group that economic interest, and must recuse himself or herself from voting and must not participate in any manner as a member of the planning group for that item on the agenda.
- (2) **Abstentions.** In accordance with the Brown Act section 54953(c), all action taken by the planning group including votes must be taken in public.

In limited circumstances, from time to time, planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

**(d) Meeting Documents and Records**

- (1) **Agenda by Mail.** In accordance with Brown Act section 54954.1, 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.

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- (2) **Agenda at Meeting.** In accordance with Brown Act section 54957.5, any written documentation, prepared or provided by City staff, applicants, or planning group members, that is distributed at a planning group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at a 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. Further, the planning group may charge for the cost of reproduction of any materials requested by an individual or individuals.
- (3) **Minutes.** For each planning group meeting, a report of planning group member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. The minutes of each planning group meeting shall include the votes taken on each action item, and should record the names of the speakers, the nature of the 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.
- Planning groups are not required to audio or videotape their meetings but if they do then, accordance with Brown Act section 54953.6, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.
- (4) **Records Retention.** In accordance with Brown Act 54957.5, planning group 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.

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Section 3. It shall be the duty of a recognized community planning group and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1 of this Policy. 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 a recognized community planning group to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, 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 the duties enumerated in Article II, Section 1 of this Policy. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. A recognized community planning group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. It shall be the duty of each recognized community planning group member 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 entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages," as discussed further in Article X, Section 1, and any future amendments thereto.

It shall be the duty of the City to offer at least two orientation sessions each year as well as topic-specific sessions intended to advance the knowledge of planning group members in subjects within the scope of responsibilities of recognized community planning groups. Newly seated planning group members must complete an orientation training session within 12 months of being elected or appointed to a planning group, or the member will become ineligible to serve.

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**ARTICLE VII Planning Group Officers**

Section 1. The officers of a recognized community planning group shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary and, by policy, a planning group's bylaws may include such other officers as the planning group may deem necessary. Further duties of the officers may be defined in planning group bylaws.

The planning group shall determine the length of an officer's term in its bylaws, except that no person may serve in the same planning group office for more than eight or nine 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.

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

Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by specific action vote of the planning group, some other member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson. Each planning group should also vote to select an alternate CPC representative.



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Section 6. It shall be the duty of the officers of recognized community planning groups and of the Community Planners Committee representative to 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**

In addition to incorporating the policies outlined in Articles I through VII into recognized community planning group bylaws, each planning group shall include policies and procedures found necessary for the group's effective operation under this Policy. The following topic areas are those to be addressed. Explanations of when and why to adopt procedures or policies are found in the Administrative Guidelines.

- (1) Community Participation, suggested but not limited to: community outreach; assurances of seeking diverse representation on the planning group.
- (2) Planning Group Composition, suggested but not limited to: methods for anticipated conversion of planning group seats, such as developer seats or appointed seats, as applicable; general membership eligibility and recordkeeping, as applicable; involving the community at large.
- (3) Conduct of Meetings, suggested but not limited to: meeting noticing, including subcommittees; meeting operations such as time limits on speakers and maintaining a civil meeting environment; subcommittee operations such as process for project reviews and bylaw amendments; role of the chair in voting; role of a general membership or the public in discussing agenda items.
- (4) Member and Planning Group Responsibilities, suggested but not limited to: filling vacant seats either during a term or following an election; how planning group positions will be represented to the City; discipline or removal of an individual member; bylaw amendment process, including the development of procedures companion to the bylaws.
- (5) Elections, suggested but not limited to: promoting planning group elections; determining eligibility of candidates and voters; ballot preparation, handling, and counting procedures; poll location and operation criteria; election challenges.

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**ARTICLE IX. Rights and Liabilities of Recognized Community Planning Groups**

Recognized community planning groups operating under this Policy are afforded certain protections for their activities within their identified scope of responsibilities.

As reviewed in a memorandum prepared by the City Attorney, issued November 3, 2006, (City Att’y MOL No. 2006-26), the Brown Act provides various remedies for violation of its provisions but by implementing bylaws and operating in compliance with this Policy, planning groups will be considered to be in substantial compliance with the Brown Act. Any planning group, or any of its individual members, may seek assistance and training, from the City Attorney to conform with the Brown Act.

Section 1. Indemnification and Representation

A recognized community planning group 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-17086 NS 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 Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and the Bylaws of the community planning group; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies

The Brown Act includes civil remedies (Brown Act sections 54960 through 54960) and criminal penalties (Brown Act section 54959) for violation of its provisions. Thus planning groups are encouraged to proactively cure violations themselves. This is to prevent legal actions that would void planning group actions, and it assures good faith, voluntary compliance with the Brown Act.

Both individual members of a planning group, as well as the planning group as a whole, could potentially be subject to civil remedies. Civil remedies may include relief to prevent or stop violations of the Brown Act, or to void past actions of the planning group, and may in some cases include payment of attorneys fees.

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Individual planning group members may potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, but only if the member intended to deprive the public of information which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions, but does not include mere deliberation without taking some action. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Any planning group, or any of its individual members, may seek assistance, as well as training, from the City Attorney to better understand, to implement, and comply with the Brown Act.

Section 3. Council Policy 600-24 Violations and Remedies

Council Policy 600-24 provides various remedies for violation of its provisions by recognized community planning groups or their elected members. Where a planning group does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the City.

Alleged Violations by a Member of a Recognized Community Planning Group

In the case of an alleged violation of this Policy or a recognized community planning group's adopted bylaws by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and adopted planning group bylaws.

If the planning group, after a thorough investigation, determines that the individual member has violated a provision of this Policy or the planning group's bylaws, 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 in adopted planning group bylaws.

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A member found to be not in compliance with the provisions of this Policy not subject to Brown Act or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, as discussed further in Article X, Section 1, and any future amendments thereto.

**Alleged Violations by a Recognized Community Planning Group**

In case the of an alleged violation of this Policy or adopted planning group bylaws by a recognized community planning group as a whole or multiple members of the planning group, the violation shall be forwarded in writing to the City for investigation by the Mayor's office. The City will engage in a dialogue with the planning group, determining the validity of the complaint, and seeking resolution of the issue or dispute.

If a violation against a recognized community 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 Council Policy 600-24 that are not subject to the Brown Act or with its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

**HISTORY:**

Amended by Resolution R-300940 - 10/17/2005  
Amended by Resolution R-302671 - 05/22/2007  
Amended by Resolution R-307347 - 04/05/2012

Attachment "Bylaws Shell"

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*Attachment – Bylaws Shell*

*[CPG NAME] Bylaws  
Amended [insert date]*

**ARTICLE I Name**

- Section 1. The official name of this organization is the *[insert CPG name]*.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the *[insert CPG name]* are the boundaries of the *[insert community name]* community, as shown on Exhibit "A."
- Section 4. Meetings of the *[insert CPG name]* shall be held within these boundaries, except that when the *[insert CPG name]* 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 *[insert CPG name]* 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 *[insert CPG name]* 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 *[insert community name]* community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agency.

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- Section 2. In reviewing individual development projects, the *[insert CPG name]* should focus such review on conformance with 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 *[insert CPG name]* 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 *[insert CPG name]* 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 *[insert CPG name]*'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 *[insert community name]* 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 *[insert CPG name]* 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.

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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 *[insert CPG name]* may propose amendments to these bylaws by majority 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 *[insert CPG name]* shall consist of: INSERT a specific number between 12-20 and CHOOSE ONE OPTION: (A.) elected; or (B.) elected and appointed 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 *[insert CPG name]* shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the *[insert CPG name]* elected seats are filled: CHOOSE ONE OPTION: (A.) by any eligible member identified below. There is no further restriction on the distribution of seats among interests in the community; or (B.) by distribution of seats among the following interests that represent the community: \_\_\_ seats for property owners; \_\_\_ seats for residents; and \_\_\_ seats for business representatives. [go on to describe any further segmentation of these overall categories]; or (C.) by a geographic distribution of seats among [census tracts or neighborhoods or other geographic subdivisions] as follows: \_\_\_ seats for [area]; \_\_\_ seats for [area]; etc. [go on to describe any further segmentation of these geographic seats].

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

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

An individual may become an eligible member of the community by: CHOOSE ONE OPTION: (A.) attending [insert one, two or three] meeting/s of the [insert CPG name] and submitting [identify whether demonstration of eligibility may be accomplished by an application and/or by documented meeting attendance] prior to the March general election; or (B.) demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Committee prior to the March election or at the time of voting.

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning group's criteria and formal action is taken by the planning group. However, the [insert CPG name] shall require proof of eligibility during elections.

INSERT IF APPLICABLE: in addition to elected members, the [insert CPG name] has \_\_\_ appointed seats to better represent specific interests of the community. This/these seat(s) are appointed by \_\_\_\_\_ [identify appointing agency]. Appointed seats are: CHOOSE ONE OPTION: (A.) counted in the [insert number of members] planning group membership and vote on planning group business; or, (B.) are not counted in the \_\_\_ [insert number of members] planning group membership and function in an advisory capacity.



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Section 3. Members of the *[insert CPG name]* shall be elected to serve for fixed terms of: ~~CHOOSE ONE OPTION: (A.) 2 years; or (B.) 3 years; or (C.) 4 years~~ with expiration dates during alternate years to provide continuity.

No person may serve on the planning group for more than: ~~CHOOSE ONE OPTION: (A.) eight; or (B.) nine consecutive years.~~

The: ~~CHOOSE ONE OPTION: (A.) eight; or (B.) nine~~ 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: ~~CHOOSE ONE OPTION: (A.) eight; or (B.) nine~~ 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: ~~CHOOSE ONE OPTION: (A.) eight; or (B.) nine~~ 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 *[insert CPG name]* must retain eligibility during the entire term of service.

Section 5. A member of the *[insert CPG name]* found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 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 *[insert CPG name]* 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.

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**ARTICLE IV Vacancies**

Section 1. The *[insert CPG name]* 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.

Section 2. Vacancies that may occur on the *[insert CPG name]* 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 *[insert CPG name]* shall fill vacancies at the time the vacancies are declared *[provide detail and timeframe]*. Vacancies shall be filled by: **CHOOSE ONE OPTION:** (A.) selection by planning group members at the time the vacancies are declared. *[provide detail and timeframe]*, or (B.) an advertised general election pursuant to Article V. *[provide detail and timeframe]*.

Section 3. When the *[insert CPG name]* is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve 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 *[insert CPG name]* members shall be held during the month of March in accordance with the elections procedures found in Exhibit \_\_\_ of these bylaws.

The *[insert CPG name]*'s general elections shall be held: **CHOOSE ONE OPTION:** (A.) annually; or (B.) every two years.

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

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: **CHOOSE ONE OPTION: (A.) one; or (B.) two; or (C.) three** meeting/s of the *[insert CPG name]*'s last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The *[insert CPG name]* 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: **CHOOSE ONE OPTION: (A.) eight; (B.) nine** consecutive years to leave the group for at least one year.

The *[insert CPG name]* holds its election: **CHOOSE ONE OPTION: (A.) at the March regular meeting, [provide details]; or (B.) at a special meeting in March, [provide details]; or (C.) at multiple locations the day of the regular March meeting [provide details]; or (D.) at multiple locations prior to the regular March meeting, [provide details]; or (E.) on multiple days prior to the regular March meeting, [provide details]; or (F.) utilizing a combination of mail-in ballots and voting at the regular March meeting, [provide details]**

**INCLUDE IF 'E' SELECTED:** The *[insert CPG name]* shall submit procedures to vote on more than one day to the Mayor and the City Attorney 45 days in advance of the 1<sup>st</sup> day of voting for review and approval.

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The *[insert CPG name]* will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

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

The *[insert CPG name]* planning group's policy related to write-in candidates is that: CHOOSE ONE OPTION: (A.) write-in candidates are not allowed; or (B.) write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting 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 *[insert CPG name]*'s election becomes final after announcing the election results: CHOOSE ONE OPTION: (A.) at the conclusion of the noticed, regular March monthly planning group meeting; or (B.) at a noticed, special meeting of the planning group prior to the start of the regular April monthly meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

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

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Section 5. Article VIII, Section 1(e) contains all voting procedures, including: CHOOSE ALL THAT APPLY: voting time/s; voting locations/s; voting eligibility; candidate eligibility; elections committee establishment and responsibilities; promotion of elections; counting votes [plurality, etc.]; ballots; write-in candidates; poll locations/s; mail-in ballots [if applicable]; managing polls and counting ballots; reporting election results to the Chair, and, election challenge criteria and procedures.

