



DATE: February 18, 2016

TO: Pat Stark, Downtown Community Planning Council

FROM: Brad Richter, Asst. Vice President, Civic San Diego
Shannon Thomas, Deputy City Attorney, Office of the City Attorney

SUBJECT: Approval of an Amendment to the Downtown Community Planning Council By-Laws

The Downtown Community Planning Council 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). 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 Civic San Diego Planning Department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.

The By-Laws of the Downtown Community Planning Council were adopted by the City Council on March 6, 2013 by Resolution R-308025. The attached amendment does not require approval of a deviation by the City Council.



Brad Richter
Asst. Vice President, Planning
Civic San Diego Deputy Director

Date: 2/18/16



Shannon Thomas
Deputy City Attorney
Office of the City Attorney

Date: 2/18/2016

Cc: File Copy

Attachments: 2016 By-Laws Amendment approved by the Downtown Community Planning Council February 17, 2016



Downtown Community Planning Council San Diego

Downtown Community Planning Council Bylaws
Amended ***February 18, 2016***

ARTICLE I - Name

Section 1. The official name of this organization is the Downtown Community Planning Council (DCPC).

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

Section 3. The community planning area boundaries for the Downtown Community Planning Council are the boundaries of the Downtown community, as shown on Exhibit "A."

Section 4. Meetings of the Downtown Community Planning Council shall be held within these boundaries, except that when the Downtown Community Planning Council does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 5. The official positions and opinions of the Downtown Community Planning Council shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II - Purpose of Community Planning Group and General Provisions

Section 1. The Downtown Community Planning Council has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Downtown community boundaries. The planning group also advises on other land use matters as requested by the City, its designated agents, or other governmental agency as **[detailed in Council Policy 600-24, Article II: Purpose of Community Planning Groups and General Provisions.](#)**

Section 2. In reviewing individual development projects, the Downtown Community Planning Council should focus such review on conformance with the **[Land Development Code, and the](#)** adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process.

Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

Section 3. All activities of the Downtown Community Planning Council shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age,

creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

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

Section 5. ~~The~~ Downtown Community Planning Council's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the Downtown 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 Downtown Community Planning Council operates under the authority of the Ralph M. Brown Act, which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. Amendments to Council Policy 600-24 will apply to the DCPC, as well as to all other community planning groups, even if individual groups' bylaws are not required to be amended with parallel language.

In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. The latest version of Robert's Rules of Order - 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 Downtown Community Planning Council may propose amendments to these bylaws by a two-thirds vote of the ~~elected-voting~~ 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 Downtown Community Planning Council shall consist of: 27 elected members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

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

On the Downtown Community Planning Council, elected seats are filled by a geographic distribution of seats among the following interests that represent the community: residents, business ownersentity representatives, and community organization representatives, as outlined in Exhibit B.

Membership categories, including geographic boundaries, will be reviewed every five years.

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 a Resident,

~~representative of a Business Entity Owner~~ or a representative of a Community Organization within the Downtown area and the District with respect to which he or she intends to vote and/or represent.

Eligibility requirements for candidates are the same as for voters.

~~“Business Owner” means any person or legal entity which owns and operates a business from a facility within the Downtown boundaries or which owns property with in the Downtown boundaries for investment and not for occupancy.~~

“Business Entity” means any lawful activity conducted by an entity with the Downtown boundaries primarily for the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property; or for sale of services to the public.

Businesses may not nominate more than one person to run as a candidate; however, individual business ~~owners~~entity representatives, including partners each have a vote.

“Resident” means any person who owns, leases or rents a residential dwelling unit within the Downtown boundaries and occupies the same as his or her residence.

“Residential Owner Occupant” means any Resident who owns all or a substantial fee interest in the dwelling unit which he or she occupies.

~~“Residential Tenant” means any Resident who occupies his or her dwelling unit by right under a lease or rental agreement.~~

Proof of eligibility may include any of the following documents and materials, as applicable:

(A) California driver’s license;

(B) California identification card;

(C) lease or rental agreement;

(D) lease or rental receipt;

(E) deed to real estate;

(F) property tax bill;

(G) business license;

(H) utility bill;

(I) written letter from a residential landlord or property management representative verifying occupancy. Letter must include address, unit number, and landlord’s contact information; and

(J) any other documents or materials by a verifiable, independent source which the planning group may deem acceptable.

“Community Organization” means any nonprofit association of persons and/or entities which has its headquarters or a site office within the Downtown boundaries, or a substantial number of whose constituents are persons and/or entities within the Downtown boundaries, and which association is generally recognized within Downtown as a community organization.

