



La Jolla Community Planning Association

Operating Procedures

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These Operating Procedures were adopted in conjunction with the LJCPA Bylaws at a Special Meeting of the LJCPA Members convened for that purpose on January 4, 2024

Part 1 **Governing Authorities**

These **Operating Procedures** implement the principles and requirements specified in the **LJCPA Bylaws**, other requirements under the California Corporations Code governing Nonprofit Public Benefit Corporations or other applicable **State law**, and terms and conditions stemming from agreements duly approved by the **Trustees** or **Members** as specified in the **LJCPA Bylaws**.

All terms defined in the **Bylaws** have the same meaning in these **Operating Procedures**.

Section 1.1 ***San Diego City Council Policy 600-24***

If it is formally recognized by the City as a Community Planning Group (abbreviated “CPG”) under San Diego City Council **Policy 600-24** “Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups” (abbreviated as “**Policy 600-24**”), the **LJCPA** shall operate under the Terms and Conditions specified in **Policy 600-24** and the Ralph M. Brown Act, except for deviations therefrom approved by the City Council.

§1.1.1 **Voting Members**

“Voting Member”, as the term is used throughout **Policy 600-24**, is referred to as an elected **Trustee** in the **LJCPA Bylaws** and **Operating Procedures**.

§1.1.2 **Indemnification**

Pursuant to the policy of the City Council, the City shall indemnify, and the City Attorney shall defend, the **LJCPA** or its individual **Trustees** or appointed committee members, acting in their capacity to the **City**, under the specified terms set forth in San Diego Ordinance No. O-19883, adopted July 28, 2009, titled “An Ordinance Providing for Defense and Indemnification of Community Planning Groups,” which may be amended from time to time.

Defense and indemnification cover any claim or action of civil wrongdoing against the **LJCPA** or its duly elected or appointed **Trustees** or committee members resulting from their obligations to advise and assist the City and its agencies with land use matters as specified herein, so long as their conduct was in conformance with these Terms and Conditions, all of the findings specified in the Ordinance O-19883 can be made, and the rights to defense and indemnification are consistent with **State law**.

The right to defense and indemnification do not apply to allegations of criminal wrongdoing, including alleged criminal violation of the Brown Act. When the **LJCPA**, one of its **Trustees**, or an appointed member of one of its committees or boards is found to be out of compliance with the provisions of **Policy 600-24**, or with its Terms and Conditions, they acknowledge they risk loss of defense and indemnification pursuant to Ordinance O-19883, including any future amendments thereto.

Members whom the **LJCPA** appoints or ratifies to serve on an **LJCPA** internal or ad hoc committee, or on a community joint committee or board chartered by the **LJCPA** or another entity, may be indemnified by the City in accordance with Ordinance No. O-19883 and any future amendments thereto, provided those committee or board members satisfy all requirements of the Ordinance and complete any required orientation training.

§1.1.3 Loss of Indemnification

A **Trustee** or committee/board member found to be out of compliance with the provisions of **Policy 600-24** and these **Operating Procedures** risks loss of defense [legal protection and representation] and indemnification pursuant to Ordinance No. O-19883 and any future amendments thereto.

§1.1.4 Training

The **LJCPA** shall require **Trustees** and chairs of **LJCPA**-chartered committees and boards to complete the formal education program offered by the City in person or online within 60 days of being initially elected or appointed and shall require committee/board members to do so if the City so requires.

If Policy 600-24 or other applicable City policies so require it, they must repeat this training by June 1 each year they serve. Evidence of completion of annual training shall be submitted to the Secretary and shall become part of the **LJCPA's** official records.

Failure to complete the required training shall make the individual ineligible to serve as **Trustee** or committee/board member.

§1.1.5 Community Representation

To measure community representation, the **LJCPA** shall periodically gather demographic data of existing and new **Trustees**. A summary of these data shall be submitted to the **City** along with annual **Trustee** rosters. Participation in this type of survey shall be voluntary and shall be conducted and reported in a manner to ensure the privacy of responses and respondents.

§1.1.6 Violations by the LJCPA as a Whole

In the case of an alleged violation 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 shall engage in a dialogue with the **Trustees** to determine the validity of the complaint and to seek resolution of the issue or dispute. The **LJCPA** shall work with the **City** toward a solution.

If a violation against the **LJCPA** as a whole is proven and the **LJCPA** fails to take corrective action, the **LJCPA** shall forfeit its rights to represent its community under **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 shall be reinstated.

