



## La Jolla Community Planning Association

### Operating Procedures

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## Part 1 Governing Authorities

These **Operating Procedures** implement the principles and requirements specified in **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**”), **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.

If the City does not provide or withdraws recognition of **LJCPA** as a CPG under **Policy 600-24**, then **Policy 600-24** and the Brown Act shall not govern **LJCPA Operating Procedures**, the following paragraphs §1.1.1 through §1.1.8 no longer apply, and **LJCPA** may revise its **Bylaws** and **Operating Procedures** to eliminate references to and requirements of **Policy 600-24** and the Brown Act which it finds to be inappropriate.

#### **§1.1.1** Voting Members

“Voting Members”, as the term is used throughout **Policy 600-24**, has the same meaning as “**Trustees**” as defined 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, **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 **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 **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 **LJCPA** appoints or ratifies to serve on an **LJCPA** internal or ad hoc committee, or on a community joint committee or board chartered by **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**

**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.

**Trustees** and Committee/Board Chairs or members must repeat this training by June 1<sup>st</sup> each year they serve if **Policy 600-24** or other applicable City policies so require.

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 required training shall make the individual ineligible to serve as **Trustee** or Committee/Board member.

#### **§1.1.5 Community Representation**

To measure community representation, **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 LJCPA as a Whole**

In the case of an alleged violation by **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. **LJCPA** shall work with the **City** toward a solution.

If a violation against **LJCPA** as a whole is proven and **LJCPA** fails to take corrective action, **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. **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 **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 **Operating Procedures** shall be submitted to the Planning Department and the Councilmember whose district includes **La Jolla** for review.

If there are no written comments from Planning or the Councilmember within 30 days of that submission, then the City is deemed to have approved them, and the amendments take immediate effect.

If the Planning Department or the Councilmember object or suggest revisions to the proposed amendments, then **LJCPA Officers** shall work with that entity and/or the **City** to resolve the issues. If the issues have not been resolved within 60 days of the **City** objection, then **LJCPA** shall ask that the City Council resolve the matter.

### ***Section 1.2 Robert's Rules***

If **Bylaws**, **Operating Procedures**, or **State** law do not address a procedural issue that arises during a meeting or otherwise, **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 **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 **LJCPA** positions on agenda items shall occur only at duly noticed meetings.

It is the duty of **LJCPA** as a whole, and of each **Trustee**, to refrain from conduct that is detrimental to **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.

Upon receipt of a written report from the **LJCPA** Secretary that a **Trustee** has missed more than one third of the regular meetings in any 12-month period, the **LJCPA** may remove that **Trustee** for lack of eligibility as provided in **Bylaws**. Special meetings shall not be counted in the tally of absences.

**Section 2.2 Basis for Judgment**

**Trustees** represent the community of **La Jolla** at large, rather than their residential area, business focus, demographic group, financial status, or neighborhood. **Trustees** should contribute their local or specialized knowledge to discussions of projects or policies but should be careful to base their judgments on the overall health and progress of **La Jolla** rather than narrowly that of any particular area or constituency within it.

**LJCPA** judges 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 judgments, 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 or the **City**, in making judgments or voting.

If **Trustees** have personal knowledge or private access to information relevant to a project or policy under consideration by **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, then **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 member may not participate in discussion of or vote on any policy or development project in which the **Trustee** or Committee 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 member's vote. Such conflicts include any ownership or

professional role of the **Trustee** or Committee 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 member or the **Trustee** or Committee 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 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.

*Alternative A*

Narrow conflict types: remove "...physical, environmental, or..."

*Alternative B*

Narrow conflict scope: remove "...or the **Trustee** or Committee member's family or residence..."

**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 **Trustees**, either 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**

Neither **LJCPA** nor its **Trustees** should use their **LJCPA** title for political endorsements of individuals. Neither **LJCPA** nor its **Trustees** may accept donations on behalf of any individual running for public office.

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

**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**

**LJCPA** shall maintain a current, up-to-date roster of the names and terms of **Trustees**, 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.

**LJCPA** shall hold a regular **Member** meeting in March each year, normally on the same evening 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 general public, if possible including the meeting location, and shall include information on how a request for accessible accommodation may be made.

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.

#### *Alternative*

Require that materials be available at posting time: "...of the meeting, and access to online documents and other materials relevant to Agenda items"

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 **Trustee** objects.

Once any items have been removed as provided in §3.1.4 "Removing an Item from the Consent Agenda", the Consent Agenda becomes one consolidated item, it is automatically approved by unanimous consent, and the recommendations or actions from the cognizant Committee or Board are ratified as **LJCPA's** 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**

A **Trustee** attending a regular or special **Trustee** meeting may request that an item be removed from that meeting’s Consent Agenda (“pulled”) if the **Trustee** cites important provisions of relevant governing code, regulations, policies, and/or procedures that the Committee or Board’s review of and vote on a project neglected or misapplied.

