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RESOLUTION NUMBER R- 306357

DATE OF FINAL PASSAGE DEC 07 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
DIEGO TO APPROVE THE PENINSULA COMMUNITY  
PLANNING BOARD BYLAW AMENDMENTS.

WHEREAS, on May 22, 2007, the City Council adopted Resolution R-302671,  
approving an update to Council Policy 600-24 titled "Standard Operating Procedures and  
Responsibilities of Recognized Community Planning Groups;" and

WHEREAS, the update revised the previous Council Policy to incorporate additional  
operating procedures as well as provisions for compliance with California's Open Meeting Law,  
the Ralph M. Brown Act; and

WHEREAS, the approval of the Council Policy update required each community  
planning group to update its bylaws; and

WHEREAS, Council Policy 600-24 specifies that bylaws will be reviewed and approved  
by the offices of the Mayor and City Attorney unless there are inconsistencies with the Council  
Policy; and

WHEREAS, in such cases, the bylaws will be forwarded to the City Council for Council  
consideration; and

WHEREAS, the Peninsula Community Planning Board recently submitted new bylaws to  
the City in order to comply with revised Council Policy 600-24; and

WHEREAS, the City Planning & Community Investment Department and City  
Attorney's Office have reviewed the bylaws and determined the Peninsula Community Planning

Board's proposed bylaws contain five deviations from the Council Policy and the standardized bylaws shell; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the proposed bylaws are approved for the Peninsula Community Planning Board, as set forth in Document No.

RR- 306357, on file in the office of the City Clerk.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas  
Shannon Thomas  
Deputy City Attorney

ST:als  
11/08/10  
12/01/10 REV.COPY  
Or.Dept:Council District 2  
R-2011-445  
PL#2010-03088

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 29 2010.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 12-7-10  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

# PENINSULA COMMUNITY PLANNING BOARD BYLAWS

## ARTICLE I Name

- Section 1. The official name of this organization is the Peninsula Community Planning Board sometimes abbreviated to PCPB.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the Peninsula Community Planning Board are shown on Exhibit "A" and are generally described as the coast line on the east, Midway on the north and West Point Loma Blvd on the west to Froude Street, Froude Street to Adair, Sunset Cliffs Coastline to Point Loma Nazarene University, Point Loma Ave on the south and to include the Navy Installations to the south.
- Section 4. Meetings of the Peninsula Community Planning Board shall be held within these boundaries, except that when the Peninsula Community Planning Board does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.
- Section 5. The official positions and opinions of the Peninsula Community Planning Board shall not be established or determined by any organization other than the planning board, nor by any individual member of the planning board other than one authorized to do so by the planning board.

## ARTICLE II Purpose of Community Planning Board and General Provisions

- Section 1. The Peninsula Community Planning Board has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Peninsula Community Planning community boundaries. The planning board also advises on other land use matters as requested by the City or other governmental agency.

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FILED NOV 29 2010  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

- Section 2. In reviewing individual development projects, the Peninsula Community Planning Board should focus such review on conformance with the adopted community plan and the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning board recommendation should be submitted no later than the end of the public review period offered by the draft environmental document. Upon receipt of the plans for projects with substantive revisions, updates, strikeout/underline, and/or involving a reissued environmental document, the planning board may choose to rehear the project, at a regular or special meeting, and may choose to provide a formal recommendation to the City.
- Section 3. All activities of the Peninsula Community Planning Board shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The Peninsula Community Planning Board shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning board when endorsing candidates for public office. The planning board may take a position on a ballot measure.
- Section 5. Pursuant to the provisions of City Council Policy 600-5, the Peninsula Community Planning Board's failure to respond to the City's request for planning board input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the Peninsula community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.
- Section 6. The Peninsula Community Planning Board operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning board are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning boards" and these bylaws govern the operations of the planning board. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning board. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

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

### **ARTICLE III Community Planning Board Organizations**

Section 1. The Peninsula Community Planning Board shall consist of 15 elected members. These members of the planning board shall constitute the officially recognized community planning board for the purpose of these bylaws and Council Policy 600-24.

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

The Peninsula Community Planning Board elected seats are filled by any Eligible Candidate identified below. There are no further restrictions on the distribution of seats among interests in the community.