If the **LJCPA** is found to be out of compliance with the provisions of **Policy 600-24**, it risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883, and any future amendments thereto.

§1.1.7 Brown Act Remedies

Trustees may be subject to both **Policy 600-24** violations as described in §1.1.4 and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. **Trustees** may be subject to civil remedies individually or collectively. 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** intended to deprive the public of information to which the **Trustee** knows or has reason to know the public is entitled. Alleged violations shall be reviewed and evaluated on a case-by-case basis.

§1.1.8 City Review of Amendments

Approved amendments to the **Operating Procedures** shall be submitted to **City** entities for review as **Policy 600-24** requires.

If there are no written comments from the relevant **City** entities within 90 days of that submission, the amendments will take immediate effect, and shall remain in effect until the City notifies LJCPA otherwise in writing.

Section 1.2 Robert's Rules

If the **Bylaws**, **Operating Procedures**, **City** policies, or **State** law do not address a procedural issue that arises during a meeting or otherwise, the **LJCPA** shall rely on the latest version of Robert's Rules of Order.

Part 2 Trustee Responsibilities

Trustees shall be elected and serve as provided in **Bylaws** and in Part 4 "Nomination & Election of Trustees".

It is the duty of **Trustees** to conduct official business of the **LJCPA** in a publicly accessible setting. However, **Officers** may jointly and privately oversee administrative business such as the assembling of the draft agenda in preparation for public discussions or the initial steps in investigations as specified in Section 7.1 "Investigations".

Trustees may assist permit applicants on issues of law and procedure. However, in accordance with Section 2.5 "Collective Concurrence" all substantive discussion among **Trustees** about possible the **LJCPA** positions on agenda items shall occur only at duly noticed 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. **Trustees** should treat each other, applicants, **City** staff, and the public with courtesy and respect at all times. No **Trustee** shall be permitted to disturb a public meeting and thereby disrupt the public process as set forth on the **LJCPA's** agenda.

Section 2.1 Meeting Attendance

Trustees are expected to attend regular and special meetings of **LJCPA**. The Secretary shall record in the minutes of each meeting the **Trustees** in attendance.

Section 2.2 Basis for Recommendations

Trustees are elected at large to serve the **La Jolla** community, rather than to represent any district, neighborhood, or constituency. **Trustees** should contribute their local or specialized knowledge to discussions of projects or policies but should be careful to base their discussions and votes on the overall health and progress of **La Jolla** rather than that of any particular area or constituency within it.

The **LJCPA** makes recommendations on projects and policies based on their conformance specifically with the La Jolla Community Plan and the applicable Planned District Ordinances, and more generally with the San Diego Municipal Code and other applicable **City** and **State** law. **Trustees** should take care to base their comments and votes accordingly and avoid introducing preferences or attributes beyond what the Plan and Code specify. However, this should not prevent Trustees from suggesting actions or changes they believe would improve a policy or project before them.

Section 2.3 Transparency

Trustees should rely only on publicly available information, including that provided by project applicants or opponents, others at **LJCPA** meetings, or the **City**, in making comments or voting.

If **Trustees** have personal knowledge or private access to information relevant to a project or policy under consideration by the **LJCPA**, they must disclose and share that knowledge or information publicly at meetings where the project or policy is discussed. If that is not possible, the **Trustees** should declare a conflict of interest and recuse themselves from commenting on, discussing, or voting on the project or policy.

Section 2.4 Conflicts of Interest

A **Trustee** or committee/board member may not participate in discussion of or vote on any policy or development project in which the **Trustee** or committee/board member has a direct personal, professional, or financial interest.

A conflict is direct if the personal, professional, or financial interest is likely to affect the **Trustee's** or committee/board member's vote. Such conflicts include any ownership or professional role of the **Trustee** or committee/board member in the project or policy under consideration, or the likelihood that the project or policy will have a direct physical, environmental, or financial impact on the **Trustee** or committee/board member or the **Trustee** or committee/board member's family or residence that differs from the project or policy's more general impact on a neighborhood or other broad constituency within La Jolla.

If the **Trustee** or committee/board member is unsure whether a given conflict is direct, the **Trustee** or committee member should disclose the conflict to **Officers** in advance of any meeting where the policy or project is to be discussed or voted on and abide by their judgment.

Trustees and committee members are always wise to disclose potential conflicts (or the appearance of such conflicts) even if they are not direct.

Section 2.5 **Collective Concurrence**

Any attempt to develop a collective concurrence of the **Trustees** as to action to be taken on an item by the **Trustees**, by direct or indirect communication, by personal intermediaries, by serial meetings, or by electronic means, is prohibited, other than at a properly noticed public meeting.