The **Trustee** requesting that an item be removed from the Consent Agenda shall cite the specific provisions the recommending Committee or Board failed to consider appropriately. A Trustee may not “pull” an item simply to delay a vote, or because the Trustee did not review the item, or 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, then 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.

#### *Alternative A*

Broaden ability to pull: replace “**Trustee**” with “**Member**”

#### *Alternative B*

Broaden basis for pulling: append to 1<sup>st</sup> paragraph “...misapplied, or new information not available to the Committee or Board has become available.”

#### **§3.1.5 Adding Agenda Items**

An item not noticed on the agenda may be added if either two-thirds of the **Trustees**, or every **Trustee** if fewer 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 affected property owners, residents, business establishments within proximity to the proposed development, and other interested members of the public.

**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.



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, LJCPA may not, as a condition of placing an item on the agenda, require that such additional information be submitted.

**Section 3.3**     ***Conducting Meetings***

**§3.3.1**     **Quorum**

A quorum, defined as a majority of current **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 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 speaker or organizational representative, or five minutes for an individual speaking as the designated representative of an identified group of individuals.

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

*Alternative*

Change time limits

**§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 such time as the motion on the floor passes. If the Trustees fail to pass any motion, then the result is the same as if there had been no motions or votes.

No item may be referred back to the originating Committee by **Trustees** unless there has been a motion against approving it, that motion has passed, and two thirds of **Trustees** vote in favor of the motion to refer. If the motion to refer passes, then the Secretary shall not submit any record of LJCPA’s action to the City until the originating Committee

has re-assessed the item and its recommendation, whether changed or unchanged, has been acted on by the Trustees.

*Alternative*

Allow referral without disapproval: remove 2<sup>nd</sup> paragraph

**§3.3.5 Required Votes to Pass Action Items**

Except as specified in **Bylaws** or elsewhere in **Operating Procedures**, all **LJCPA** actions, including subcommittee votes, need 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, a **Trustee** acting in the capacity of President participates in discussions but does not vote except to make or break a tie.

**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 **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 an item is 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 suffices.

**§3.3.7 Recording**

Any person attending a meeting of **LJCPA** shall be allowed to record or photograph the proceedings in the absence of a reasonable finding by **LJCPA** that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

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

*Alternative*

Require that meetings be recorded

**§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, **Trustees** may cause removal of the individual or individuals. If that is unsuccessful then the **Trustees** may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. **Trustees** may readmit an individual or individuals who were not responsible for the disruption.

**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 **Trustees**.

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

Otherwise a **Trustee** with a conflict of interest shall not participate in discussion of the item involving the conflict, and shall not 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.

**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, then 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** must publicly disclose the reason for abstaining. The record of the vote on the item shall reflect an abstaining member 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 (ljcpa.org), or made available to the public by other means.

**§3.5.1 Minutes**

For each **Trustee** and **LJCPA**-chartered Committee 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 draft minutes should be made available for public inspection as soon as possible but no later than the group’s next scheduled meeting.

Minutes shall include a list of **Trustees** or committee members who constituted a quorum and how each attendee voted on each agenda 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.

*Alternative*

Require that minutes be more detailed: "... (if available) and the points made by each speaker."

**§3.5.2 Meeting Documents**

Any written documentation prepared or provided by **City** staff, applicants, or **Trustees** that is distributed 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, then the material shall be made available for public inspection at the conclusion of the meeting.

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

**§3.5.3 Retention**

**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 **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***

**LJCPA's** Election Committee shall be appointed by the President and ratified by majority vote of the **Trustees** no later than the first week of January and shall solicit **Members** to become candidates. **LJCPA** shall make a good faith effort to publicize the upcoming election.

In February, the Election Committee shall present to **Trustees** a complete list of interested candidates collected up to that point in time including verification that each interested individual is qualified to be a candidate.

**Section 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.

Candidates may announce their interest in running and shall be added to the list at the February meeting subject to their being qualified as a candidate. To be a **Trustee** candidate, an individual must be a **Member**.

**LJCPA** shall seek **Trustee** candidates to exceed the number of **Trustee** seats open for election.

**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. **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 **Trustee** for more than nine consecutive years. After a one-year break in service, an individual who has served for nine consecutive years shall again be eligible for election as **Trustee**.

If not enough qualified candidates can be found, a **Trustee** who has served the maximum time specified in Section 4.4 “Terms” 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.

*Alternative*  
Keep current six-year limit: “...for more than six consecutive years...”