In order to determine the eligibility of a representative from a Community Organization for membership on the DCPC, the following evidence must be submitted:

(A) proof that the Organization meets the definition of Community Organization as described above, such as articles of incorporation, bylaws, non-profit status, business license and/or such other documentation;

(B) a resolution or minutes of the organization's board or directors designating its representative and authorizing such person to act on its behalf; and

(C) Such other documentation which DCPC may deem necessary to carry out the intent of this Section.

Each Community Organization shall be entitled to designate one person to:

(A) vote on its behalf for the representative of Community Organizations in its applicable category; and

(B) be a candidate to become a member of the DCPC in its applicable category.

Any person meeting qualification for any membership category shall be permitted to vote for representatives of a Community Organization.

"At Large" candidate must qualify in accordance with any of the previously defined membership categories.

A person who meets the qualifications of two or more such categories may be registered to vote or be elected to serve on the DCPC. However, he or she may be elected from only one such category and may serve only as long as the member remains qualified in the category from which he or she was elected.

~~When voting, he or she must choose one category in which to vote. Voting in multiple categories (other than voting for representatives of a Community Organization) will not be permitted.~~

Qualified voters are permitted to vote for both residential and business seats in their respective districts as well as for Community Organization and At Large seats.

An individual may become an eligible member of the community by demonstrating qualifications to the planning group Secretary or Election Subcommittee 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 Downtown Community Planning Council shall require proof of eligibility during elections.

Section 3. Members of the Downtown Community Planning Council shall be elected to serve for fixed terms of 2 years with expiration dates during alternate years to provide continuity. ~~To correct an imbalance of 19-8 in the expiration dates of members, the expiration dates of six seats shall be adjusted to expire in March, 2015, instead of March, 2014. The Downtown Community Planning Council shall appoint members to the six seats, and those members shall serve until March, 2015, notwithstanding that their terms would otherwise have expired in March, 2014.~~

No person may serve on the planning group for more than eight consecutive years.

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

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

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

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

Section 5. A member of the Downtown Community Planning Council found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups adopted bylaws risks loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the Downtown Community Planning Council who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV - Vacancies

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

Section 2. Vacancies that may occur on the Downtown Community Planning Council ~~shall~~ should be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The Downtown Community Planning Council shall fill vacancies at the time the vacancies are declared. Vacancies shall be filled by majority vote of the remaining planning group members at a publicly-noticed meeting. All eligible candidates for the vacant seat shall have the opportunity to speak to the membership regarding their background and interests at the public meeting. The candidates shall be excused and the DCPC members shall vote by written ballot. The votes will be tallied immediately and the candidate with the majority of votes shall win. Should there be more than two candidates and no candidate receives a majority of the votes, the candidate receiving the lowest number of votes shall be eliminated. Subsequent written votes shall be taken, each time eliminating the candidate with the lowest vote count, until one candidate receives the majority.

Section 3. When the Downtown Community Planning Council is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. 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 Downtown Community Planning Council members shall be held during the month of March in accordance with the [Downtown Community Planning Council's adopted](#) elections procedures outlined herein.

The Downtown Community Planning Council's general elections shall be held annually. An Election Subcommittee will be established no later than January.

The Election Subcommittee will be limited to five members who are not candidates. Its duties will include:

- A. Recruitment of candidates for open seats.
- B. Organize and oversight of the general election, including all polling activities.
- C. Organization and hosting of a Candidate's Forum at which candidates may present speeches in support of their candidacies.
- D. Counting of ballots.

Any person desiring to serve on the DCPC must complete a Candidate Registration Form that includes the following information:

- a. the name and address of the candidate, including "qualifying address," if different.
- b. the membership category and District (if applicable) for which the candidate is running. Copies of the candidate's proof of eligibility shall be made available. The deadline to qualify for candidacy in the March general election shall be 7 calendar days before the opening hour of the polls, should the candidates wish to have their names appear on the pre-printed ballots. Candidates submitting registration forms after the stated deadline shall be considered write-in candidates.

Any person eligible to be a candidate in more than one membership category must choose one of the categories. Proof of eligibility must be provided for the category chosen.

Section 2. The Downtown Community Planning Council shall make a good faith effort to utilize means appropriate to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

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

The Downtown Community Planning Council holds its election at one or multiple locations prior to the regular March meeting. As part of the election process, and prior to the closing of the polls, the DCPC may hold a public Candidate's Forum, during which all candidates shall be given a reasonable opportunity to make a speech in support of their candidacy.