**ARTICLE VI Community Planning Group and Planning Group Member Duties**

Section 1. It is the duty of the *[insert CPG name]* 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 *[insert CPG name]* to attend all planning group meetings.

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

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

(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 *[insert CPG name]* 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.

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(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 *[insert CPG name]* 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.

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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.

The *[insert CPG name]* planning group's chair: CHOOSE ONE OPTION: (A.) fully participates in planning group discussions and votes on all action items; or (B.) participates in discussions but does not vote except to make or break a tie; or (C.) does not participate in discussions or vote on 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 *[insert CPG name]* 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 *[insert CPG name]*, 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.



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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 *[insert CPG name]* and are prohibited under this bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the *[insert CPG name]* 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 *[insert CPG name]* may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning group meetings.

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(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the *[insert CPG name]* as identified in Article II, Section 1, the planning group has established: CHOOSE ONE OPTION: (A.) no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter [such as the Elections subcommittee]; (B.) the following standing subcommittees [provide list including: number of members; duties; duration of subcommittee]; or (C.) a combination [provide information as in (A) or (B)].

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

(iii) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of members who are members of the planning group.

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

(iv) RECOMMENDATIONS – Subcommittee recommendations must be brought forth to the full planning group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

**(c) Abstentions and Recusals**

(i) RECUSALS - Any member of the *[insert CPG name]* 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.

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**(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 *[insert CPG name]* member attendance and a copy of approved minutes shall be retained by the planning group, and shall be available for public inspection. 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 *[insert CPG name]* 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.

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(iv) RECORDS RETENTION – *[insert CPG name]* 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.

Section 3. It shall be the duty of the *[insert CPG name]* 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 *[insert CPG name]* 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 *[insert CPG name]* 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 *[insert CPG name]* 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, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

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ARTICLE VII Planning Group Officers

- Section 1. The officers of the *[insert CPG name]* shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary. **OPTION: insert any other officer as defined by the planning group.** The length of an officer's term shall be: **OPTION: insert duration of term,** except that no person may serve in the same planning group office for more than eight or nine 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. **OPTION: insert any further duties as defined by planning group.** Example duties would be setting the agenda, point of contact for development applicants, etc.
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. **OPTION: insert any further duties as defined by planning group.**
- Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties. **OPTION: insert any further duties as defined by planning group.**
- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

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Section 6. The *[insert CPG name]* 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 *[insert CPG name]* 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 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; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

**(a) Community Participation**

The following are the *[insert CPG name]* procedures regarding community participation:

OPTION: Detail any community participation procedures the planning group has.

OPTION: List actions or state intent of planning group to grow interest in planning group activities and to encourage diversity.

NOTE: If it is necessary, separate procedures can be adopted by the planning group for topics in this Section.

**(b) Planning Group Composition**

The following are the *[insert CPG name]* procedures pursuant to Article III, Section 2 regarding planning group composition:

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OPTION: If planning group anticipates conversion of seats from one category to another, detail here.

OPTION: If any seats are appointed [rather than elected], discuss appointment process here.

OPTION: Refer to form used for determining eligible community member

**(c) Conduct of Meetings**

The following are the *[insert CPG name]* procedures regarding conduct of planning group meetings:

OPTION: Discuss efforts by the planning group to notice meeting agendas.

OPTION: Discuss meeting operation, including public comment [when on the agenda and how much time], how consent items are handled, maintaining a civil meeting environment, how the public/audience participates in discussion items on the agenda; order of items on the agenda.

OPTION: Discuss specifics of subcommittee membership and operation.

OPTION: Discuss operation of the planning group's development review subcommittee operations.

OPTION: Discuss the Elections Subcommittee.

OPTION: Discuss any detail about the chair's voting or non-voting option that isn't discussed in Article VI, Section 5.

**(d) Member and Planning Group Responsibilities**

The following are the *[insert CPG name]* procedures regarding member and planning group responsibilities:

OPTION: Discuss how the planning group's positions may be represented to the City on planning issues that are not project review recommendations.

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OPTION: Discuss internal bylaws amendment process, prior to submittal to the City staff.

OPTION: Discuss when procedures might be developed.

OPTION: Discuss any voluntary financial contributions, including purpose and use.

OPTION: Discuss any regular participation on other committees or with other organizations.

**(e) Elections**

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws:

OPTION: Specifically detail procedures for ALL policies listed in Article V, Sections 1 and 2 related to planning group elections and voting.

**ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups**

Section 1. Indemnification and Representation. The *[insert CPG name]* 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-17086 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 Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The *[insert CPG name]* 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.



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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 *[insert CPG name]***

In cases of alleged violations of the *[insert CPG name]* 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, and any future amendments thereto.

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Investigation procedures for elected member violations are outlined below:

Any action by the *[insert CPG name]* 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.

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- 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 *[insert CPG name]* 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.

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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.

**(b) Alleged Violations Against the *[insert CPG name]* 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 *[insert CPG name]* will work with the City toward a solution and the planning group recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

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

If the planning group is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Exhibit A: *[insert CPG name]* Boundary Map

Bylaws Shell Date: 6/1/07

# EXHIBIT 8


CITY OF SAN DIEGO  
**COUNCIL POLICY 600-24**  
**ADMINISTRATIVE GUIDELINES**  
[April 2010]

# ADMINISTRATIVE GUIDELINES

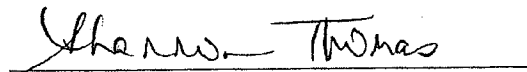
## FOR IMPLEMENTATION OF COUNCIL POLICY 600-24: Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups

Approved July 1991  
Amended May 2001  
Amended April 2006  
Updated April 2010

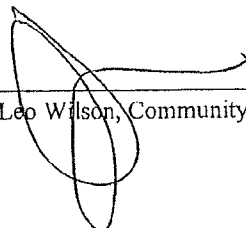
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Leo Wilson, Community Planners Committee Chair

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**ATTACHMENTS**

- A Sample Planning Group City Roster
- B Sample Planning Group Public Roster
- C Sample Planning Group Annual Report
- D Community Planners Committee Membership Data Form
- E Council Policy Ordinance No. O-19883, "An Ordinance Providing for Defense and Indemnification of Community Planning Groups"

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**INTRODUCTION**

**History of the Guidelines**

The Administrative Guidelines to Council Policy 600-24 [CP 600-24 Guidelines] were first prepared in July 1991. Since then they were revised in May 2001 and April 2006, both times following and corresponding to City Council revisions to Council Policy 600-24 [CP 600-24]. Similarly, this revision follows the May 2007 amendments to CP 600-24 and the format follows that of the Council Policy.

**Objectives of the 2010 Administrative Guidelines Revisions**

These revisions accomplish the following objectives:

- Revise the CP 600-24 Guidelines to correspond to the May 2007 amendments of CP 600-24.
- Assist community planning groups implementing CP 600-24 by:
  - ◆ Providing practical examples of how various planning groups have implemented CP 600-24.
  - ◆ Clarifying the meaning and application of various terms and phrases used in CP 600-24.
  - ◆ Providing cross references between CP 600-24 and the Administrative Guidelines.
- Convey the most recent interpretations of CP 600-24, and the Ralph M. Brown Act [Cal. Gov't Code § 54950 et. seq.] by the City Attorney.

**BACKGROUND**

The Background Section of CP 600-24 describes the scope of authority of planning groups as primarily making recommendations to the City on land use matters within the recognized area of jurisdiction for each planning group. This includes advising on the preparation of, adoption of, implementation of, or amendment to, the General Plan or Community Plan. (See also Community Plan Preparation Manual at: <http://www.sandiego.gov/planning/genplan/statusreports.shtml>).

One of the revisions to the Council Policy was to incorporate direction and information regarding Ralph M. Brown Act (Brown Act) compliance. In October 2006, the City Attorney determined that because the planning groups were established from legislative bodies, they would be subject to the California Open Meeting (Brown Act) State Law. To identify which provisions of CP 600-24 are a result of applying the Brown Act to the planning groups, all sections or sentences in CP 600-24 that are Brown Act requirements start with, "In accordance with the Brown Act Section . . ." These are constructed to ensure that following them will ensure Brown Act compliance.

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**PURPOSE**

The Purpose of CP 600-24 is to identify responsibilities of and establish minimum operating procedures governing the conduct of officially recognized community planning groups.

**POLICY**

This section of Council Policy 600-24 discusses the requirement for community planning groups to create and operate within bylaws that are consistent with the Policy. The section explains that the bylaws shell appended to Council Policy 600-24 has some provisions that have been standardized for all planning groups. In addition, the bylaws shell is set up to allow selection of certain options within specific topic areas, e.g., establishment of representative membership categories or the number of planning seats between 12 and 20 members. Planning group bylaws must remain in conformance with the Council Policy in order for planning groups to maintain their official recognition by the City.

This Policy requires that any planning groups that are non-profit corporations must maintain corporate bylaws separate from planning group bylaws. There are a number of provisions typically included in corporate bylaws that may be contrary to the intent of the Policy. Examples include: proxy voting, holding meetings outside the jurisdictional boundary and the use of secret ballots. Any planning group that intends to become a non-profit corporation should discuss its intent with the City Attorney's office and Planning staff before starting the legal process of establishing a corporation.

Proposed amendments to adopted community planning group bylaws may be submitted to the City for review upon majority vote of the elected membership of the planning group. Bylaw amendments do not go into effect and may not be used until the City has approved the bylaws and notified the group of the effective date of the amendment. For a description of the bylaw approval process, refer to Article II, Section 7 of these Administrative Guidelines. Planning groups must operate within their adopted bylaws in order to maintain official recognition from the City Council.

These Administrative Guidelines are intended to explain and elaborate upon Council Policy 600-24 and give community planning groups additional guidance on how to operate in conformance with the Policy and the Brown Act. City staff is assigned to prepare and maintain the Administrative Guidelines working in consultation with the City Attorney's Office and the Community Planners Committee (CPC). Where the Policy, bylaws and Administrative Guidelines do not address a procedural area of concern, planning groups are encouraged to utilize Robert's Rules of Order, Newly Revised.

The Council Policy states that the City shall indemnify and the City Attorney shall defend Community Planning Groups and planning group members, subcommittee members, or former members thereof who operate in conformance with the Council Policy Ordinance No. O-19883, "An Ordinance Providing for Defense and Indemnification of Community Planning Groups". Planning group indemnification is further addressed in Article IX, Section 1 of the Council Policy and these Administrative Guidelines.

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As stated above, community planning groups must operate in conformance with California's Open Meeting Law, the Ralph M. Brown Act. Planning groups shall ensure that all meetings are open to the public and adhere to the requirements of the Brown Act.

**ARTICLE I Name**

Article I of CP 600-24 explains the official name, the activities of, the boundaries of, and the official positions that may be taken by a planning group.

**Section 1. Official Name**

Section 1 states that there will be an official name of the planning group and that it is subject to approval by the City Council.

The official name of planning groups vary from group to group, for example, using the community "planning group", "planning committee", "community council", "advisory committee", or "planning board" is acceptable. The official name is the one approved and recognized by the City Council.

A planning group name change requires a bylaw amendment, while a community plan name change requires a Community/General Plan amendment.

A planning group will usually seek to change their official name when, for example:

- ◆ A community thinks a different name better represents the character of the community.
- ◆ The official name of the community planning area is changing concurrently with a community plan amendment/update.

Note that a planning group name change, if approved, may be inconsistent with the community name until the next Community/General Plan amendment.

**Section 2. Activities**

Section 2 states that all activities of the planning group shall be conducted in its official name.

When expressing opinions on matters outside the planning group responsibilities, individual planning group members should not identify themselves as members of the planning group, unless it is to qualify that they do not represent the planning group. Misrepresenting the planning group in any way can jeopardize individual eligibility for legal defense and indemnification pursuant to the "Ordinance Providing for Defense and Indemnification of Community Planning Groups" (O-19883).

Planning groups that convene as both the recognized planning group and as a separate, nonprofit corporation must convene as one body and clearly distinguish when they are acting as one and not the other.

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**Section 3. Boundaries**

Section 3 states that the boundary for a recognized community planning group is based on the boundary of the applicable adopted community plan. Planning group meetings must meet within the boundaries of the community planning area. When there is no meeting facility within the community plan boundary, the planning group should attempt to find a facility as close as possible to the central population or business center of the planning group area.