Planning board members shall be elected by and from Recognized Community Members. To be a Recognized Community Member, an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business or not-for-profit owner or operator at a non-residential real property address in the community planning area.

A Recognized Community Member may become an Eligible Candidate by (a) attending one meeting of the Peninsula Community Planning Board's regular meetings occurring during the twelve month period prior to the March General Election, with such attendance acknowledged by the planning board chair or secretary or reflected in minutes, and (b) submitting a completed application to the elections subcommittee.

Once eligibility is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning board's criteria and formal action is taken by the planning board. The

Peninsula Community Planning Board shall require proof of eligibility during elections.

Section 3. Members of the Peninsula Community Planning Board shall be elected to serve for fixed terms of 3 years with expiration dates during alternate years to provide continuity.

No person may serve continuously on the planning board for more than nine consecutive years.

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

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

The planning board will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning board may retain some members who have already served for nine consecutive years to continue on the planning board without a break in service. A member may serve in excess of nine years (as specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by Recognized Community Members participating in the regular election. The number of individuals on a planning board serving more than nine consecutive years shall in no case exceed twenty-five percent of the voting board membership.

The term of the member elected by a two-thirds vote serving beyond nine years shall count as time served beyond the required break in service as required by this Section. Future consecutive election of the member who has served beyond nine years is subject to the requirements of this Section. Refer to Council Policy 600-24, Article III, Section 4 for further clarification.

Section 4. A member of the Peninsula Community Planning Board must retain eligibility as a Recognized Community Member during the entire term of service.

Section 5. A member of the Peninsula Community Planning Board found to be out of compliance with the provisions of Council Policy 600-24 or the planning boards adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No O-17086 NS, and any future amendments thereto.

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the Peninsula Community Planning Board who participates in a meeting of the planning board where actions

are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

#### **ARTICLE IV Vacancies**

Section 1. The Peninsula Community Planning Board shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from its secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year of a member(s) term of the planning board's regular meetings.

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

The Peninsula Community Planning Board shall move to fill vacancies at the time the vacancies are declared. Vacancies will have appropriate noticing in the local paper and on the PCPB website. Applicants for replacement seats will be subject to same qualification requirements as applicants for General Elections. Vacancies shall be filled by a vote cast by the seated Planning Board members. Such vote shall be in writing and the vote cast by each Board Member to select a replacement for a vacant seat will not be disclosed until the results of the election are announced. The results of the election for the replacement seat should be announced at the same meeting as that in which the vote was taken. Those seated shall fill the remaining term of the member they are replacing.

Section 3. When the Peninsula Community Planning Board is unable to fill a vacancy within 120 days, as specified above, and the planning board has more than twelve members, either the seat may remain vacant until the next planning board election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are fewer than 12 elected planning board members in good standing, the planning board shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning board membership has not reached 12 members, the planning board will be deemed inactive until it has attained at least 12 members in good standing.

#### **ARTICLE V Elections**

Section 1. General elections of the Peninsula Community Planning Board members shall be held during the month of March in accordance with the elections procedures found in Article VIII, Section 1 (e) of these By Laws.

The Peninsula Community Planning Group's general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be on or prior to the Candidate Forum noted below. The planning board's Election Subcommittee shall be established no later than January and shall initiate the search for Recognized Community Members to become candidates. In February, the Election Subcommittee shall present to the planning board a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A Candidate Forum shall be advertised and shall be held after the February noticed regular meeting and prior to the March Election. The Candidate Forum represents the last opportunity for new candidates to be declared eligible.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at one meeting of the Peninsula Community Planning Board's last 12 meetings prior to the March regular meeting.

The Peninsula Community Planning Board will allow write-in candidates. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate will be an invalid vote and will not be counted.

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

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

The Peninsula Community Planning Board holds its annual election at the regular board meeting in March or at another date in March designated by the Board.

The Peninsula Community Planning Board will require proof of identity of those Recognized Community Members who are seeking to vote in the election [see Article VIII, Section 1 (e) 6]. The planning board shall ensure that voting is only by recognized members of the community.

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

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

Section 4. The Peninsula Community Planning Board election becomes final after announcing the election results at the conclusion of the regular noticed planning board meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning board meeting.