Section 2.6 **Political Actions**

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.

The **LJCPA** may, however, upon majority vote of the elected **Trustees** at the meeting, take a position on proposed legislation and actions being considered by the **City**, County of San Diego, or **State** that are within its purview.

The **LJCPA** shall endeavor to grant equal time for candidates or ballot measures if docketed on a meeting agenda. Equal time does not apply to individuals speaking during non-agenda public comment.

Section 2.7 **Current Roster of Trustees**

The **LJCPA** shall maintain a current, up-to-date roster of the name, basis of eligibility and term of each **Trustee**, make the list available publicly on its website, and submit it to outside entities as necessary.

Part 3 **Meetings**

Trustees shall hold regularly scheduled meetings on the first Thursday of each month, unless rescheduled by the President with at least ten days prior notice.

The **LJCPA** shall hold a regular **Member** meeting in March each year, normally on the same date as that month's regular **Trustee** meeting.

Section 3.1 **Agenda**

§3.1.1 **Posting**

At least seventy-two hours before a regular meeting or fifteen days before a special meeting, an agenda, containing a brief general description of each agenda item, shall be posted on the **LJCPA** website and other websites as required.

In addition, the agenda shall be posted in one or more locations freely accessible to the public, if possible including the meeting location, and shall include information on how to make a request for accessible accommodation.

The brief general description of each agenda item need not exceed twenty words per item unless the item is complex. The agenda should also provide notice of the date, time, and location of the meeting.

Publicity regarding meeting times, places, and agendas shall be arranged through local newspapers, the **LJCPA** website, and via the **LJCPA** electronic mailing list. Individuals who wish to be notified of agendas for regular or special meetings must add themselves to the **LJCPA** electronic mailing list.

§3.1.2 Consent Agenda

The Consent Agenda for each regular meeting comprises items that satisfy §3.1.3 “Adding Items to the Consent Agenda”, that require no discussion, and to which no person at the meeting objects as provided in §3.1.4 “Removing an Item from the Consent Agenda”.

Once any items have been removed as provided in §3.1.4, the Consent Agenda becomes one consolidated item, it is automatically approved by unanimous consent, and the recommendations or actions from the cognizant committee(s) or board(s) are confirmed as **LJCPA** recommendations.

§3.1.3 Adding Items to the Consent Agenda

Consent items shall be placed on the Consent Agenda for a regular meeting based upon the recommendations of a cognizant **LJCPA** or joint community committee or board if they meet these conditions:

- the committee or board discussed and voted on the item at a noticed meeting,
- interested members of the public were given an opportunity to address the committee or board,
- the item’s attributes have not substantially changed since the committee or board considered it, and
- the committee or board submitted to the **LJCPA** Secretary minutes documenting its review, the topics that arose, and the votes for and against.

§3.1.4 Removing an Item from the Consent Agenda

Anyone attending a regular or special **Trustee** meeting may request that an item be removed from that meeting’s Consent Agenda (“pulled”), but only if that individual cites provisions of relevant governing code, regulations, policies, and/or procedures that the committee or board neglected or misapplied in its review of and vote on a project or new information that could not have been made available to the committee or board.

The individual requesting that an item be removed from the Consent Agenda shall cite the specific provisions or the new information the committee or board failed to consider appropriately. An individual may not “pull” an item simply to delay a vote, or because the individual did not review the item. A **Trustee** may not “pull” an item simply to avoid taking a position on it.

A “pulled” item becomes a regular agenda item. If the applicant associated with the item and other interested parties are present and ready for discussion, and the President judges that sufficient time is available, the item may be discussed and voted on at the same meeting after the Board of Trustees completes action on all other agenda action items. Otherwise, the item shall be added to the agenda for a subsequent regular or special **Trustee** meeting.

§3.1.5 Adding Agenda Items

An item not noticed on the agenda may be added if either two-thirds of the elected **Trustees** at the meeting, or every elected **Trustee** at the meeting if less than two-thirds are present, determine that there is a need to take an immediate action, but may only do so if the need for action came to the attention of the **Trustees** after the agenda was posted.

Section 3.2 Development Project Review

When reviewing development projects, the **LJCPA** shall allow participation by all 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.

The **LJCPA** may ask 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. Except for material concerning code or permit violations, the **LJCPA** may not, as a condition of placing an item on the agenda, require that such additional information be submitted.