**Section 4. Official Positions**

Section 4 protects the planning group duty to represent a community but also preserves the rights of members to express their personal views on issues of interest to them. Some planning groups designate one member such as the planning group chair, or other officer, to officially represent the planning group on all matters. Other planning groups designate various members such as committee chairs or others with particular subject matter expertise, to represent the planning group on particular issues. Planning groups may want to adopt bylaw provisions to outline who and how a member may represent the group.

When expressing opinions on matters within the assigned responsibilities of the planning group, individual planning group members, expressing personal positions on these same matters, must explicitly differentiate their opinion from the position of the planning group, and, state for the record, that they are not speaking for the entire planning group. Failure to make this qualification can jeopardize eligibility for legal defense and indemnification under the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19883).

**ARTICLE II Purpose of Community Planning Group and General Provisions**

Article II details how planning groups make recommendations on land use matters, review proposed development projects, solicit review assistance from the City, and amend their bylaws, and it also addresses the limits on planning group political activity.

**Section 1. Recommendations on Land Use Matters**

Section 1 affirms that the role of planning groups is to advise the City on land use matters and policies, as requested by the City.

**Section 2. Reviewing Development Projects**

Section 2 discusses the role of the planning group in the review of proposed development projects.

The roles of the Development Services Department, individual development project applicants, and the planning group are set forth in Information Bulletin 620 at: <http://www.sandiego.gov/development-services/industry/infobulletinsnumb.shtml>, Coordination of Project Management with Community Planning Committees.

A planning group generally should act only one time to provide a formal recommendation on a proposed development project. However, planning groups may hear an item several times for information and may also schedule a project as an action item to provide preliminary comments early in the process. At the time of formal recommendation, projects should be designed to a

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“point of reasonable certainty” where the planning group vote can comfortably recommend approval, denial, or additional conditions such that the project is essentially the same one that will be considered by the Hearing Officer, the Planning Commission, or the City Council.

Some planning groups identify this “point of reasonable certainty” at the start of the public review period of the environmental document. Others identify this point as early as when Development Services Department issues its first or second Project Assessment Letter to the project applicant.

Some planning groups may refuse to act on a development project that has reached a “point of reasonable certainty” if it thinks there has not been ample and fair opportunity for community comment. To prevent this situation, some planning groups readily accept or seek out early informational presentations by project applicants, during the project development phase, especially on large, complex, or controversial projects.

Community planning groups may vote on projects more than once, when, for example:

- ◆ A project has been substantially revised either at the behest of the applicant, or as a result of the City project review process.
- ◆ The planning group has received incorrect or significant new information on project impacts to the community.

Changes in community planning group composition are not a valid reason to reconsider a prior vote.

Robert's Rules of Order specify different procedures for "reconsideration" and "amending or rescinding a motion previously adopted." "Reconsideration" occurs when the planning group decides to revote at the same meeting during which the original motion was voted upon. This may happen when the original motion was misunderstood by one or more members, when a member made a mistake in casting his or her vote, or additional information has caused one or more members to consider changing their position. To prevent abuse of the procedure, Robert's Rules requires that the motion "to reconsider" can only be made by a member who voted on the prevailing (winning) side. If a motion to reconsider passes, then the initial action is erased and the group debates and votes again on the issue.

When a community planning group wants to revote on a matter originally voted upon at a prior meeting, due to project revisions or new information, a motion to reverse or modify a previous position at a subsequent meeting can be made by any member. Robert's Rules specify various votes required for such a motion to pass, depending on whether there was prior notice. Since a community planning group is subject to the Brown Act, notice is required and the intent to bring the matter up again must be on the agenda. Since there must be advance notice, the motion to reverse or modify a previous position only requires a majority vote.

If key stakeholders demonstrate that they were denied the opportunity to participate in the planning group's consideration of the action, the chair may add an item to the draft agenda for

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consideration by the planning group. This remedy is not available when newly elected members seek to reverse a previously-completed review process.

**Section 3. City Assistance to Planning Groups**

Section 3 states that planning groups who operate in compliance with CP 600-24 may be provided with assistance through the Mayor's Office. City Planning & Community Investment (CPCI), a Mayoral department, is the primary point of contact at the city regarding planning group operations. CPCI staff advises groups on policy matters, amendments to bylaws, CP 600-24 and Brown Act interpretations, and general operating issues. CPCI requests City Attorney input as necessary. In addition, community planners attend planning group meetings periodically. Planning groups should contact their assigned community planner with any inquiries or questions related to the above. Specific questions regarding development projects should be directed to the applicant and/or the Development Services Department.

**Section 4. Nonpartisan and Nonsectarian**

Section 4 states that a planning group may not under any circumstance discriminate against any person whether a planning group member or a member of the public. This means planning groups shall not discriminate based on race, color, sex, age, creed, national origin, sexual orientation, or physical or mental disability. Planning group meeting facilities must be accessible to persons with disabilities.

**Section 5. Elections and Ballot Measures**

Section 5 addresses how planning groups maintain independence, as elected, non-partisan advisors, to the City on local land use matters. Planning groups should not endorse activities unrelated to land use matters and policy.

CP 600-24 does not prohibit a planning group member from running for elective office, or from participating in political activities of their choosing. Planning group members running for elective office are prohibited from portraying what could be interpreted as a planning group endorsement on any election materials. However, service on a planning group contributes towards qualification for public elective office and such service, past or present, may be portrayed on any election materials. If a planning group member is serving on a planning group and running for elective office, election materials portraying such service should clearly state that the planning group has not endorsed the member.

If planning group members individually endorse candidates for elective public office they may not disclose their association with the planning group. Candidate means all candidates for public office on the election ballot within the City of San Diego.

A planning group as a whole may not endorse candidates for elective public office. The City Clerk regularly informs all candidates for public office within the City of San Diego about the responsibilities of planning groups to refrain from endorsing them. A candidate may nevertheless ask to make an election speech to a planning group. Planning groups may accept invitations, but should not actively seek out, presentations by candidates for any elective public office. If candidates for any public office seek to address a planning group, the planning group should invite all candidates for that position to address the planning group at the same meeting.

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Planning groups as a whole may take positions on ballot measures. Presentations on the pros and cons of a ballot measure should be given to planning groups at the same meeting. Planning groups may set rules about what kinds of land use and citywide planning ballot measures they will consider for endorsement.

**Section 6. Forfeiture of Rights**

While planning groups are included as an integral part of the development project review process, there are established time frames within which any reviewer, including the planning group, must respond with their comments. Community planning groups should endeavor to work within established timeframes. Development Services has indicated a willingness to work cooperatively with planning groups and may grant extensions of review periods on a limited basis to groups who are working diligently to complete their review but are dealing with a need for critical information or planning group meetings that do not coincide with the project schedule. However, if a planning group consistently fails to respond to the City's request for planning group input on General Plan, community, specific or precise plan processes or fails to review and reply to the City regarding development projects, they may forfeit their rights to represent the community. This determination shall be made by the City Council based on recommendations by the Mayor's Office.

**Section 7. Amendments to Bylaws**

Section 7 states that any amendments proposed to adopted bylaws do not go into effect until they are reviewed and approved by the City. Proposed amendments to adopted community planning group bylaws may be submitted to the City for review upon majority vote of the elected membership of the planning group. Following receipt of a bylaw amendment request, Planning staff will review the amendment language for content and conformance with Council Policy 600-24, the bylaws shell and the Brown Act and submit the bylaws to the City Attorney's Office for review. Following City review, staff will work with the planning group on any needed changes. Bylaw amendments that conform to the Policy, bylaws shell and Brown Act will be approved administratively by signature of the Deputy Director of Planning and the Deputy City Attorney. Bylaws that deviate from the Council Policy, bylaws shell or Brown Act will be scheduled for consideration by the City Council. Following City Council action, Planning staff will work with the planning group on any needed changes resulting from Council action. Approval of bylaws with deviations will be through Council resolution.

**ARTICLE III Community Planning Group Organizations**

Article III addresses the structure and representation requirements of a planning group.

**Section 1. Community Planning Group Size**

Section 1 clarifies the number of elected or appointed members a planning group may select to operate. A planning group must consist of a specific number of members that is no less than 12 and no more than 20. This number must be fixed and included in its adopted bylaws. This number varies by community and should be chosen to balance continuity of membership with incorporating new members. City Council approval is needed to exceed the maximum number of 20 members. In order to maintain a broad range of community interests a planning group may



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not have less than 12 members. When a planning group needs to adjust the number of member seats, the bylaws must be amended.

**Section 2. Recognition of Members**

Section 2 clarifies that the members of a recognized community planning group include those members who have been elected or appointed in accordance with Council Policy 600-24, these Administrative Guidelines, and the planning group bylaws.

**Section 3. Representation of the Community**

Section 3 addresses the goal for elected planning group members to be representative of the various geographic sections of the community, and diversified community interest. Some planning groups utilize a geographic distribution of their seats, or a combination of geographic or open seats. Other methods of insuring diversified community interests include reserving specified numbers of seats for specific organizations (homeowners, renters, businesses) or specific local interests (various districts, institutions, business associations). Categorization should be proposed through a bylaw amendment, subject to approval by the Mayor's Office and the City Attorney for consistency with the intent of the Policy's diverse representation.

When a planning group needs to adjust the categories and number of member seats, to reflect community composition, then the bylaws must be amended. The planning group should clarify the nature of the change.

The Council Policy states that to be an eligible planning group member an individual must be at least 18 years of age. The Council Policy requires affiliation with the community, as outlined below, but does not require US Citizenship.

To be an eligible member of the planning group an individual must be affiliated with that community as a property owner, a resident or local business person. A property owner must be a sole or partial owner or designee of a real property within the community planning area. Planning groups may want to outline in Article VIII of their bylaws or separate standing rules, how designation of property owner rights will be conveyed to a designee. Planning groups may want to request written documentation of any designees. Examples could include a letter from the property owner with an original signature, an e-mail to the Secretary or Chair or a form created by the Board signed by the property owner. A property owner need not reside in the community to be an eligible candidate. A resident is an individual who lives within the community, but who does not necessarily own the property in which they live.

Local business persons include: owners, operators, or designees of a non-residential real property address in the community. This may include no more than one business or non-profit owner, staff representative, or designee per business establishment. Planning groups may want to outline in Article VIII of their bylaws or separate standing rules, how a staff representative or business designee may be chosen and may want to request written documentation of any designees. For community planning groups that identify specific business seats, those seats must be reserved for the businesses found in commercial or industrial areas of the community. The growing number of individuals working from their homes has raised the level of interest in planning activities and has encouraged more business people working from home to run for seats

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on planning groups. Individuals working from home may not be representative of the businesses with non-residential business addresses within the community and should not be selected for those seats. However, a planning group may designate a seat as a “home occupation” while retaining the representative number of non-residential business seats.

Planning groups may find that a community interest would be better represented by a planning group member filling a seat by appointment. Usually, having a limited number of appointed seats is consistent with CP 600-24. Appointments may be made by the planning group or by the entity that the seat represents, depending on the seat. If planning groups include an appointed seat, then the bylaws should clearly define the following:

- ◆ The reason for the appointed seat.
- ◆ Any special responsibilities of that seat.
- ◆ The level of participation of that seat in voting, meetings, and subcommittees.
- ◆ The length of the terms of service.
- ◆ Whether and how that seat may be converted to another category.
- ◆ Whether the planning group or the represented entity appoints the seat.

#### **Section 4. Terms and Limits**

The basic term limitation requirements in Council Policy 600-24 allow members to serve for up to eight or nine years, depending on the length of their fixed terms. Member’s terms may be two, three, or four years in length. Members serving for two or four years are limited to a total of eight consecutive years on a recognized community planning group, while members serving three year terms are limited to nine consecutive years regardless of the number of different elected planning group seats a member has held during those years.

If a member has not reached their eight or nine years of service and is elected to a term that would carry their service beyond eight or nine years, they may fill the seat for the balance of their service period. For example a member could serve seven years and be elected to a three year term. The member may serve one (or two) years of the term but would need a one year break in service when they reach the eight (or nine) years of service.

Members who have reached the end of their allowed number of terms and years may, after a one year break in service, again serve on a planning group. Breaks in service of less than one year cause subsequent time to count as continuous time against the total number of years of service limits, although the time not in service may be subtracted. For example, a member could serve 7 years and six months, have a break in service for 6 months and return to serve for six more months for a total of 8 years of service. Upon reaching 8 (or 9) years of service the member would need to take a continuous one year break in service.