Any challenge to the election results must be filed with the chair of the Elections Subcommittee in writing within 48 hours of the counting of the ballots in order to allow enough time to resolve the issue.

Section 5. Article VIII, Section 1 (e) contains all voting procedures, including voting eligibility; candidate eligibility; elections subcommittee establishment and responsibilities; promotion of elections; poll location; managing polls; counting ballots and write in candidates; reporting election results to the Chair; and election challenge criteria and procedures. See Article VIII, Section 1(e).

#### **ARTICLE VI Community Planning Board and Planning Board Member Duties**

Section 1. It is the duty of the Peninsula Community Planning Board to cooperatively work with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of the Peninsula Community Planning Board to conduct official business of the Planning Board in a public setting. It is recognized that the officers of the Planning Board may oversee administrative business of the Planning Board, such as the assembling of the draft agenda, in preparation for public discussion. However, all group substantive discussions about agenda items or possible board positions on agenda items shall occur at the noticed planning board meetings.

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

#### **Section 2. (a) Meeting Procedures**

It shall be the duty of each member of the Peninsula Community Planning Board to attend all planning board meetings.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted at a place freely accessible to the public. The brief general

description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

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

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

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

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

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

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning board has discussed the item at a noticed subcommittee meeting,

2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a planning board, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning board meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning board, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW – The Peninsula Community Planning Board may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

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

The Peninsula Community Planning Board's Chair may participate in discussions but does not vote except to make or break a tie.

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

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

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the Peninsula Community Planning Board as an action to be taken on an item by members of the planning board, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS – The Chair of the Peninsula Community Planning Board, or a majority of planning board members, may call a special meeting. An agenda for a special meeting shall be identified as such and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning board shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice. Written notice shall be delivered to at least one local newspaper of general circulation and be made available to radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non agenda public comment period may be waived.

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

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

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

**(b) Subcommittees**

The Peninsula Community Planning Board may establish and create as needed standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning board meetings.

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the Peninsula Community Planning Board as identified in Article II, Section 1, has established the following standing subcommittees: Historical, Parks and Recreation, Environment/Water, North Bay Planning Development, Traffic/Transportation, North Bay Community Planning; Airport, Arts and Culture/Signage, and Project Review. Subcommittees will stand for the year and subcommittee Chairs will be voted on by Board. Subcommittees will not include a quorum of Board Members. If a quorum or more shows up at a subcommittee meeting, a sufficient number of Board members to eliminate the quorum must recuse themselves and sit away from the proceedings, though they may be in actual attendance. The recused Board members must not participate in the meeting in any way, even through facial expressions. All subcommittee meetings are noticed except for Ad-Hoc subcommittee meetings.

(ii) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review or purpose. The Election Subcommittee / Nominating Subcommittee and the Bylaws Subcommittee shall be deemed Ad Hoc subcommittees.

(iii) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of members who are members of the planning board.

Community members must be recommended to the planning board by the subcommittee chair and appointed by the planning board. Community members, who are duly appointed by a planning board to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-17086 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) RECOMMENDATIONS — subcommittee recommendations must be brought forth to the full planning board for formal vote at a noticed public meeting. In no case may a subcommittee or ad-hoc subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning board without a formal vote of the full planning board.

**(c) Abstentions and Recusals**

(i) RECUSALS - Any member of the Peninsula Community Planning Board with a direct economic interest in any project that comes before the planning board or its subcommittees must disclose to the planning board that economic interest, and must recuse from voting and not participate in any manner as a member of the planning board for that item on the agenda.

(ii) ABSTENTIONS - In limited circumstances, planning board members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

**(d) Meeting Documents and Records**

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

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning board members that is distributed at the planning board meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning board meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or planning board members, or is received from a

member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

(iii) MINUTES – For each planning board meeting, a report of the Peninsula Community Planning Board member attendance and a copy of approved minutes shall be retained by the planning board, and shall be available for public inspection. The minutes of each planning board meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusal shall also be recorded. Minutes should record speakers and public testimony and whether each project applicant (whose project was subject to planning board action) appeared before the planning board. If an applicant did not appear before the planning board then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning board meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning board.