To allow a better-informed discussion of a project, the **LJCPA** may ask an applicant and others to submit prior to the meeting the information and materials they plan to present at the meeting so that the **LJCPA** can post the information on its website prior to the meeting.

Section 3.3 Conducting Meetings

§3.3.1 Quorum

A quorum, defined as a majority of current elected **Trustees** for regular or special meetings of **Trustees** and twenty percent of **Members** 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 meetings.

§3.3.2 Public Attendance & Comment

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

Any interested member of the public may comment on agenda items during regular or special meetings. In addition, each agenda for a regular 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. **Members** may make brief announcements or reports to the **LJCPA** on their own activities under the public comment section of the agenda.

§3.3.3 Time Limits

To ensure that **Trustees** can complete action on Agenda items, the President may impose time limits of no less than two minutes for an individual speaking on her or his own behalf, or as the representative of a local organization, or five minutes for an individual speaking as the designated representative of an identified ad hoc group of individuals directly affected by the item.

Speakers may not cede or otherwise transfer their allotted time to others.

§3.3.4 Project Review, Motions and Voting

If a motion on the floor is voted on and fails, it is considered as a failed motion rather than a decision. New motions can be made and voted upon until a motion passes. If the Trustees fail to pass any motion, the result is the same as if there had been no motions or votes.

No item may be referred back to the originating committee or board by **Trustees** unless there has been a successful motion against approving it and two thirds of the elected **Trustees** at the meeting vote in favor of the motion to refer. If the motion to refer passes, the Secretary shall not submit any record of the **LJCPA's** action to the City until the originating committee or board has re-assessed the item and its recommendation, whether changed or unchanged, has been acted on by the **Trustees**.

§3.3.5 Required Votes to Pass Action Items

Except as specified in the **Bylaws** or **Operating Procedures**, all **LJCPA** actions, including subcommittee votes, need to be approved by a simple majority of the voting **Trustees**, **Members**, or committee members in attendance when a quorum is present.

The President or, if the President is absent or recused, an elected **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 ballots, proxy voting, or any other methods of absentee voting on any agenda item, such as by telephone, video, or email, except as otherwise provided in the **Bylaws** or **Operating Procedures**.

§3.3.6 Adjournments and Continuances

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda shall be prepared.

If one or more items are continued from a prior regular meeting to a subsequent meeting more than five days from the original meeting, a new agenda shall be prepared

and posted as for a regular meeting; otherwise, the original meeting agenda and posting suffices.

§3.3.7 Recording

Any person attending a meeting of the **LJCPA** shall be allowed to record or photograph the proceedings in the absence of a 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.

The **LJCPA** is not required to record meetings, but shall do so if the meeting facility makes this possible without undue expense or effort. If an Officer makes recordings, they are subject to public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

§3.3.8 Disorderly Conduct

If a meeting is willfully interrupted by a person or group of persons and thereby makes the orderly conduct of the meeting infeasible, the **Trustees** may cause removal of the individual or individuals. If that is unsuccessful, the **Trustees** may order the meeting room cleared, readmit an individual or individuals who were not responsible for the disruption and continue in session on scheduled agenda items .

Section 3.4 *Abstentions & Recusals*

§3.4.1 Recusal

Trustees with a conflict of interest as specified in Section 2.4 “Conflicts of Interest” may not vote on the item involving the conflict, unless authorized to do so by a two-thirds vote of the elected **Trustees** at the meeting.

If the **Trustee** is the applicant for a project, the **Trustee** may participate in discussion as part of the project presentation and respond to questions as an applicant normally would.

Except as an applicant as provided above, a **Trustee** with a conflict of interest shall not participate in discussion of the item involving the conflict, vote on that item or seek to influence other **Trustees’** votes on the item.

§3.4.2 Abstention

Trustees are expected to review Agendas and associated materials, including committee or board minutes, in advance of regular or special meetings, and to cast votes based on that information and public discussion at the meeting.

Elected **Trustees** are expected to vote on Agenda items. Other than as specified in §3.4.1 “Recusal”, in general **Trustees** may not abstain from voting.

If a **Trustee** finds the information in advance of the vote to be insufficient to approve the project, policy, or other action in question, the **Trustee** should vote against approval rather than abstain. A **Trustee’s** discomfort in publicly taking a position on a matter is not sufficient reason to abstain.

At the time of the vote, an abstaining **Trustee**, other than the President, must publicly disclose the reason for abstaining. The record of the vote on the item shall reflect an

abstaining **Trustee** in the vote and the abstainer is still counted toward quorum for that item, regardless of when the abstention is declared.