Members who have served more than eight or nine years may serve in excess of the term limits without a break in service, if a good faith effort has been made by the planning group to develop a list of potential new candidates that exceeds in number the seats that are open for election, and subject to the following:

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1. If a candidate with service beyond eight or nine years is to appear on the ballot with new candidates, the ballot should identify that the candidate exceeds the planning group's allowable term limits and that the candidate must receive a two-thirds vote of all ballots cast by eligible community members participating in the regular election, to be elected. The ballot should also indicate that this candidate will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., a new candidate has priority over candidates exceeding the term limits.
2. After open seats are filled with new members, candidates with service beyond eight or nine years, who received a two-thirds vote, may be considered for remaining open seats, with the highest vote recipient exceeding the eight or nine year limitation taking the first open seat that they qualify for, etc.
3. No more than 25 percent of the total planning group membership can consist of members serving excess of the specified terms of service. At the time of the election, if 25 percent of the planning group is made up of members serving in excess of the specified terms of service, the candidate with service beyond eight or nine years may not even be considered.

If the planning group has specific categories of elected seats, and seats within particular categories remain open after an election, the planning group may consider adopting a procedure or bylaw provision which prescribes how those remaining seats may be filled, i.e., with a new candidate from another category or with a candidate with service beyond eight or nine years receiving two-thirds vote within that category.

A candidate with service beyond eight or nine years may be nominated to fill a mid-term vacancy only if there are no other nominations. For such a candidate to be elected a two-thirds vote is required and the 25 percent limitation is met with the seating of the candidate.

Election by a two-thirds majority to a term beyond eight or nine years should be considered "time on" for the purposes of counting continuous service. If an additional term is subsequently sought without a break in service, a two-thirds majority vote is again required.

#### **Section 5. Eligibility to Serve**

Section 5 states that a planning group member must retain eligibility during their entire term of service. A planning group member becomes ineligible when he or she no longer meets the eligibility requirements found in Art. III, Section 3 (i.e. property owner, resident, business person) or exceeds the number of allowable absences found in Art. IV, Section 1 of CP 600-24 and these Administrative Guidelines. When this occurs a planning group member should resign. Additionally, as the secretary becomes aware that a member is no longer eligible to serve they should notify the member and present documentation to this effect at a regularly scheduled meeting. If another board member becomes aware that a member is no longer eligible they should notify the secretary of this situation. Although the Council Policy states a planning group member "may" be removed upon determination of ineligibility, it is the planning group's duty to vote to remove the member who has become ineligible.

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**Section 6. Risk of Loss of Indemnification**

Section 6 introduces the potential loss to planning groups and planning group members of legal defense and indemnification under the Ordinance O-19883 Providing for Defense and Indemnification of Community Planning Groups for violating CP 600-24, the bylaws, or the requirements of the Brown Act. Although the Council Policy lists the Ordinance as O-17086 NS, this ordinance was revised in 2009 and planning groups should refer to O-19883 for up-to-date indemnification guidance. This section identifies that the Brown Act carries civil or criminal consequences which are more fully addressed in Article IX, Section 2. By implementing bylaws and operating within the Council Policy, planning groups are considered to be in substantial conformance with the Brown Act.

**ARTICLE IV   Vacancies**

**Section 1. Finding a Mid-Term Vacancy Exists**

Section 1 addresses that a planning group shall find that a vacancy exists when a member resigns or has three consecutive absences or a fourth absence in the 12-month period of April through March of each year. Planning group chairs should consider contacting the affected member in advance of the meeting to determine the situation and whether the member wishes to resign. A determination that a vacancy exists should be placed on the planning group's agenda. While a member could potentially be re-elected to their own term, the planning group should consider whether the candidate can fulfill the meeting attendance requirement in the future prior to reinstating the member.

**Section 2. Filling Mid-term Vacancies**

Section 2 directs planning groups to fill a mid-term vacancy in accordance with their bylaws. Groups must fill their vacancies no later than 120 days following the termination of the vacancy. However, when the end of the 120 day period occurs within 90 days of the annual March election the vacancy should be included in the March election. A vacancy determined at the time of the election should only be added to the election if there is an adequate amount of time to declare the vacancy at a planning group meeting prior to the election; otherwise, the filling of the vacancy should be deferred to a later meeting or election within 120 days of the determination of the vacancy.

As discussed in Section 1, both the actions to find a vacancy and to remove a member, and the filling of a seat by election or appointment are matters that should be noticed on the agenda, in accordance with the Brown Act. Due to being on the agenda, these items may not be voted upon by secret ballot. A paper ballot may be used as long as planning group members identify themselves on the marked ballots which would be available for review upon request. As with regular elections, guidelines must be set for declaring the vacancy filled, and some period of time must be allowed for a challenge. Ballots must be retained as part of the meeting record. An objection to filling a vacancy is a challenge to the planning group's action on an agenda item and should be treated as an item for reconsideration.

**Section 3. Timeframe to Fill a Vacancy**

Council Policy 600-24 requires that vacancies shall be filled no later than 120 days following the date of determination of the vacancy. If the vacancy is not filled by this deadline it can affect the

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membership or the continued operation of a planning group. If there are no qualified or available candidates to fill a vacancy, a planning group should consider amending their bylaws to reduce the number of members, but not to less than 12.

If a community planning group has difficulty filling a vacant residential seat by the deadline, the group should first try to fill the seat with an individual who qualifies for another residential category or district. If a planning group has difficulty filling a vacant non-residential seat by the deadline, the planning group should first try to fill the seat with an individual who qualifies for another non-residential category or district. Filling a vacancy in one category with a candidate from a different category is considered temporary and that seat should only be filled until the expiration of the term, and then reverts to the category identified in the bylaws.

If a planning group membership is on the verge of dropping below 12 due to one or more vacancies, the planning group should increase its efforts to recruit candidates. After a vacancy exists for 60 days, a planning group should report in writing to City staff and the City Council why the vacancy exists and what efforts have been made to fill it. If the vacancy exists after another 60 days (120 days from the date the vacancy was declared), the City should notify the planning group in writing that they will be placed on inactive status. While a planning group is on inactive status, the City suspends the planning group's formal advisory role. While the inactive planning group can continue to meet, it will not be in the capacity of a recognized planning group, the City will not send development projects for their review, and any action taken will not be considered a vote from a recognized community planning group. While on inactive status, a planning group should solicit new members and potential candidates for the next general election. The inactive planning group should follow the election procedures in the bylaws and conduct the next general election in order to gain at least 12 members and become active again. The time on inactive status counts toward the term limits of the elected members.

## **ARTICLE V   Elections**

### **Section 1. Election Procedures**

Article V addresses planning group election procedures. The planning group must make the election process fair, open, objective, and accessible, to the entire community of eligible voters. CP 600-24 establishes a few mandatory election requirements but charges each planning group with the responsibility to adopt specific election procedures. Planning groups may find Roberts Rules of Order Newly Revised, Chapter VIII., Voting and Chapter IX., Nominations and Elections, useful to develop election procedures that will give the entire community confidence in planning group elections. Such confidence is more likely to result in trust, acceptance and in fewer election challenges.

General elections shall be held during the month of March every year or every other year. Planning groups should seek enough new candidates to exceed the number of seats open for election. Planning group bylaws may establish a minimum number of meetings required to have attended in order to be a candidate for election. However, candidates must have attended a minimum of one of the group's last 12 meetings prior to the February noticed regular or special meeting of the full planning group.

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Planning groups are encouraged to adopt detailed election procedures within Article VIII of their bylaws. Planning groups should address the following election procedures in writing prior to the election:

- Verification of candidate eligibility prior to printing a ballot
- Creating a ballot with all candidates appropriately represented
- Handling of write-in candidates, if applicable
- Location(s) of polls, including managing multiple concurrent polling locations, if allowed
- Management of the polls
- Verification of voter eligibility (i.e. drivers license, utility bill)
- Setting election date(s)
- Setting voting time(s)
- Mail-in ballot procedures, if applicable
- Closing the polls
- Counting the ballots, including when, by whom, and how to account for a candidate continuing beyond eight or nine consecutive years of service
- Establishing a plurality voting system (i.e., those with the highest votes win)
- Ballot record keeping
- Tie-breaking procedures
- Election challenge procedures
- Timing of installation of newly elected members
- Maintaining confidentiality of secret written ballots
- Prohibition of electioneering (actively trying to convince voters to vote for a specific candidate at the time of the election)

When a group plans to provide the opportunity to vote on more than one date in March these procedures shall be outlined in their adopted bylaws. If the group wants to use this option and it is not in the adopted bylaws then the voting procedures for such an election will be submitted to the offices of the Mayor and City Attorney, respectively, for review and approval at least 45 days in advance of the first day of voting.

**Section 2. Publicity for Elections**

Planning groups shall demonstrate a good faith effort to publicize planning group elections and candidate eligibility requirements. They may use their own websites, posting notices at libraries and grocery stores, sending emails, and placing a notice in the community newspaper. In addition, the City uses TV24 and the City's website to publicize the planning group election season. Notices on TV24 begin in the fall of each year, indicating that planning group elections are in March and that planning groups may have minimum attendance requirements to be eligible to vote or run for election.

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**Section 3. Ballots**

Voting in an election by secret ballot is allowed even though voting by board members to fill a vacancy at a noticed planning group meeting (as discussed in Article IV, Section 1) must be public. An election that is held separately from a Brown Act-noticed meeting does not constitute a “meeting” of a planning group and is therefore not subject to the public meeting requirements. Note that the selection of officers by a planning group cannot be by secret ballot. Ballots shall be available for a specified period at the election.

A proxy is the authority given by one person to another to vote in his/her stead. Per Robert’s Rules of Orders Newly Revised, proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and non-transferable. In this section, Council Policy 600-24 states that proxy voting in elections is not allowed under any circumstances.

**Section 4. Finalizing Election Results**

An election becomes final after announcing the election results at a noticed planning group meeting unless explicitly stated otherwise in the planning group’s bylaws. Time must be allowed for voting to be concluded, votes counted, results announced, and for a challenge to be submitted to the Election Subcommittee. The ability and criteria to challenge the election must be clarified as part of the publicity of the election. This allows for the seating of new planning group members in April as required by the Council Policy 600-24.

**ARTICLE VI Community Planning Group and Planning Group Member Duties**

**Section 1. Duty to Work Cooperatively and in a Public Setting**

Section 1 describes that it is the duty of a community planning group to work cooperatively with the Mayor’s staff. This section further describes that all meetings, in accordance with the Brown Act, must be open to any member of the public that wishes to attend. This includes any meeting of the planning group, including regular meetings, special meetings and subcommittee meetings. Furthermore, if the planning group desires to hold a retreat outside a regularly scheduled meeting, it must be noticed as a meeting of the planning group and be open to the public.

The council policy acknowledges that some administrative functions of the planning group, such as assembling of the draft agenda, may be overseen by the officers of the group. However, all substantive discussions about agenda items should occur at the noticed planning group meeting. Finally, the last paragraph of Article VI, Section 1 advises planning groups and individual members to refrain from conduct that is detrimental to planning group operations.

**Section 2. General Meeting Procedures**

Section 2 of Council Policy 600-24 provides extensive guidance on general meeting procedures, subcommittee operations, abstentions and recusals, as well as the duty to maintain meeting documents and records.

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**(a) Meeting Procedures**

i. Regular Meeting Agenda Posting

Meeting agendas should be posted at least 72 hours before the meeting in accordance with the Brown Act. The agenda should be posted at the meeting facility or at another public place freely accessible to the general public. The agenda may also be posted at other locations, such as grocery stores and/or a community website, and as a courtesy, the City will also post planning group agendas on the City's website and on TV24. Agendas should be provided to the City no later than the Wednesday prior to the week of the planning group meeting. If a planning group agenda is not received in time to include it on TV24, the meeting location date and time will be displayed.

The posting at the meeting location should be located in a manner that is freely accessible to the public 24 hours per day. For instance, if a planning group meets at a public facility such as a library, the agenda should be posted in a window that is visible 24 hours per day. If posting at the meeting location is not possible, the agenda may be posted at another nearby location that is freely accessible to the public and visible 24 hours per day. Planning groups should be consistent in where agendas are posted. If 24 hour posting is not possible, i.e. if the agenda can only be posted indoors in a facility that is only accessible during specified hours, the agenda should be posted further in advance so that it is available for public inspection for no less than a total of 72 hours.

The planning group agenda should include the date, time and location of the meeting, a brief description of each agenda item, and whether the item is an information or action item. The brief description need not include more than 20 words unless the item is particularly complex. For development projects, the description should include, at a minimum, the name of the project, location, proposed discretionary actions and a summary of what is proposed.