The Downtown Community Planning Council 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.

When a category contains more than one seat up for election, eligible voters may cast the number of votes equal to the number of such seats.

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

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

Polling staff shall make a reasonable effort to ensure private voting, however private booths are not required.

Polling stations shall be located in "neutral" areas such as government facilities or churches. Business locations may be used as long as they are not running a candidate.

Section 4. The tallying of ballots shall occur at the close of the election process or within the next business day. The public shall be invited to observe.

The Downtown Community Planning Council's election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning group meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

A coin toss or the drawing of straws will determine the winner of a seat in the event of a tie vote. Both candidates shall have the opportunity to be present for the coin toss or drawing of straws.

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

ARTICLE VI - Community Planning Group and Planning Group Member Duties

Section 1. It is the duty of the Downtown Community Planning Council to cooperatively work with the City, or its designated agents, 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 Downtown Community Planning Council to attend all planning group meetings.

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

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

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

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

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

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

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

(v) CONSENT AGENDA – Any interested member of the public may comment on a consent agenda item. Any interested member of the public or member of the planning group may request that a consent agenda item be moved to the Action Agenda for discussion.

(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 Downtown Community Planning Council may not, as a condition of placing an item on the agenda, require applicants to submit additional information and

materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

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

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

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the voting members of the DCPC for the purpose of ratifying the findings presented by the Secretary to the group.

Amendments to adopted bylaws require a two-thirds vote of the voting members of the DCPC.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of the DCPC.

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

The Downtown Community Planning Council planning group's Chair fully participates in planning group discussions and votes on all action items. The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected 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 Downtown Community Planning Council as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS – The chair of the Downtown Community Planning Council, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or

discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

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

(xii) RIGHT TO RECORD – Any person attending a meeting of the Downtown Community Planning Council must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting

(xiii) DISORDERLY CONDUCT – In the event that any planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individual or individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The planning group may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

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

(i) STANDING SUBCOMMITTEES – Pursuant to the purpose of the Downtown Community Planning Council as identified in Article II, Section 1, the planning group shall have the authority to, and may, establish subcommittees as necessary.

(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 – Each subcommittee shall be composed of not more than thirteen (13) members of the Downtown Community Planning Council. Subcommittee meetings at which there is a possibility of attendance by a quorum of the Downtown Community Planning Council must be noticed as a meeting of the Downtown Community Planning Council. Subcommittees shall contain a majority of members who are members of the planning group. Members on a subcommittee shall be appointed by the Chairperson with the approval 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--19883 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.

(v) SUBCOMMITTEE CHAIR MEETING SUMMARIES – Within 7 days following a subcommittee meeting, the chair will submit a written report summarizing the meeting to the Secretary for inclusion in the next DCPC docket packet.

(c) Abstentions and Recusals

(i) RECUSALS – Any member of the Downtown Community Planning Council with a direct economic interest in any project that comes before the planning group or its subcommittees 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, but must state the reason for doing so prior to a vote being taken. The reason is to be included in the meeting minutes.

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

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

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

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 Downtown Community Planning Council and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the Downtown Community Planning Council to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City ~~by the end of March each year~~, an annual report of accomplishments for the past ~~calendar year 12 months~~ and anticipated objectives for the coming year related to Article I, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The Downtown Community Planning Council may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

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

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

ARTICLE VII - Planning Group Officers

Section 1. The officers of the Downtown Community Planning Council shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary. The length of an officer's term shall be one year, except that no person may serve in the same planning group office for more than eight consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. The Chairperson shall submit such agendas, recommendations and information at such meetings that are reasonable and proper for the conduct of the business affairs and policies of the planning group. The Chairperson shall sign all resolutions, approved minutes, and other legal documents of the planning group (if any). From time to time, the Chairperson shall prepare a report of activities and shall file the same with the City after it has been approved by the planning group.

Appeals of discretionary decisions to the City shall be made by the Chairperson or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the planning group.

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

Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse], and 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 vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

Section 6. The Downtown Community Planning Council officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII - Planning Group Policies and Procedures

Section 1. The Downtown Community Planning Council 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: Conduct of Meetings; and Member and Planning Group Responsibilities.

(a) Conduct of Meetings

The following are the Downtown Community Planning Council procedures regarding conduct of planning group meetings:

(i) Annual meetings shall be held in April of each year. At annual meetings, the position of members whose terms have expired shall be filled by election from those who are registered to vote; reports of the affairs of the planning group may be considered; and any other business may be transacted which is within the purposes of the planning group. Notices of annual meetings shall be given pursuant to Article VI Section 2 of the Downtown Community Planning Council Bylaws.