**Section 4.5**      **Campaigning**

No person may campaign for or against a candidate via mass mailings or similar electronic means, or 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, then the same mechanisms shall be used as were used for the most recent election.

Members who have not yet voted otherwise 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.**

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

*Alternative*

Require in-person voting: "...shall recommend physical mechanisms..."

**§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. Ballots must provide a way to write in candidates and vote for them. It must also indicate which candidates, if any, must receive a two-thirds majority of votes cast due to service beyond nine consecutive years of service.

**§4.6.2 Counting**

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

Each **Member** may cast votes equal to the number of vacant **Trustee** positions. They may cast fewer votes than the number of vacant positions, but not more. They may not cast more than one vote for any candidate.

If any ballot is received with votes exceeding the number of positions available or more than one vote per candidate, then 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. All the ballots shall be collected and counted by the Election Committee.

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 **Operating Procedures**, or with announced or published election procedures or lack thereof.

#### **§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 ratification vote of the Elections Committee's findings shall be placed on the April agenda for a majority vote of the **Trustees**, 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 ratification 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 then be destroyed or deleted.

### **Section 4.7 Unexpected Vacancies**

#### **§4.7.1 Finding Vacancies**

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

- receipt of a resignation in writing from a **Trustee**,
- removal of a **Trustee** pursuant to the **Bylaws**, or,
- removal of a **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, 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 LJCPA is unable to fill a **Trustee** vacancy within 120 days, as specified above, and LJCPA has more than twelve Trustees, a search for a new member should continue, but if no candidates are found the seat may remain vacant until the next 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 Trustees.**

### 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 and ratified by a majority vote of the **Trustees**. Ad hoc committees may be established for finite periods of time 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 LJCPA may consist of members designated by the President and/or members submitted by other entities, all of whom must be ratified by a majority vote of the Trustees.**

**If other entities fail to submit members for Joint Committees or Boards as specified in Section 5.4 “Jointly Appointed Committees and Boards” within thirty days of a written request from the LJCPA President, then if the other entity does not object the President may appoint and Trustees shall then ratify individuals to fill the resulting vacancies.**

#### *Alternative*

Remove the “If other entities...” paragraph.

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 LJCPA Bylaws or Operating Procedures. In the event of such conflicts, 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 **Trustees**.

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 **Trustees**, may appoint representatives of **LJCPA** 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.



**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 recommendation of **LJCPA** without a formal vote of the **Trustees**.

**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 **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. The Election Committee shall also review 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**

*Alternative*

Delete §5.4.1 through §5.4.7, and have Section 5.4 read solely as follows:

“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 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 LJCPA Trustees 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; LJCPA must have the right to appoint at least two members of the Joint Committee or Board; and 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 that have been recognized by LJCPA and their members, and shall ensure that these are posted publicly on the LJCPA website.”

**§5.4.1**     **Development Permit Review Committee (DPR)**

DPR reviews and makes recommendations regarding all discretionary permit applications filed for projects located within the La Jolla Community Plan boundaries, except those within the La Jolla Shores Planned District. DPR receives public input in a

review process that uses the regulations and guidelines established in the San Diego Municipal Code and La Jolla Community Plan in effect at the time of the project submittal to the **City**. DPR holds regularly scheduled public meetings.

DPR normally consists of ten members, five appointed by **LJCPA** and five members appointed by the La Jolla Town Council.

**§5.4.2 La Jolla Shores Permit Review Committee (PRC)**

PRC reviews and makes recommendations regarding all applications for permits within the boundaries of the La Jolla Shores Planned District. This review is intended to ensure compliance with the La Jolla Community Plan and Local Coastal Program Land Use Plan, the La Jolla Shores Planned District Ordinance, the La Jolla Shores Planned District Urban Design Manual, and City of San Diego ordinances concerning Sensitive Coastal Resources, Resource Protection, Hillside Review, Zoning Variances, Conditional Use Permits and Special Permits. The LJSPRC holds regularly scheduled public meetings.

PRC normally consists of eight members, five members appointed by the La Jolla Shores Association and three members appointed by **LJCPA**.

**§5.4.3 Planned District Ordinance Committee (PDO)**

PDO ensures uniform and consistent enforcement of the La Jolla Planned District Ordinance (LJPDO), assists the City of San Diego City in clarifying the LJPDO, assists applicants in understanding and interpreting the LJPDO and the permit process, and develops recommendations for changes to the ordinance. PDO reviews and makes written monthly recommendations to **LJCPA**, the La Jolla Town Council, and local manager/advisory board of the Business Improvement District regarding all applications for discretionary permits as well as sign permits and façade changes within the La Jolla Planned District. This committee forwards its recommendations to DPR when associated with a discretionary permit under consideration by DPR, or otherwise directly to **LJCPA** to enable the respective organizations to incorporate these recommendations in its review and public comment discussion. PDO holds regularly scheduled public meetings.