Section 3.5 **Records**

LJCPA records, including minutes, corporate documents, and other public materials, shall be made available via the **LJCPA** website or made available to the public by other means.

§3.5.1 **Minutes**

For each **Trustee, Member**, and **LJCPA**-chartered committee/board meeting, a report of member attendance and a copy of approved minutes shall be made available for public inspection on the **LJCPA** website. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than either the group's next scheduled meeting or the **LJCPA's** next scheduled meeting at which action may be taken on a committee's or board's recommendations.

Minutes shall include a list of **Trustees** or committee/board members who constituted a quorum, how each attendee voted on each agenda action item, and the basis for the **LJCPA's** recommendation on each action item. In addition, for each action item the record should include the names of the applicant and other speakers (if available) and the nature of any public testimony.

The **Trustees** shall submit a copy of the approved minutes to the **City** within 14 days of approval and post a copy on the **LJCPA** website.

§3.5.2 **Meeting Documents**

Any written documentation prepared and provided by **City** staff, applicants, **Trustees** or others at a meeting shall be made available upon request for public inspection without delay. If such material is distributed at the 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 **Trustees**, or is received from a member of the public during public testimony on an agenda item, the material shall be made available for public inspection at the conclusion of the meeting. Any such material that is provided to the **LJCPA** electronically shall be posted on the **LJCPA** website as soon as practicable.

A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or entity.

§3.5.3 **Retention**

The **LJCPA** shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as Trustees, evidence of completion of any required training, and meeting minutes, for a minimum of five years from the date each record is created, and shall make all official records available upon request.

Written applications submitted to the **LJCPA** by individuals wishing to serve as **Trustees**, and records of election results, are considered official records.

Part 4 **Nomination & Election of Trustees**

Trustees shall be elected annually to fill vacancies that arise as **Trustee** terms expire, or as provided in Section 4.7 “Unexpected Vacancies”.

Section 4.1 ***Election Committee***

The **LJCPA** Election Committee shall be appointed by the President and ratified by majority vote of the elected **Trustees** at the meeting no later than the first week of January and shall solicit **Members** to become candidates. The **LJCPA** shall make a good faith effort to publicize the upcoming election, to attract a group of eligible candidates who reflect the diversity of **La Jolla**, and to obtain more Trustee candidates than needed to fill the Trustee seats open for election.

In February, the Election Committee shall present to the **Trustees** a complete list of the interested and eligible candidates collected up to that point in time.

Section 4.2 ***Candidate Qualifications***

Members interested in running for a **Trustee** seat shall express their interest in writing 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.

A **Member** who announces interest in running shall be added to the list at the February meeting subject to being qualified as a candidate.

Section 4.3 ***Candidate Forum***

A candidate forum shall be advertised and held at the regularly scheduled February **Trustee** meeting or at a special meeting in February.

Candidates may also submit a one-page written Statement of Candidacy in advance of the candidate forum, even if they do not participate in the forum. The **LJCPA** shall make those statements available to the public on its website.

Section 4.4 ***Terms***

Trustees are elected or re-elected to three-year terms, except **Trustees** who are elected to fill vacancies that arise pursuant to Section 4.7 “Unexpected Vacancies” serve for the remainder of the vacated term.

Except as noted in this Section, no person may serve as a **Trustee** for more than six consecutive years. After a one-year break in service, an individual who has served for six consecutive years shall again be eligible for election as a **Trustee**.

If not enough qualified candidates can be found, a **Trustee** who has served for six consecutive years may ask to be added to the list of candidates without a break in service, and the Election Committee will do so if that **Trustee** is still a **Member**. Such a termed-out candidate must receive votes from two thirds of the **Members** voting, can

only be elected to a one-year term, and the one-year break requirement shall apply when that one-year term concludes.

Section 4.5 Campaigning

No person may campaign for or against a candidate within ninety feet of the March meeting location. Election Committee officials may provide for the removal of persons violating this prohibition.

Section 4.6 Voting

The Elections Committee shall recommend physical and/or electronic mechanisms to ensure fair access to the election process and to avoid voting improprieties. The **Trustees** shall approve the election mechanisms no later than the January meeting; if they fail to do so, the same mechanisms shall be used as were used for the most recent election.

Members who have not yet voted may vote in person at the same location as the March Trustee meeting between one hour before and thirty minutes after the March meeting is called to order.

The **LJCPA** may require proof of identity for **Members** who seek to vote in **Trustee** elections.