(ii) The Downtown Community Planning Council shall meet regularly, on a schedule set annually to provide for monthly meetings. The planning group shall have the option of canceling the next meeting, if it is decided by a vote of the planning group that a meeting is not necessary or if there are no items to be brought before the group. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be canceled and a new meeting scheduled.

(vii) The following shall be the usual order of business at regular meetings of the Downtown Community Planning Council, however the Chairperson may elect to modify the order of business as needed.

- (A) Roll call
- (B) Approval of minutes of previous meeting
- (C) Public Comment
- (D) Information Items
- (E) Potential Action Items
- (F) Member Comments
- (G) Adjournment

(b) Member and Planning Group Responsibilities

It shall be the duty of the Downtown Community Planning Council to provide a means for private citizens to advise the City of San Diego or its designated agents, the Planning Commission and other governmental agencies as may be appropriate on matters relating to the Downtown community; long-range community goals, objectives and proposals; infrastructure needs and priorities and development proposals. In order to accomplish these purposes, the planning group shall:

(i) Gather information and serve as a communication link between Civic San Diego, Downtown property owners, residents, business owners/entities, and community organizations; keep residents, business owners/entities and community organizations informed of the various elements included or to be included in the land use and/or community plans for Downtown; and transmit the concerns and suggestions of the residents, business owners/entities and community organizations to Civic San Diego and City Council as necessary and appropriate.

(ii) Identify community deficits in the areas of infrastructure, social service or other community facilities, parks, schools, police and fire, and develop a coordinated plan to address community needs. Review and comment on the plans of the City of San Diego, County of San Diego, school districts, and other units of government to meet needs.

(iii) Participate in the land use decision-making process by reviewing and evaluating components of the Community Plan and its implementation and making advisory recommendations as necessary and appropriate.

(iv) Make advisory recommendations to the City of San Diego or its designated agents as necessary and appropriate relating to: development and land use permits; amendments to the Downtown Community Plan and/or planned district ordinances; and land use programs and policies.

(v) Provide a forum in which developers and their design teams can, at the discretion of the development team, obtain clarification on community concerns relating to specific projects and/or project sites during the initial conceptual design phase. The comments offered in such forums will be informational only.

(vi) Consult with and advise the City of San Diego and its designated agents on policy matters which affect Downtown residents and business owners/entities.

(vii) The Chairperson shall nominate three candidates with approval of the DCPC to submit their application to the Mayor of the City of San Diego for appointment to serve a two year term on the Balboa Park Committee.

(viii) Any official representations on behalf of the DCPC before the City of San Diego or its designated agents or any other public body shall be made by the Chairperson, Vice Chairperson, or the Secretary in

the Chairperson's absence. The Chairperson may also appoint a member of the DCPC to act on behalf of the DCPC as specifically so designated. [note that appeals are separately designated representations above under Chair]

ARTICLE IX - Rights and Liabilities of Recognized Community Planning Groups

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

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

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

(a) Alleged Violations by a Member of the Downtown Community Planning Council

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

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

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

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the voting members of the community planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the 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-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

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

Documenting a violation:

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

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this planning group, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and Downtown Community Planning Council would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

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

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

Recourse for expelled member:

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

(b) Alleged Violations Against the Downtown Community Planning Council as a whole:

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

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

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

Attachments:

Exhibit A: Downtown Community Planning Council Boundary Map

Exhibit B: Downtown Community Planning Council Membership Categories and District Distribution