Agendas distributed and posted in advance are considered proposed or draft agendas. Planning groups should include an item to approve the agenda as the first order of business at a meeting. A motion can be made to adopt the agenda, delete items from the agenda or rearrange items on the agenda. As outlined in Article VI, Section 2, viii, items may be added to the agenda that came to the City and planning group's attention subsequent to posting of the agenda if there is a need to take immediate action and may be added by two-thirds vote of the membership. If less than two-thirds are present and there is a need to take immediate action, then every member must vote to add the item. This provision should only be used in limited circumstances when there was not an ability to properly notice the item.

ii. Public Comment

This section states that members of the public must be afforded the opportunity to comment on agenda and non-agenda items during regular and special meetings. Public comment on items that are not on the agenda, but are within the scope of the planning group, must be accommodated at the beginning of the meeting, pursuant to the Brown



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Act. Where there is confusion about whether an item is within the purview of the planning group, the group should allow the comment. Members may respond to the comment to seek clarification or ask factual questions but should not engage in dialogue on any item not on the agenda. In order to efficiently manage their meetings, planning groups may establish reasonable time limits for public comment.

iii. Adjournments

Meetings of a planning group may be adjourned to a future date in advance of a meeting (i.e. the group is in recess in August) or on the day of the meeting because less than a quorum was present. If a planning group knows in advance that a regular meeting will not be held they should post a "Notice of Adjournment," to a future date at the regular meeting location 72 hours in advance of when the meeting would have been held.

If a meeting is adjourned because a quorum is not present, or is lost during the meeting, a notice of adjournment should be posted at the meeting location within 24 hours of the meeting. The notice should state the date and time of the next regular or special meeting. This section further states that if the next meeting is held within 5 days or less from the meeting, the original agenda may be used, if more than 5 days, a new regular or special meeting agenda should be prepared.

iv. Continued Items

If a planning group takes action to continue an agenda item to a future meeting, and if that meeting is less than 5 days in the future, no new agenda needs to be prepared. To continue an agenda item more than 5 days, i.e. to the next regular planning group meeting, that future agenda must contain an entry for the item. A planning group may use its discretion to trail an item until a later time during a meeting or continue items to a future date.

v. Consent Agenda

Consent agendas group items and subject them to a single vote. Consent agendas allow for more efficient use of meeting time and enable planning groups to focus on the more substantive topics. Consent agenda items usually appear near the beginning of the regular meeting agenda. This allows items to be easily moved to the regular agenda, if necessary. Many planning groups place non-controversial development proposals on a consent agenda with the condition that if there is any public or member comment about the item it is automatically moved to the regular agenda for full discussion.

vi. Quorum and Public Attendance

Before calling a meeting to order the chair must check that a quorum is present to conduct business. The only actions that can be taken in the absence of a quorum are to: 1) fix the time to adjourn or recess, or 2) take measures to obtain a quorum, for example, contacting members during a recess and asking them to attend. The chair should

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immediately call the meeting to order, announce the absence of a quorum, and entertain a motion to adjourn to either the next regular meeting, to which the agenda items would trail, or to a special meeting, if any item is time sensitive, or both as each item warrants.

Without a quorum, business cannot be transacted, however, by entertaining a motion to adjourn; the planning group has met its obligation to hold its regular meeting. The prohibition against transacting business in the absence of a quorum cannot be waived, even by unanimous consent. If the chair or any member notices the apparent absence of a quorum, a point of order should be raised to that effect. At that time, the meeting should be stopped in order for the chair to assess whether a quorum is expected to return.

The chair should confirm the presence of a quorum prior to calling for a vote on any action. If a member questions the presence of a quorum, it must be done at the time a vote on a motion is to be taken. A member may not, at some later time, question the validity of an action on the grounds that a quorum was not present when the vote was taken.

This section prohibits mandatory attendance rosters; however a planning group may provide voluntary sign-in sheets clearly identified as such, to allow potential planning group member candidates to meet the minimum attendance requirements of Council Policy 600-24, Art. V, Sec. 1, or to create mailing lists to increase community participation. No admittance fee may be charged to enter a planning group meeting. This is true no matter who is charging the fee, whether it is the planning group, a building owner or operator, or any other entity.

vii. Development Project Review

Planning groups are sent project packages for review from the Development Services Department in accordance with Bulletin 620. Project packages include a comprehensive set of information such as a cover letter, cycle issues report, a site plan, and other plans and background information as needed for project review. As outlined in the Council Policy, planning groups cannot require applicants to submit additional information and materials as a condition of placing an item on their agenda. However, if during project review the group identifies additional materials that would aid in their review they may make a request of the project applicant to provide them, if available.

The planning group shall notify the project applicant or representative each time their project is reviewed or placed on the agenda by the planning group or a subcommittee. Notification to the applicant should be made well in advance of the meeting and consideration to move the item to another meeting should be given if requested by the applicant. Attendance by the applicant is at their discretion.

It is the planning groups' duty to allow participation of affected property owners, residents, businesses and not for profit establishments within proximity to or with interest in the proposed development.

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viii. Action on Agenda Items

There are restrictions on adding an agenda item to a published (72 hours prior to the meeting) agenda. An agenda item may be added only if it is an issue that came to the attention of the planning group after the agenda was posted. In addition, the item may be added only if two-thirds of the filled seats of the planning group vote to add the item because there is a need to take an immediate action. If less than two-thirds are present, every member in attendance must vote to place the item on the agenda. In advance of the meeting, the planning group may want to consult City staff or the City Attorney to determine if there is a need for an "immediate action"; it may be that the reason for the sense of urgency is that there is a scheduled hearing date or the project review cycle is closing. If time permits, check with City staff or the Development Project Manager to determine if there is flexibility in the deadline given.

A key Brown Act provision of this subsection is the prohibition on proxy voting and secret ballots on actions taken by the planning group. These methods of determining support or opposition to an agenda item are prohibited. There must be open discussions and voting. Telephone or email polling, or other means of absentee voting, are also prohibited by the Brown Act.

Actions on agenda items shall reflect the official position of the planning group. Planning groups may include rules of standing order or operating procedures to guide the roles and responsibilities of planning group members when representing a planning group's position to the City and/or to the public. Members are advised to refrain from identifying themselves as members of a planning group when expressing positions on matters either not voted upon, or outside the scope of duties of planning groups.

An action of a planning group should be approved by a vote of the planning group. In the case where the chair files a timely appeal on a project that a planning group has voted against during a regular meeting following proper procedures, the chair should report on the action at the next meeting of the planning group. In some cases a confirmation vote may be appropriate as a follow-up action. Community planning groups should consider adding a provision in their bylaws addressing procedures and authority for appeal.

If a project has been substantially revised since a prior vote by the planning group, or a planning group received incorrect or additional information, the revised project may be placed on the agenda for a re-vote.

ix. Collective Concurrence

The attempt to develop a collective concurrence among a majority of the members, also known as conducting a serial meeting, outside of a meeting held in accordance with the Brown Act requirements, is a prohibited meeting. A serial meeting is best described as a series of discussions or deliberations held between one member and any other member(s), that does not comply with the Brown Act's public noticing and comment requirements, for the purpose of or with the result of developing a concurrence between a majority of

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the members regarding an action to be taken.

This type of serial discussion does not allow for public notice and participation in the decision-making process, and therefore violates the purpose of the Brown Act. The use of intermediaries or technological devices for this purpose is also prohibited. Although contact between one member and one other would not be a majority of the membership, the communication could continue in a chain fashion, and result in a collective concurrence. Alternatively, one member could contact several others individually, and develop a collective concurrence in that fashion. Because one party to the communication may unknowingly participate in what becomes a collective concurrence, the better practice is to engage in all discussions about matters within the board's jurisdiction at a noticed public meeting.

Members of the community planning board may receive staff briefings, so long as the comments or positions of the members are not communicated to other planning group board members.

x. Special Meetings

Special meetings are those meetings that are scheduled at times or dates other than at regularly held meetings. A special meeting can be called by a planning group Chair or a majority of planning group members, and must have a specified purpose. It should be limited to only the item that required the meeting to be set, and public testimony on that item must be allowed. The non-agenda public comment required on a regular meeting's agenda may be waived. Written notice is required to all planning group members, local newspapers and radio and television stations that have requested notice 24 hours prior to the meeting along with a 24 hour agenda posting similar to the requirement for a regular meeting.

xi. Emergency Meetings

The purpose of emergency meetings is for matters related to public health and safety. Since these issues are outside the purview of planning groups, emergency meetings are prohibited.

xii. Right to Record

The Brown Act requires that anyone in attendance at a planning group meeting may record the meeting if it can be done without disruption to the meeting. The recording can either be videotape or audiotape. This recording does not have to be shared with a planning group, however if a planning group records a meeting, the recording must be made available to the public upon request.

xiii. Disorderly Conduct

The Brown Act states that in extreme circumstances, the planning group may cause an

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individual to be removed from a meeting if the Chair cannot maintain orderly conduct of the meeting. The meeting room may be cleared if necessary. The meeting may continue (with any press remaining) without an audience or with non-disruptive individuals readmitted.

**(b) Subcommittees**

i. Standing Subcommittees

Standing subcommittees are generally those in place for an extended period of time that meet regularly on a particular topic. Examples of common planning group standing subcommittees include project review subcommittees and transportation subcommittees. Standing subcommittees must be noticed and held in a publicly accessible location in accordance with Brown Act provisions for regular meetings.

ii. Ad Hoc Subcommittees

Ad Hoc subcommittees are those established for a finite period of time to deal with a special issue or topic such as elections. While not subject to the Brown Act if made up entirely of members of a planning group and consisting less than a quorum, Council Policy 600-24 requires that all ad hoc subcommittee meetings be open to the public and, at a minimum, be noticed on a website or listed on the regular planning group agenda.

iii. Subcommittee Composition

This section states that all subcommittees must be comprised of a majority of planning group members. Non-planning group members on the subcommittee should demonstrate an understanding of their role on the subcommittee, the limitations on their role, and the ability to be defended and indemnified in their planning group role. In order to be indemnified by the City under O-19883, Ordinance Providing for Defense and Indemnification of Community Planning Groups, non-planning group subcommittee members must be identified in the planning group minutes as appointed or elected subcommittee members and must attend the first COW available to them either electronically or in person within sixty (60) days of their appointment.

iv. Recommendations

Planning group subcommittees should schedule consideration of items far enough in advance for the planning group to have time to review subcommittee recommendations and consider the matter. Subcommittee recommendations may not be forwarded directly to the City without a formal vote of the full planning group. However, many planning groups find it useful to place subcommittee recommendations on the planning group consent agenda which then can be acted upon or removed for discussion depending on the amount of additional deliberation required.

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**(c) Abstentions and Recusals**

There are two legitimate situations that may prohibit a member from voting. They are recusals and abstentions.

i. Recusals

Recusal is required when a member of a planning group has a readily identifiable, distinguishable, direct economic interest in any project or matter being considered by the planning group. This applies to all planning group member seats including categorized and non-voting seats. If a member has a direct economic conflict, the member must:

1. Disclose the economic interest.
2. Recuse before the item is discussed.
3. Physically leave the planning group seating area.

A recusing member, who is also a member of the applicant team, may assist in the presentation of the project to the planning group.

The planning group chair should ask for recusals before starting any substantive discussion on an action item. The presence of the recusing member in the room in which the meeting occurs does not count toward a quorum for the item that the member recuses on. The vote on the item will not reflect the recusing member at all.

The duty to recuse due to a direct economic interest must be determined on a case-by-case basis. However, there are some common examples that have arisen in planning groups:

- An owner, or part owner, of all or part of the subject property, business or development.
- The project architect, engineer, sales agent, or other team member.
- An employee, in any capacity, of a company, or subcontractor, or representative which is part of the project team.
- A former member of the project team that has received significant compensation for project team work within the past twelve months.

When determining whether to recuse from an item, members should err on the side of caution but situations may arise where a member wishes to contact their community planner for advice. It is expected that planning group members will act in good faith to fulfill their authorized duties. If a conflict is suspected, but it is not recognized by a member, a **two-thirds** vote of the planning group, taken before the item is discussed, can determine that a member should recuse. If the member refuses to recuse, the planning group should make it a part of the public record that a vote of the planning group considered the member ineligible to participate. The participation of the member will be deemed void and the vote of the member not counted toward the planning group recommendation. The refusal by a member to recuse from the planning group discussion and vote may result in discipline of the member under Council Policy 600-24, Article IX 3(a).