§4.6.1 Ballot

Voting shall be by secret ballot, where “secret” means that individually identifiable votes are not available to any **Member**. Proxy voting for elections is not allowed under any circumstances.

The Election Committee shall create a clear and simple ballot. The ballot must clearly state the number of open seats available and for how many candidates a **Member** may vote, list the name and basis of eligibility of each candidate approved by the Election Committee and provide a way to write in candidates and vote for them. The ballot must also indicate which candidates, if any, must receive a two-thirds majority of votes cast due to serving beyond six consecutive years.

§4.6.2 Counting

The Election Committee is responsible for determining the validity of ballots.

Each **Member** may cast votes equal to or fewer than the number of vacant **Trustee** positions, but not more. If they cast more than one vote for any candidate, it will be counted as one vote for that candidate.

If any ballot is received with votes exceeding the number of positions available, that ballot shall be void and shall not be counted. If it is determined that a write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and shall not be counted, but the remaining votes on that ballot shall be counted.

Candidates who receive the most votes shall be elected, with those receiving the greatest number of votes being assigned the longest available terms.

The President shall announce the close of the elections and shall state that ballots will not be accepted after the polls close. The Election Committee shall collect and count all ballots and determine if each winning write-in candidate is a **Member**.

In the event of a tie vote, a coin toss shall determine the winner. Candidates in a tie may attend the coin toss if they are present at the meeting where it takes place. Upon final verification of the count, the Election Committee shall report the results to the President who shall certify and immediately announce the results.

§4.6.3 Challenges

Any challenge to 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 a challenge is received, the Elections Committee shall promptly discuss the challenge to determine if any facts to support the challenge were provided by the individual filing the challenge. Facts should be related to actions taken during the election process that are not in accordance with either the **Operating Procedures** or the announced or published election procedures. This could include facts that indicate a candidate is not a **Member**.

§4.6.4 Results

Upon final verification of the count, the Election Committee shall report the results to the President, who shall announce the provisional results during the regular **Trustee** March meeting.

If there is no challenge to the results, the annual election of **Trustees** becomes final once the challenge period specified in §4.6.3 concludes. If a challenge is filed but is not upheld by the Elections Committee, or the Elections Committee has identified with **Officers** the appropriate resolution to the challenge(s), a confirmation vote of the Elections Committee's findings shall be placed on the April agenda for a majority vote of the elected **Trustees** at the meeting, and the annual election results become final following that vote.

Newly elected **Trustees** whose election was not challenged shall be seated at the start of the regular April Trustee meeting, and any others shall be seated once any Election Committee confirmation vote is complete.

The President is responsible for preparing, certifying, and forwarding the election results to the **City**, if necessary.

The Chair of the Elections Committee shall take custody of election ballots. If no challenge to the election results has been made within one week, the ballots shall be destroyed or deleted.

Section 4.7 Unexpected Vacancies

§4.7.1 Finding Vacancies

The LJCPA shall find that a **Trustee** vacancy exists upon

- receipt of a resignation in writing from an elected **Trustee**,
- removal of an elected **Trustee** pursuant to the **Bylaws**, or,

- removal of an elected **Trustee** pursuant to §1.1.4 “Training”, if that provision remains in force.

§4.7.2 Filling Vacancies

Trustee vacancies 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.

If the Elections Committee identifies eligible candidates, the **LJCPA** shall fill **Trustee** vacancies by an advertised special election pursuant to the **Bylaws**. Special elections follow the same procedures as regular elections, except dates and times may be adjusted as necessary.

§4.7.3 Inability to Fill Vacancies

When the **LJCPA** is unable to fill a **Trustee** vacancy within 120 days, as specified above, and the **LJCPA** has more than twelve elected Trustees, a search for a new member should continue. If no candidates are found and elected, the seat may remain vacant until the next regularly scheduled election.

Part 5 Committees and Boards

The President makes all appointments to **LJCPA** committees and of **LJCPA Members** to joint or external committees and boards, subject to ratification by a majority vote of the elected **Trustees** at the meeting.

Section 5.1 Committee Types

§5.1.1 LJCPA Internal, Ad Hoc, and Joint Committees and Boards

Internal committees are created by **LJCPA**, and their members are appointed by the President, subject to a majority vote of the elected **Trustees** at the meeting. Ad hoc committees may be established for finite periods to review focused issue areas, are appointed by the President, and shall be disbanded following their review.

Joint community committees or boards that conduct reviews or otherwise act as agents for the **LJCPA** may consist of individuals designated by the President and/or individuals submitted by other entities, all of whom must be ratified by a majority vote of the elected **Trustees** at the meeting.