PDO Committee normally consists of eleven members, three appointed by **LJCPA**, three appointed by the La Jolla Town Council, two appointed by the Bird Rock Community Council, and three appointed by the La Jolla Village Merchants Association.

**§5.4.4 La Jolla Coastal Access and Parking Board (CAP)**

CAP reviews and makes recommendations concerning all coastal access and parking issues within the La Jolla Community Plan boundaries. CAP holds regularly scheduled public meetings.

CAP normally consists of nine members, three members appointed by **LJCPA**, three members appointed by the La Jolla Town Council, and three members appointed by local manager/advisory board of the Business Improvement District.

*Alternative*

Delete this Board

**§5.4.5 La Jolla Traffic and Transportation Board (T&T)**

T&T serves as the focal point with governmental agencies and with the public for traffic and transportation matters concerning the community of La Jolla, and investigates, evaluates and proposes recommendations to **LJCPA**, the La Jolla Town Council, local manager/advisory board of the Business Improvement District, the La Jolla Shores Association, and the Bird Rock Community Council. T&T holds regularly scheduled public meetings.

T&T normally consists of ten members, two members appointed by **LJCPA**, two members appointed by the La Jolla Town Council, two members appointed by the La Jolla Shores Association, two members appointed by local manager/advisory board of the Business Improvement District, and two members appointed by the Bird Rock Community Council.

**§5.4.6 La Jolla Community Parking District Advisory Board (CPD)**

CPD was established by resolution of the City of San Diego to advise the City of San Diego on the creation of parking policies and practices that are in the best interests of the community of La Jolla.

CPD normally consists of nine members, one appointed by **LJCPA**, three appointed by local manager/advisory board of the Business Improvement District, one appointed by the La Jolla Town Council, one appointed by the La Jolla Shores Association, one appointed by the Bird Rock Community Council and two at large.

<i>Alternative</i> Delete this Board
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**§5.4.7 Community Planners Committee (CPC)**

The President shall be **LJCPA's** representative to CPC. However, by vote of the **Trustees**, a **Trustee** other than the President may be designated as the official representative to CPC with the same voting rights and privileges as the President. Designation of a **Trustee** other than the President as the official representative, as well as for an alternate to CPC, shall be forwarded in writing to the staff representative of CPC prior to extension of voting rights and member attendance. **LJCPA** representatives to CPC shall promptly disseminate to all **Trustees** pertinent information regarding CPC's official business.

**Part 6**

**Appeals**

**LJCPA** may choose to appeal any City decision contrary to its 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 **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 **LJCPA** and shall advocate for **LJCPA's** recommendation(s)

and/or finding(s). Only the President or the appointed **Trustee** may appear as the official representative of **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 provides draft appeal documents, and the appeal must then be approved by a two-thirds majority of **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 **LJCPA** has sufficient funds to cover appeal costs without creating financial risk for **LJCPA** and the **Trustees** vote unanimously to pay the fees. **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 of the President’s direct economic interest or absence, by a **Trustee** designated to appeal that particular action on behalf of **LJCPA**.

*Alternative*  
Continue to require appeals under specified circumstances

**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 **Trustees** electronically as to whether **LJCPA** should undertake the appeal and, if the requestor has not committed funding, whether **LJCPA** should fund the appeal.

If in the President’s judgment **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, then 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 a **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 design drawings for further consideration by **LJCPA**.

Once an appeal has been authorized, **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.

**Part 7 Violations and Investigations**

In cases of alleged violations of **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 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 the violation. The complaint should provide a citation of **Bylaws** and/or **Operating Procedures** provisions that the action is claimed to violate. If the complaint is from someone other than another **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 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 **Trustee** against whom the violation is alleged. If the complaint is about the President, a Vice President shall act instead of the President. The allegations shall be presented and the **Trustee** 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**, then 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 **LJCPA** would best be served by the removal of the **Trustee**, then the President or other **Officer** shall set the matter for discussion at the next **Trustee** meeting. The **Trustee** who committed the violation 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**

Removing a seated Trustee shall be placed on the **Trustees** agenda as an action item. Supporting materials from the President or from the offending **Trustee** shall be made available to the **Trustees** prior to the meeting.

The matter shall be discussed at the meeting with opportunity given to the **Trustee** who allegedly committed the violation given an opportunity to present her or his case and/or to rebut documentation gathered by the **Officers**. The **Trustee** 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 **Trustees** may, by a two-thirds vote, choose to 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 **Trustees**. 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.