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In general, members will not have to recuse themselves from large scale planning policy issues, matters related to land use plans such as community plans, specific plans, and precise plans. Even though actions of planning group members are governed by Council Policy 600-24, state law can be drawn upon for guidance to assist the member in determining whether they have a direct economic interest. State regulations find no disqualifying conflict of interest if the decision affects the member's economic interest in a manner which is indistinguishable from the manner in which the decision will affect the public generally. Relevant factors to determine ground for recusal include:

1. Whether the decision affects a significant segment of the public. As a general rule, this means if the decision affects:
  - ◆ 10 percent of residents and homeowners in the community, or
  - ◆ 25 percent of similar business owners in the community.
2. Whether the decision will affect the same type of economic interest as the public generally, and in a similar manner.
3. Whether, despite affecting the public in general, the decision "uniquely benefits" the member in which case there could be ground for recusal. A member is uniquely benefitted if they as an individual stand to gain direct financial benefit from the proposed action.

ii. Abstentions

Abstention is voluntary but strongly recommended where a member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, or cast doubt on their ability to make a fair decision, or a member lacks sufficient information upon which to cast a vote. The vote on the item will reflect the abstaining member as an abstention since they are still counted in a planning group quorum for that item, regardless of when they declare their abstention.

An abstention should normally be declared prior to the start of the item. The member should declare the abstention and the reason for the abstention. If a planning group member realizes they need to abstain in the middle of a discussion item, they should immediately announce that fact and not participate in the item any further. It is inappropriate for a planning group member to participate in a planning group debate, ask questions, express opinions, perhaps even make the motion or the second, and then abstain from voting.

If there are multiple abstentions due to a lack of information, the planning group should consider a continuance in order to receive additional information. There should be agreement among the planning group members that more information is necessary to allow the planning group to make an informed decision, and the group should be as specific as possible about what information would assist it in formulating its

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recommendation.

The need to abstain is generally determined on a case by case basis. However, there are some common examples of abstention:

- ◆ A member lives adjacent to a proposed project, does not have an economic interest in the project, but wishes to participate as a concerned neighbor rather than a member of the planning group.
- ◆ A member has a personal relationship with the project team which may be perceived as a bias towards the project.

**(d) Meeting Documents and Records**

i. Agenda by Mail

As previously discussed, the official Brown Act notice of a meeting is the physical posting of the agenda in a place accessible to the public at least 72 hours in advance of the meeting. In addition, planning groups generally mail and/or email the agenda to planning group members and other interested parties in advance of the meeting. The Brown Act states that requests for mailed copies of the regular agenda and any accompanying material must be granted although a cost-recovery fee may be charge for providing this service. A request to receive agendas and materials may be made once for each calendar year but must be renewed by January 1<sup>st</sup> of the following year. Mailed agendas/materials must be distributed when the agenda is posted, or upon distribution to the planning group, whichever occurs first.

ii. Agenda at Meeting

Any written documents, including agendas, project plans, project assessment letters, and environmental documents must be made available to the public at the time they are made available to the planning group. Planning groups may establish a procedure for ensuring the availability of documents such as by making project materials available for review at the nearest library branch and/or by referring individuals to the Development Services Department; however, all project review documents should be accessible for public review at planning group meetings. A cost-recovery fee may be charged for the cost of reproduction of any materials requested by the public.

iii. Minutes

Minutes must be provided to the City within 14 days of approval. Minutes should include attendance of planning group members, a recordation of the votes, and may include a listing of individuals who voluntarily sign into the meeting.



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iv. Records Retention

The City Planning & Community Investment Department is developing a procedure to maintain planning group materials following the meetings. Although not the official Brown Act notice, CPCI posts agendas and minutes on the City's website when they are received in a timely manner.

**Section 3. Community Outreach**

Section 3 addresses the duty of planning groups to seek out broad community participation. Planning groups should consider a variety of outreach efforts such as creating a planning group website, networking with other active local organizations, placing articles in local newspapers, etc.

Planning groups are strongly encouraged to coordinate outreach with CPCI by sending:

- ◆ Announcements about planning group meetings, and elections, to be posted on the City's TV24 television station. As stated, CPCI must receive meeting agendas one week before the meeting to be posted in time.
- ◆ Updates about the planning group for distribution on the CPCI general interest e-mail list. This covers a broader swath of the city than any one planning group mailing list. It may capture the interest of community members who have been more involved in citywide matters.

**Section 4. Planning Group Roster and Annual Report**

This section addresses the duty of planning groups to maintain current rosters and prepare annual reports for CPCI.

Planning groups may keep two sets of elected membership rosters:

- A roster for City use-only. *See* example at Attachment A
- A summary roster to respond to public inquiry. *See* example at Attachment B.

**City Use-Only Roster**

- Member Name
- Home Address
- Telephone and Fax Numbers
- E-mail address
- Start Date of Service
- Term Expiration Date
- Eligibility Category
- Seat Category, if any.

**Public Roster**

Same but excluding home address, telephone and fax numbers, and E-mail address.

Providing this information gives CPCI the ability to determine compliance with CP 600-24 rules governing eligibility to serve, and it allows CPCI to efficiently transmit information on projects,

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training sessions, and other City meetings and functions that may be of interest to particular planning groups. Most planning groups collect roster information from application forms used to recruit prospective planning group candidates.

Annual reports should be five pages or less, and should include the following topics:

- ◆ Introduction
- ◆ Administrative Matters
- ◆ Community Plan Preparation and Implementation
- ◆ Special Projects
- ◆ Summary of Project Review
- ◆ Planning Group Objectives
- ◆ Attach Meeting Minutes for Past Year
- ◆ Roster Summary

A sample annual report format is provided at Attachment C. At minimum, the annual report should include a summary list of accomplishments and objectives, and major actions on large projects and policy matters. While the annual report may be prepared by a single member or a subcommittee of the planning group, it must be discussed and voted on by the planning group as a whole before being forwarded to CPCI by the end of March each year.

#### **Section 5. Financial Contributions**

This section prohibits planning groups from requiring the payment of any dues or fees; however, they may accept voluntary financial contributions. Some planning groups have community fundraisers to defray administrative costs. The City recommends against collecting voluntary financial contributions at regular intervals because it creates a perception that contributions are required to participate in the planning group. Contributions may be anonymous.

Planning groups and planning group members should not request or accept in-kind gifts, or contributions from individuals presenting projects to the planning group. It may be acceptable, for a business in the community to provide meeting space for the planning group, as long as the location is open and accessible to the public. To avoid potential conflicts of interest, the planning group must also determine if the business donating the space makes the space available to the public generally. If not, the planning group should not meet at that location. If so, then the planning group should meet elsewhere whenever an agenda item arises that would impact the business donating the space.

#### **Section 6. Community Orientation Workshop**

Section 6 requires planning group members to be "COW-certified" by attending an annual Community Orientation Workshop (commonly referred to as "the COW") within 12 months of being elected or appointed to the planning group. The purpose of the training is to ensure compliance with CP 600-24 and the Brown Act, and to strengthen legal defense and indemnification of members under the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19833). In addition to the annual COW meeting, planning group members may now meet this requirement by taking the on-line Electronic COW, or E-COW.

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Topics covered at the COW and in the E-COW include the basics of planning practice, an overview of the City's governmental structure, the role of the General Plan and Community Plans, the discretionary and ministerial permit process, the California Environmental Quality Act, the regulatory and enforcement functions of the City, and the rules and regulations governing the City's planning group process, as embodied in CP 600-24.

It is the duty of each planning group to notify CPCI of the election or appointment of new members and the duty of the new member to attend the first available session. Non-planning group members on subcommittees must attend a COW or take the E-COW to be indemnified by the City.

**ARTICLE VII**    **Planning Group Officers**

**Section 1. Officers**

Section 1 contains basic information about selecting the officers and establishing their terms and duties.

**Sections 2. Chairperson**

Section 2 discusses the basic responsibilities of the chairperson.

**Section 3. Vice Chairperson**

Sections 3 discusses the basic responsibilities of the vice chair.

**Section 4. Secretary**

Section 4 discusses the responsibilities of the secretary. Secretaries may seek assistance from others with the following duties:

- ◆ To act as the group parliamentary procedure expert and so monitor meeting procedures related to motions, voting, and public speakers.
  
- ◆ To collect and assemble materials from meetings for records retention.

Anyone providing assistance to planning group officers should be a planning group member, or COW-certified, to ensure the officers and group will be eligible for legal defense and indemnification under the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19883).

**Section 5. Community Planners Committee**

Section 5 discusses how planning groups represent themselves on the Community Planners Committee (CPC). Attachment D is the form used to convey CPC representative information to the CPC chair. If neither the representative, nor the designated alternate, can attend a CPC meeting the planning group may send a substitute, who may speak but not vote on behalf of the planning group.

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**Section 6. Dissemination of Information**

Section 6 stresses that CPC representatives have a duty to report CPC actions back to their planning groups. The CPC representative should forward copies of the CPC meeting agenda and minutes to the secretary for circulation to all the planning group members. Planning group members may also review CPC agendas, minutes, and back up materials for the CPC meetings on the CPCI website at [www.sandiego.gov/planning/community/cpc](http://www.sandiego.gov/planning/community/cpc).

**ARTICLE VIII Planning Group Policies and Procedures**

Article VIII provides a framework for planning groups to develop procedures and policies tailored to the particular needs of their community planning areas.

**ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups**

Article IX addresses enforcement of CP 600-24 and the Brown Act, emphasizing that planning groups govern themselves and their members to encourage compliance.

**Section 1. Indemnification and Representation**

Section 1 requires planning group members to comply with CP 600-24, and their own adopted planning group bylaws to qualify for representation and legal defense pursuant to the Ordinance Providing for Defense and Indemnification of Community Planning Groups (O-19883).

**Section 2. Brown Act Remedies**

Section 2 addresses Brown Act remedies and violations. As with other CP 600-24 provisions, the preferred remedy following a valid complaint is self-correction. If a planning group receives a written complaint alleging a Brown Act violation, it should be forwarded to CPCI within 5 business days, for review and referral to the City Attorney, to ensure the correct procedures are followed, all issues are addressed, and remedies are enacted in a timely manner. When deciding whether to self-correct, planning groups should err on the side of caution, since self-correction requires little effort, will likely not change the resulting vote, but will ensure maximum public participation and statutory compliance. When a planning group forwards a complaint to CPCI it should state whether the planning group has already decided to proceed with self-correction.

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

Section 3 discusses how planning groups address violations by individual members of the planning group and by the planning group as a whole. Violations should be lodged by written complaint.

**(a) Alleged Violations by a Member of the Planning Group.**

It is the responsibility of the planning group, not the City, to address alleged violations of CP 600-24 by individual members. CP 600-24 does not contemplate either CPCI or the City Attorney taking decisive action against planning group members for violations of CP 600-24, although CPCI may, upon request by a planning group, offer advice on how to proceed, based on experience with how other planning groups have addresses similar situations. Planning groups are authorized to conduct an investigation, and where feasible take corrective action, as is

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deemed appropriate by the group. Investigation procedures are outlined and incorporated into the standard planning group Bylaws Shell attached to CP 600-24.

When corrective action is not feasible, removal of a planning group member may be necessary. There may be extenuating circumstances where the benefit of removing a planning group member without any doubt outweighs attempting to continue to operate with that member. Removal must be considered with extraordinary care and thoroughness by the entire planning group, and must adhere to the following procedures.

- a. Any action by a planning group to discipline or remove a planning group member must occur at a scheduled planning group meeting and be noticed on the agenda as an action item.
- b. Due to the significant nature of removing an elected member, and to ensure a fair and public process, standardized procedures for conducting an investigation and hearing are provided in the standardized Bylaws Shell. These procedures detail the following topics. Additional procedures would have to be approved as bylaws amendments. *See Article II, Section 7.*
  1. Documenting a violation.
  2. Conducting an investigation.
  3. Presenting a violation to the planning group.
  4. Recourse for a member who is removed.

**(b) Alleged Violations by a Planning Group**

It is the responsibility of CPCI to investigate, and attempt to resolve, alleged violations against the multiple members or against the entire planning group.

The phrase “investigation by the Mayor’s office,” as used in this subsection, does not mean a formal criminal or civil investigation. It refers to an informal process, shaped by the nature of the allegations, and will usually involve discussions with individual members, or with the entire planning group, as well as discussions with the planning group members and others, and review of planning group minutes, correspondence, or other documents. CPCI may offer advice on how to proceed, based on their experience with how other planning groups have addressed similar situations, and may discuss the matter with the CPC.