A quorum for standing and ad hoc committees shall be a no less than a majority of the committee members.

LJCPA committees may create and document policies and procedures to manage their meetings and actions. Such policies and procedures may not waive or otherwise conflict with the **LJCPA Bylaws** or **Operating Procedures**. In the event of such conflicts, the **LJCPA Bylaws** and **Operating Procedures** supersede the committee’s conflicting provisions.

Unless otherwise noted, all committee and board appointments are for one year. Appointments are renewed annually, based upon committee/board and **LJCPA** needs, and must be ratified by a majority vote of the elected **Trustees** at a meeting.

The **LJCPA** President shall be an ex officio member of all committees.

§5.1.2 Independently Chartered External Committees and Boards

The President, with the ratification of the elected **Trustees** at the meeting, may appoint **LJCPA Members** to independently or governmentally chartered entities as deemed to be in the best interest of the community of **La Jolla**.

Section 5.2 *Committee and Board Actions*

All committee or board recommendations to the **City** that entail issues within **LJCPA's** purview must be brought to the **Trustees** for formal vote at a noticed public meeting. The **Trustees** shall review recommendations at a regular or special meeting and act as they deem appropriate.

In no case may an **LJCPA** committee or subcommittee recommendation be forwarded directly to the **City** as the formal LJCPA recommendation without a formal vote in favor of the recommendation by the elected **Trustees** at the meeting.

Section 5.3 *Internal Committees*

§5.3.1 Membership Committee

The Membership Committee maintains a current roster of **Members** and periodically updates the list. This Committee shall document attendance at monthly **LJCPA** meetings and ensure that sign-in sheets and similar documents are retained for record keeping by the Secretary. The Membership Committee advises **Trustees** as to the status of **Members** and posts the **Member** lists on the **LJCPA** website.

This committee consists of four to seven members.

§5.3.2 Elections Committee

The Elections Committee prepares for and supervises **Trustee** elections as provided in Part 4 "Nomination & Election of Trustees". The Election Committee also reviews the eligibility of candidates between the time a candidate applies to run and the preparation of the ballot.

The Election Committee consists of four to seven members, none of whom may be candidates for election or re-election.

Section 5.4 *Jointly Appointed Committees and Boards*

Joint committees and boards are chartered by more than one La Jolla entity. To be recognized and authorized to carry out project or other reviews on behalf of the **LJCPA** under §5.1.1, the Bylaws and other governing documents of the joint committee or board must be approved by majority vote of the elected LJCPA Trustees at the meeting and by the other chartering entities as required. The governing documents must be consistent with the LJCPA Bylaws and Operating Procedures, including any requirements arising from agreements with the City or other agencies. The **LJCPA** must have the right to appoint at least two members of the joint committee or board and the **LJCPA's**

appointees must constitute at least ten percent of the total membership of the joint committee or board.

The **LJCPA** Secretary shall maintain a list of the joint committees and boards the **LJCPA** has recognized and shall ensure that the list is posted publicly on the **LJCPA** website.

Part 6 **Appeals**

The **LJCPA** may choose to appeal any City decision contrary to **LJCPA's** voted recommendation(s), or any **City** or **State** determination, policy change, or other action likely to have substantial effects within **LJCPA's** purview.

It is the duty of the President or a **Trustee** designated by the President to represent the **LJCPA** at appeal hearings. The President may work with other **Trustee(s)** or **Member(s)** as part of an organized presentation.

At any appeal hearing, the **LJCPA** President or designated **Trustee** shall state that the individual 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**.

Section 6.1 ***Routine Appeals***

Except as provided in Section 6.2 "Emergency Appeals", an appeal must be requested by a **Trustee** or **Member** who has prepared and provided draft appeal documents, and the appeal must be approved by a two-thirds majority of the elected **Trustees** based on those documents.

The **Trustee** or **Member** who requests the appeal shall pay all **City** and other fees associated with the appeal or submit enforceable written commitments by a third party to do so. This condition may be waived if the Treasurer affirms that the **LJCPA** has sufficient funds to cover appeal costs without creating financial risk for the **LJCPA** and the elected **Trustees** at the meeting vote unanimously to pay the fees. The **LJCPA** shall not undertake appeals where funding has not been committed by one of these mechanisms.

Appeals of discretionary decisions by the **City**, if authorized by the **Trustees** or as otherwise provided in the **Operating Procedures**, shall be made by the President or, if necessary because the President' has a conflict of interest or is absent, by a **Trustee** designated to appeal that particular action on behalf of the **LJCPA**.