Exhibit A: Downtown Community Planning Council Boundary Map

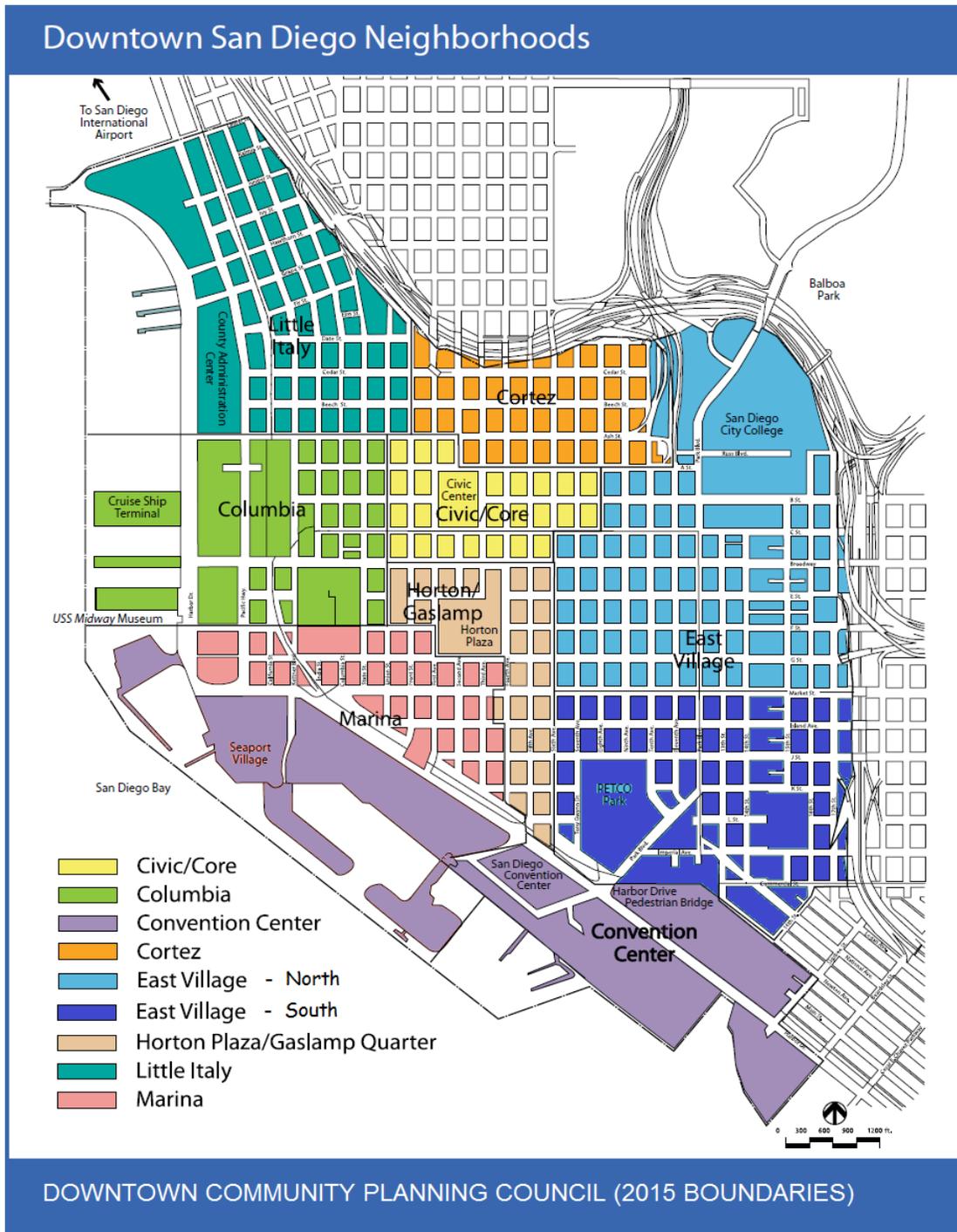


Exhibit B: Downtown Community Planning Council Membership Categories and District Distribution

CCAC/PAC DCPC- DISTRICT MEMBER SEATS - (27 TOTAL)			
<p>CCAC/PAC members are elected by CCAC/PAC eligible voters as defined in Article III. CCAC/PAC District members shall be selected from, and elected by, the neighborhoods Districts listed below and illustrated on Exhibit A. CCAC/PAC members are elected by CCAC/PAC eligible voters as defined in Article III from the area illustrated on Exhibit A. DCPC residential owner/occupants, business, and resident members are elected by DCPC eligible voters as defined in Article III.</p>			
District	Total Members in District	Categories in Each District	
Columbia	3	1 residential owner occupant, 1 resident, 1 business owner entity	
Core	2	Resident	1
		Business Entities Owners	1
Horton-Gaslamp	3	Resident	1
		2 Business Entities Owners	2
East Village - North	3	1 residential owner occupant, 1 resident, 1 business entity owner	
East Village - South	3	1 residential owner occupant, 1 resident, 1 business entity owner	
Cortez	3	Resident	1
		Residential Owner Occupant	1
		Business Entity Owner	1
Little Italy	3	Resident	1
		Residential Owner Occupant	1
		Business Entity Owner	1
Marina	3	Resident	

		Residential-Owner Occupant	1
		Business Entity Owner	1
CCAC/PAC – COMMUNITY ORGANIZATIONS SEATS			
		Charitable Organizations	4
		Cultural Organizations	4
		Civic Organizations	2
		<u>At Large</u>	<u>1</u>
		Community Organizations	<u>3</u>