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**ATTACHMENTS**

- A Sample Planning Group City Roster
- B Sample Planning Group Public Roster
- C Sample Planning Group Annual Report
- D Community Planners Committee Membership Data Form
- E Council Policy Ordinance No. O-19883, "An Ordinance Providing for Defense and Indemnification of Community Planning Groups"

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**Attachment A**

**XXX Planning Group**  
**City Use Roster – Month, Year**

**Chair**

<b>Name</b>	Telephone Number	Fax Number
Address		
City, State Zip Code	Term expiration	Seat (if applicable)
Email Address	Initial Term Date with Uninterrupted Service	

**Vice Chair**

<b>Name</b>	Telephone Number	Fax Number
Address		
City, State Zip Code	Term expiration	Seat (if applicable)
Email Address	Initial Term Date with Uninterrupted Service	

**Secretary**

<b>Name</b>	Telephone Number	Fax Number
Address		
City, State Zip Code	Term expiration	Seat (if applicable)
Email Address	Initial Term Date with Uninterrupted Service	

**Treasurer**

<b>Name</b>	Telephone Number	Fax Number
Address		
City, State Zip Code	Term expiration	Seat (if applicable)
Email Address	Initial Term Date with Uninterrupted Service	

**Elected Members [list each individually]**

<b>Name</b>	Telephone Number	Fax Number
Address		
City, State Zip Code	Term expiration	Seat (if applicable)
Email Address	Initial Term Date with Uninterrupted Service	

**Community Planner**

<b>Name</b>	Phone Number	Fax Number
San Diego Planning Department		
202 "C" Street, MS-4A		
San Diego, CA 92101		
Email Address		

Last updated XXX

## Attachment B

### XXX Planning Group Public Roster - Month, Year

**Chair**

**Name**

Telephone Number

Fax Number

Address

Term expiration/Initial Term Date

Seat (if applicable)

City, State Zip Code

Email Address

**Vice Chair**

**Name**

Term Expiration/ Initial Term Date

Seat (if applicable)

**Secretary**

**Name**

Term Expiration/ Initial Term Date

Seat (if applicable)

**Treasurer**

**Name**

Term Expiration/ Initial Term Date

Seat (if applicable)

**Elected Members**

**List Each Name**

Term Expiration/ Initial Term Date

Seat (if applicable)

**Community Planner**

**Name**

Phone Number

Fax Number

San Diego Planning Department

202 "C" Street, MS-4A

San Diego, CA 92101

Email Address

XXX Community Planning Group meets monthly on the XXX Day of each month at Location.

For more information on XXX Community Planning Group, contact Name, Chairperson, at phone number/email address.

Last updated XXX



## **Attachment C**

### **ANNUAL REPORT OF THE XXX PLANNING GROUP Month, Year – Month, Year**

#### **Section I. Introduction.**

Include the name of the planning group, its officers and any subcommittees.

#### **Section II. Administrative Issues.**

Include the number of meetings held, membership changes, numbers and categories of membership, revisions to the planning group's bylaws, procedures and/or policies.

#### **Section III. Community Plan Preparation and Implementation.**

Provide a chronology of participation on a plan update or amendments, ordinance preparation/amendments and rezones, public facilities financing plan, etc. Include, if possible, specifics on key actions taken (dates and results of votes).

#### **Section IV. Special Projects.**

Document any special projects discussed and voted on by the planning group. Include specifics on any actions taken. Projects could include policy items, City or regional task forces, General Plan meetings, or political candidate as well as ballot forums.

#### **Section V. Summary of Project Review.**

Document the planning group's review and/or actions taken on major discretionary projects. List this information by project name and location if possible. Discretionary projects include variances, street vacations, planned development permits and coastal development permits.

#### **Section VI. Planning Group Objectives.**

Address any or all of the above categories. Discussions might include how the planning group operates or interacts or special projects that the planning group would like to pursue.

#### **Section VII. Roster Summary**

Provide a summary of the initial roster with any additions and/or deletions along with a final roster.

**Attachment D**  
**Community Planners Committee Membership Data Form**  
**COMMUNITY PLANNERS COMMITTEE (CPC)**  
**MEMBERSHIP DATA**

Date:

Planning Group Name:

Chairperson's Name:

Chairperson's Address:

Email:

*Chairperson, please check one box below:*

I am the CPC Representative

I am not the CPC Representative

*If the Chairperson is not the CPC Representative, please list the designated representative below:*

The Planning Group's action on

Date

designated the CPC Representative as:

Name:

Address:

Email:

*Alternate CPC Representative:*

The Planning Group's action on

Date

designated the Alternate CPC Representative as:

Name:

Address:

Email:

Pursuant to the Community Planners Committee By-laws, this information must be received in order for any community planning group member to maintain active membership and voting eligibility rights in the Community Planners Committee. The completed form can be emailed to [CPCCommittee@sandiego.gov](mailto:CPCCommittee@sandiego.gov) or faxed to (619) 234-6478. If you have any questions, please contact Diane Maglaras (619) 236-7067.

## **Attachment E**

**COUNCIL POLICY ORDINANCE No. O-19883, "AN ORDINANCE PROVIDING FOR THE DEFENCE AND INDEMNIFICATION OF COMMUNITY PLANNING GROUPS."**

ORDINANCE NUMBER O- 19883 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 28 2009

AN ORDINANCE PROVIDING FOR DEFENSE AND  
INDEMNIFICATION OF COMMUNITY PLANNING GROUPS.

WHEREAS, the successful implementation of the General Plan of the City of San Diego requires the thoughtful and deliberate development and implementation of community plans; and

WHEREAS, the development of community plans requires the cooperation and participation of citizens who have the personal knowledge of the needs and aspirations of their respective communities; and

WHEREAS, the City Council has adopted Council Policy 600-5 entitled "Community Plans" which provides, in part, that citizens' groups be established for the purpose of providing a formal organizational structure for coordination and communication with City planning staff; that said citizens' organizations shall contain as broad a base of local representation as is feasible and practical; and that groups be aware of their duties and responsibilities in the planning process and express a willingness to accept such responsibilities; and

WHEREAS, the City Council has adopted Council Policy 600-9 entitled "Community Planners Committee" which provides, in part, that, in an advisory capacity, the Community Planners Committee [CPC] shall participate in reviewing and recommending to appropriate bodies actions deemed necessary and desirable for the timely and continued effectuation of goals, objectives and proposals contained in the General Plan and that it shall serve in an advisory capacity to the community planning groups with a primary goal of achieving maximum coordination of planning matters on a comprehensive or citywide basis, and promotion of solutions of matters of mutual concern shared among the communities of San Diego; and

WHEREAS, the City Council has adopted Council Policy 600-24 entitled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups," which provides a procedure under which citizens who are interested in participating in the planning process in an advisory capacity may form organizations and request recognition, in their advisory capacity, by the City Council as community planning groups; and

WHEREAS, community planning groups devote countless hours of their time and substantial private resources in assisting the City of San Diego in the development and implementation of community plans and the General Plan; and

WHEREAS, both community planning group members and non-members serve together on subcommittees of community planning groups and perform a necessary function in the planning process; and

WHEREAS, the voluntary efforts of community planning groups and subcommittee members are of inestimable value to the citizens of the City of San Diego; and

WHEREAS, recent developments have caused community planning groups not committee members and the CPC to become concerned about possible exposure to litigation arising from participation in the planning process; and

WHEREAS, the concerns about personal exposure to litigation continue to jeopardize the vitality of the planning process and, unless eliminated, may cause the collapse of the process that provides essential citizen participation; and

WHEREAS, the Council of the City of San Diego finds and declares that the provision of defense and immunity of any community planning group, or the elected or appointed members, subcommittee members, or former members thereof, acting in conformance with Council Policy 600-24, would constitute expenditure of public funds which serves the highest public interest and purpose; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Except as hereinafter provided, the City of San Diego shall provide for the defense and indemnity of the following: the CPC established by Council Policy 600-9, and any community planning group, including its subcommittees, established pursuant to Council Policy 600-24, both entities hereafter referred to as "group"; and the duly elected or appointed members, subcommittee members, or former members, hereafter also referred to as "people" or "person," thereof against any claim or action against such group, member, or former member, if all of the following circumstances exist:

- A. The person is, or was, a duly-elected or appointed member of a group recognized and operating in accordance with Council Policy 600-9 or Council Policy 600-24;
- B. The person attended a Community Orientation Workshop [COW] conducted by the City of San Diego, prior to participating in the activity which gave rise to the claim or action against the group, member, or former member; or, if a COW was not yet available, prior to the person's participation at his or her first group meeting, the person read the Community Orientation Workshop Handbook and certified on the record at that meeting that the person completed such review, and then attended the first COW available to that person. Upon the availability of the COW electronically, a person shall be required to attend the COW or participate in the electronic version within sixty (60) days of being duly elected or appointed in order to qualify for the indemnity and defense provided herein;
- C. The alleged act or omission occurred or was authorized during a lawful meeting of the group or subcommittee thereof;
- D. The alleged act or omission was within the reasonable scope of duties of a group as described in Council Policies 600-5, 600-6, 600-9 and 600-24, and was not in

violation of any of those Council Policies, or any provision of the bylaws adopted by the group and approved and/or adopted by the appropriately-designated City officials or City entities;

- E. The person or group made a request in writing to the City Attorney for defense and indemnification no later than ten (10) working days from being served or notified of such legal papers;
- F. The person or group performed his, her or its duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person or persons in a like position would use under similar circumstances;
- G. The person or group reasonably cooperates with the City Attorney in the defense of the claim or action; and
- H. The person's or group's actions or failures to act were not due to actual fraud, corruption, actual malice or bad faith.
- I. Any person who is a member of a subcommittee, and is identified on the record and within the minutes upon their election or appointment, or during the first planning group meeting that occurs after that person joins the subcommittee, whichever is earlier.

Section 2. In the event the City Attorney determines that a person or group is not entitled to or should not receive defense and indemnification under this ordinance, the City Attorney shall promptly advise the City Council and the person or group. The City Attorney shall not withdraw from such defense, and the City shall not deny such indemnification, under this section without the approval of the City Council. Nothing contained herein relieves the City of San Diego from its obligations under Section 1 to provide a defense and indemnification under the

conditions specified. The City of San Diego may provide a defense to a person or group under a reservation of rights.

Section 3. The provisions of this ordinance apply only to members, subcommittee members, or former members of groups established and recognized by the City Council pursuant to Council Policy 600-9 and Council Policy 600-24.

Section 4. Defense and indemnification shall not be provided by the City of San Diego in any administrative or judicial proceeding initiated by a group, its members, or its subcommittee members, against the City of San Diego, its agencies or representatives or any other party or organization nor shall representation and indemnification be provided to a group, its members, or its subcommittee members, against damages to any person or organization which are alleged to have resulted from the initiation of any administrative or judicial proceeding by a group, its members, or its subcommittee members.

Section 5. In no event shall defense or indemnification be provided against a claim or judgment for punitive damages.

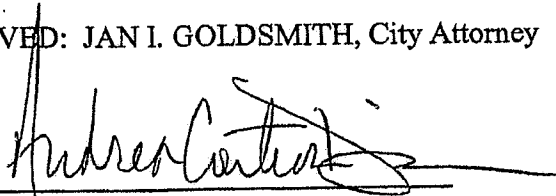
Section 6. This ordinance does not constitute an admission or a waiver of the position of the City of San Diego that groups and the members thereof are not officers, employees or servants of the City of San Diego.



Section 7. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Andrea Contreras Dixon  
Deputy City Attorney

ACD:hm  
05/22/09  
COR. COPY 07/06/09  
Or.Dept: City Attorney  
O-2009-154  
MMS #7405

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 21 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7-28-09  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on JUL 21 2009, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 28 2009

AUTHENTICATED BY:

JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Jana Richardson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUL 07 2009, and on JUL 28 2009

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

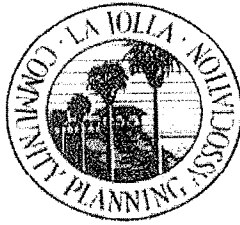
(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Jana Richardson, Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 19883

# EXHIBIT 9



## La Jolla Community Planning Association

March 25, 2014

Bob Whitney  
Founding Committee Member  
The La Jolla Association  
PO Box 424  
La Jolla CA 92037  
Email: thejollaassociation@gmail.com

Re: Election Challenge

Dear Mr. Whitney,

I am in receipt of your letter dated March 11, 2014 challenging the election results of March 6, 2014 on behalf of The La Jolla Association. Your interest in the La Jolla community and your taking the time to bring forward and document your concerns regarding to adherence the provisions of the LJCPA's Bylaws is truly appreciated.