Section 6.2 ***Emergency Appeals***

If the deadline for an appeal of a project decision, an environmental determination, or a categorical exemption comes before a formal **Trustee** vote can be taken, the President may poll the elected **Trustees** electronically as to whether the **LJCPA** should undertake the appeal and, if the requestor has not committed funding, whether the **LJCPA** should fund the appeal.

If that poll indicates **Trustee** approval of an appeal and funding would be likely if a vote were taken, and (if necessary) the Treasurer affirms that **LJCPA** funding is available, the President may prepare and file the necessary appeal documents to meet the deadline, or designate another **Trustee** to do so.

Once filed, the President shall immediately distribute a copy of the emergency 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 an elected **Trustee** or the applicant.

Section 6.3 Project Decisions

Before filing an appeal of a project decision by the **City**, the President shall offer the project applicant the option to revise and re-submit the project for further consideration by the **LJCPA**.

Once an appeal has been authorized, the **LJCPA's** President or a **Trustee** or **Member** designated by the President shall appeal the project decision to the **City** decision-making body immediately superior to the staff member, hearing officer, or other entity that made the decision being appealed.

Section 6.4 Environmental Determinations or Exemptions

When the **LJCPA** has voted to take exception to a **City** or **State** draft or final environmental document, determination, or exemption, the **LJCPA** President or a **Trustee** designated by the President shall file an appeal to the **City** or **State**.

Part 7 Violations and Investigations

In cases of alleged violations of the **Bylaws** or **Operating Procedures** by a **Trustee**, the **Officers** shall investigate, as provided in Section 7.1 "Investigations", and if necessary the **Trustees** shall act based on that investigation.

Any action by the **LJCPA** to discipline or remove a **Trustee** must occur at a scheduled **Trustee** meeting and be advertised on the agenda as an action item.

Section 7.1 Investigations

§7.1.1 Documenting a Violation

A complaint that a violation has occurred shall be presented to the President. If the complaint is about the President, it may be presented to any other **Officer**.

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 it. The complaint should provide a citation of the **Bylaws** and/or **Operating Procedures** provisions that the action is claimed to have violated. If the complaint is from someone other than a **Trustee**, the President or other **Officer** may assist in providing appropriate citations to assist the complainant.

The President or a Vice President shall confer with the **Officers** regarding the complaint, excluding any **Officer** who is the subject of the complaint or has a business or personal relationship with the alleged violator.

The President or another **Officer** shall create a written record of the complaint and alleged violation to share with the alleged violator.

§7.1.2 Procedures for Administering, Investigating, and Acting on 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.

Once information about an alleged violation is completed in writing, the President and at least two other **Officers** shall meet and talk with the alleged violator. If the complaint is about the President, a Vice President shall act instead of the President. The allegations shall be presented and the alleged violator shall be given opportunity for rebuttal.

If the **Officers** determine that no violation has actually occurred, the President shall record this in the written record of the complaint.

If the **Officers** determine that a violation has occurred but the situation can be remedied either by action of the **Trustees** or by the **Trustee**, the President or other **Officer** shall outline the necessary actions in writing to achieve the remedy.

If the **Officers** determine that the situation cannot be remedied and that the interests of the community and the **LJCPA** would best be served by the removal of the **Trustee**, the President or other **Officer** shall set the matter for discussion at the next **Trustee** meeting. The alleged violator shall be given adequate notice about the meeting discussion and shall be given the opportunity to resign prior to docketing the matter for discussion by the **Trustees**.

§7.1.3 Presenting a Violation to the Board of Trustees

The potential removal of a seated Trustee shall be placed on the **Trustees** agenda as an action item. Supporting materials from the President or a designee and rebuttal information from the alleged violator shall be made available to the **Trustees** prior to the meeting.

The matter shall be discussed at the meeting with an opportunity given to the alleged violator to present her or his case and/or to rebut documentation gathered by the **Officers**. The alleged violator may also request a continuance of the item to gather more information to present to the **Trustees** by a specified date.

At the end of the discussion, the elected **Trustees** at the meeting may, by a two-thirds vote, remove the **Trustee**.

Section 7.2 Recourse For Expelled Trustee

There is no appeal available to a **Trustee** removed by a two-thirds vote of the elected **Trustees** at the meeting . The **Trustee's** seat shall be immediately declared vacant, and the removed **Trustee** shall be ineligible to run for a **Trustee** seat for at least twelve months after the removal.