ARTICLE IX Section 3. Council Policy Violations and Remedies of the Bylaws states:

- A. In cases of alleged violations of the LJCPA Bylaws or Council Policy 600-24 by a Trustee, the Board of Trustees shall conduct an investigation consistent with the Administrative Guidelines and these Bylaws.
- B. A complaint that a that a Trustee violated one or more provisions of the LJCPA's Bylaws or Council policy 600-24 may be submitted to the LJCPA President by any individual, including another Trustee. The complaint should be filed within 90 days of knowledge of the alleged violation.
- C. If, after a thorough investigation by the President and at least two other Officers, the Board of Trustees determines that a Trustee has violated a provision of these Bylaws or Council Policy 600-24, the Board of Trustees shall, where feasible, seek a remedy that corrects the violation and allows the Trustee to remain on the Board of Trustees.
- D. If corrective action or measures are not feasible, the Board of Trustees may remove a Trustee by a two-thirds vote of the Board; except for specific cases outlined in Article III, Section 4 where a majority vote is sufficient for removal.

In accordance with these provisions the LJCPA officers have conducted a thorough investigation regarding your challenge. The results of this investigation will be reported to the Board of Trustees and at the meeting scheduled for April 3, 2014.

Please be advised that the Officers do not think that The La Jolla Association has standing to raise these issues since the Association is not a member of the LJCPA. The members of the LJCPA are "individuals" meeting the eligibility requirements of ARTICLE I Section 4. The La Jolla Association is not an "individual at least 18 years of age." We believe that only actual members have legal standing to raise the issues regarding Bylaw violations. Nevertheless, as the LJCPA seeks to serve the entire community of La Jolla in as fair a manner as possible the Officers have decided to address each of your concerns and advise corrective action where possible.

You have raised four issues and they will be addressed each in the order that you presented them.

**1. First Allegation:** An official Election Committee was never publicly selected or ratified by the Board of Trustees at a publicly noticed meeting.

**Response to First Allegation:** The LJCPA Bylaws, at ARTICLE VI SECTION 2.C. Rules Regarding All Committees and Boards, state in pertinent part, "All committee appointees appointed by the LJCPA shall be appointed by the President and ratified by the Trustees." There is no requirement that the President publicly select committee members, rather the requirement is that the Board of Trustees ratify the appointees. In fact I did fail to request the Board of Trustees to ratify the members of the Election Committee. I was unable to complete my selection prior to the January meeting and, therefore, failed to put the matter on the January agenda. Subsequently, an Election Committee was appointed by me on January 28, 2014 and followed correct procedures regarding the election. The other LJCPA officers have advised me to take corrective action regarding my failure to have the Board of Trustees ratify my appointments. They have advised, and I have agreed, to put the matter of Board of Trustee ratification of the Election Committee members on the April 3, 2014 Agenda immediately following the adoption of the agenda. This will enable the Board of Trustees to ratify the Election Committee retroactively if that is the action the Board decides to take. In a perfect world this would not be necessary, but this is the best corrective action that is feasible. Further, because of my lack of timeliness, the committee was appointed after the first of January. Nevertheless, the committee was in fact appointed and carried out its duties. As a result, the LJCPA officers feel that there has been substantial conformance with the requirement that the Election Committee be established "no later than the first week of January" and The Board of Trustees will be advised that no corrective action is necessary or possible. Hopefully, your raising this issue will ensure that future committees will be appointed on or before the stated time.

**2. Second Allegation:** An official good faith effort to seek new candidates never happened.

**Response to Second Allegation:** The Elections Committee did in fact "solicit Members to become candidates" and the LJCPA did in fact "make a good faith effort to utilize means appropriate to publicize the LJCPA's eligibility requirements for candidacy and the upcoming election" as required by ARTICLE V Elections, Section 2 of the Bylaws. Several members of the Elections Committee personally contacted individuals who were eligible to serve or could have been eligible by attending the February meeting. All of the persons contacted by one of the members of the committee were interested in land planning issues; but none of them was able to serve for various reasons. You assert that the fact that three write-in candidates filed their

intentions to seek office the night of the election is further evidence that an official good faith effort did not occur. To the contrary, the fact that three write-in candidates filed their intentions to seek office is a direct result of the Election Committees' efforts and shows that those efforts were effective. Further, as you know, the three meeting requirement for being a candidate to serve as a trustee is stated by the Secretary at each regularly scheduled meeting of the LJCPA. In addition, a press release announcing the elections was prepared, sent to the appropriate media and was, in fact, published. The LJCPA website gave notice of the upcoming election and the minutes of the LJCPA January and February meetings contain statements referring to the March 2014 election. Thus the Officers will report to the Board of Trustees that your second allegation is without merit and that no corrective action need be taken.

**3. Third Allegation:** The LJCPA Bylaws, Council Policy 600-24 and the Administrative Guidelines to Council Policy 600-24 require Mr. La Cava and Mr. Fitzgerald be termed out and not be granted another three-year term. You assert that election policy requires two new qualified candidates that ran for office be seated as LJCPA Trustees.

**Response to Third Allegation: Article III Section 3 of the LJCPA Bylaws states:**

Trustee Terms

Trustees of the LJCPA shall be elected to serve for the fixed terms of 3 years with expiration dates during successive years to provide continuity. Except as noted in this Section, no person may serve on the LJCPA for more than six consecutive years. After a one-year break in service as an LJCPA Trustee, an individual who has served for six consecutive years shall again be eligible for the election to the LJCPA Board of Trustees.

The LJCPA will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees who have already served for a six consecutive years to continue on the Board of Trustees without a break in service. Such Trustees must receive a 2/3 majority of the votes cast in order to serve more than six consecutive years.

**Council Policy 600-24 ARTICLE III, Section 4 states:**

"Members of a recognized community planning group shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial group members for new groups. No person may serve on a planning group for more than eight consecutive years if members are elected to two or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total 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 or nine consecutive years shall again be eligible for election to the committee.

This Policy provides an exception for a planning group to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats' as follows:

*A planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open*

*seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership. The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section." (Emphasis added)*

Furthermore, according to Article III Section 2 when it became a fact that there were not enough eligible candidates to fill the vacant seats trustees La Cava and Fitzgerald became eligible to run. Consequently after their candidacy was announced per Article V Section 2, trustees LaCava and Fitzgerald met the requirements of a qualified candidate having rights equal to all other candidates plus the requirements to earn 2/3 of cast votes in order to gain a seat.

The logical application of these provisions in the instant case is that when there are insufficient candidates to fill the seats by the end of the February 2014 meeting then a member may serve in excess of six years (per the LJCPA Bylaws) and that member may appear on the ballot with new candidates. Once on the ballot the only remaining requirement is that these candidates receive enough votes to be elected and at least a two-thirds majority of the votes cast. The fact that one or more write-in candidates were elected is irrelevant. Your interpretation leads to the absurd result that Mr. LaCava and Mr. Fitzgerald could be eliminated by a single write-in vote. Such an outcome clearly contradicts the intentions of the LJCPA membership and the City Council.

For the foregoing reasons the Officers will report to the Board of Trustees that your third allegation is without merit do find that Mr. LaCava and Mr. Fitzgerald were duly elected for additional three year terms.

**4. Fourth Allegation:** Mr. Rob Whittemore did not meet the three meeting requirement of **Article V** Section 3 and is therefore disqualified.

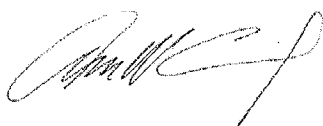
**Response to Fourth Allegation:** **Article V** Section 3 states, "In order to be a candidate in an election to become a Trustee, a Member of the LJCPA must have documented attendance at three of the LJCPA's meetings in the preceding 12-month period." It is not required that a member sign the attendance sheet in order to document his attendance, although that is the most convenient way to do so. Attendance may be documented in other ways. Mr. Whittemore did sign in for the March and June 2013 meetings. He also attended the February 2014 meeting. His attendance at the February meeting is documented by an email from him stating he attended the meeting and that a number of attendees and Trustees saw him there, and requested recognition that he did so attend. I am also in receipt of an email from the LJCPA Secretary, Helen Boyden, vouching for the fact that Joe LaCava and she spoke with Mr. Whittemore at the end of the February 2014 meeting. Ms. Boyden later corrected the attendance sheets showing that Mr. Whittemore did, in fact, document attendance at three meetings as required, although that may not yet be reflected on the LJCPA website. The Chair of the Elections Committee, Janie Emerson, verified Mr. Whittemore's attendance at the February meeting before accepting him as



an eligible write-in candidate. Thus the Officers will report to the Board of Trustees that your fourth allegation is without merit and do find that Mr. Whittemore be seated at the April 2014 meeting.

I hope that this response to your allegations will suffice to satisfy your challenge of the March election. Of course, the Board of Trustees will make the final determination. As you know, I have termed out and will no longer be serving as a Trustee or as President. Please forgive any perceived shortcomings on my part. This is a volunteer organization and I believe that, as a whole, this board contributes a valuable service to La Jolla and to the City of San Diego.

Very truly yours,



Tony Crisafi, President  
La Jolla Community Planning Association

cc: LJCPA Trustees  
Lesley Henegar, Planning Department  
Council President Pro Tem Sherri Lightner  
Council Rep Erin Demorest  
Council Rep Justin Garver  
Candidates for Election

# EXHIBIT 10

LA JOLLA COMMUNITY PLANNING ASSOCIATION ATTENDANCE AND MEMBERSHIP LIST  
 Membership based on (1) property/business ownership or residency and (2) attendance at 1 meeting in 12 months prior to March Election (See Bylaws for details.)

Many Memberships expire/d 2/28/2014. Active Memberships as of 2/29/2014  
**Lists only Members and those that have attended at least one meeting past year (Mar 13 - Feb 14)**  
 Based on attendance records, membership applications, and eligibility as of meeting held: 02/06/14

Attendees (see rightmost column for list of members)	2014												Meetings Attended in 12 months prior to March 2014 ..	Submission Date of Active Application for Membership	Expiration Date of Voting Eligibility	Members
	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB				
Thomas, Betsy									1				1	--	n/a	
Thorsen, Cynthia	1	1		1									3	2/1/2007	2/28/2015	Thorsen, Cynthia
Tomphins?, Erin				1									1	--	n/a	
Torres, Ricardo				1									1	--	n/a	
Tuthill, James					1								1	2/5/2009****	n/a	
Valew sp?, Elizabeth				1									1	--	n/a	
Vanstrum, Glenn					1								1	--	n/a	
Varone, Sasha				1									1	--	n/a	
Viti, Esther									1				2	2/1/2007	2/28/2015	Viti, Esther
Webster, Ellen					1								1	--	n/a	
Weiermann, Heather									1	1	1		3	12/5/2013	2/28/2015	Weiermann, Heather
Weiss, Ray	1	1	1	1	1	1	1	1	1	1	1	1	10	2/1/2007	2/28/2015	Weiss, Ray
Weissman, Edward	1												1	2/7/2013	2/28/2015	Weissman, Edward
Weissman, Suzanne	1	1							1	1	1		5	4/4/2013	2/28/2015	Weissman, Suzanne
Whitney, Bob	1	1	1	1							1		5	4/1/2010	2/28/2015	Whitney, Bob
Whitney, Kimberly	1	1	1	1	1	1	1	1	1	1	1		11	12/2/2010	2/28/2015	Whitney, Kimberly
Whittemore, Rob	1			1									2	2/1/2007	2/28/2015	Whittemore, Rob
Wickersham, Jean			1										1	2/1/2007	2/28/2015	Wickersham, Jean
Wildman, Rick			1								1		2	3/1/2012	2/28/2015	Wildman, Rick
Wolf, Roberta			1										1	--	n/a	
Zaki, Eman	1							1					2	--	n/a	
Zimmerman, Frances	1	1	1	1	1	1	1	1	1	1	1	1	12	5/3/2007	2/28/2015	Zimmerman, Frances

\* Assuming Member meets all other eligibility reqmnts.  
 \*\* Attendance based on sign-in or other written evidence.  
 \*\*\*\* Membership expired