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

(iv) RECORDS RETENTION – The Peninsula Community Planning Board records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of the Peninsula Community Planning Board and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning board shall give due consideration to all responsible community attitudes in so far as these are deemed to be in the best long range interest of the community at large.

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

- Section 5. The Peninsula Community Planning Board may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning board to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning board meeting. All contributions must be voluntarily made, and no official planning board correspondence may be withheld based on any individual's desire to not make a voluntary contribution.
- Section 6. Each newly elected Peninsula Community Planning Board member is required to attend an orientation training session or complete the course via the Internet, either, as the case may be, administered by the City as part of planning board and individual member indemnification pursuant to Ordinance No O-17086 NS, and any future amendments thereto. Newly seated planning board members must complete a basic orientation training session within 12 months of being elected or appointed to a planning board or the member will be ineligible to serve.

#### **ARTICLE VII Planning Board Officers**

- Section 1. The officers of the Peninsula Community Planning Board shall be elected from and by the members of the planning board. Said officers shall consist of a Chairperson, First Vice Chairperson, Second Vice Chairperson, Treasurer and Secretary. The length of an officer's term shall be one year, except no person may serve in the same planning group office for more than three consecutive years. After a period of one year in which that person did not serve in the same office that person shall again be eligible to serve in the same office. Any person who has served three years in one office may be eligible to serve in other offices.
- Section 2. Chairperson: The Chairperson or Chair shall be the principal officer of a recognized community planning board and shall preside over all planning board and communitywide meetings organized by the planning board. The Chairperson will be the contact person for other Community groups regarding requested correspondence. Further duties of the Chairperson include setting the agenda, responsibilities for making appointments for applicants for review, and shall be the point of contact for applicants and City Staff regarding review. Chairperson shall organize and delegate as appropriate. Chairperson will be the primary spokesperson for local news media and for press releases.
- Section 3. First Vice Chairperson: In the absence of the Chairperson, the First Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. The First Vice Chair will be the Chair of the Election Subcommittee unless the First Vice Chair is a candidate for re-election and if so a Chair of the Election Subcommittee will be appointed by the Board.

- Section 4. Second Vice Chairperson: In the absence of the Chair and First Vice Chairperson the Second Vice Chairperson shall perform all the duties and responsibilities of the First Vice Chairperson.
- Section 5. Secretary: The Secretary shall be responsible for the planning board's attendance records, minutes and actions [including identification of those planning board members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning board members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 6. Treasurer: The Treasurer shall keep books of accounts showing detail of the business and the Board's accounts, and all receipts, and disbursements; amount of cash on hand, and amount of accounts payable and accounts receivable. The Treasurer shall disburse any of such money or incur indebtedness only as the result of an official action of the Peninsula Community Planning Board. The Treasurer may pay small board expenses less than \$30.00 without requesting permission beforehand, but must report on such action at the next regularly scheduled Board meeting.
- Section 7. The Chairperson shall be a recognized community planning board's representative to the Community Planners Committee (CPC). However, by vote of the planning board, a planning board member may be assigned as an alternate for the official representative to CPC with voting rights and same privileges as the Chair to attend in the absence of the Chair. Designation of a member other than the Chair as the planning board's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 8. The Peninsula Community Planning Board Chair or representative to the CPC shall promptly disseminate to all elected planning board members pertinent information that is received by the planning board regarding its official business.

#### **ARTICLE VIII Planning Board Policies and Procedures**

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

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

Listed procedures are grouped by category as follows: Community Participation; Planning Board Composition; Conduct of Meetings; Member and Planning Board Responsibilities and Elections. Standard Operating Procedures may be developed and attached as stand-alone documents.

**(a) Community Participation**

The following are the Peninsula Community Planning Board procedures regarding community participation:

Community Participation consists of notifying the Public of all meetings and inviting attendance at said meetings. Community members will have an opportunity to speak at all meetings on topics relevant to the purview of the Planning Board. Community input will be sought regarding all matters coming to the Board's attention.

The planning board will access all community resources and utilize all available media to promote community outreach programs to further education, awareness of its purpose and community contributions. It will strive for inclusion of diverse representation and input. See Standard operation Procedures for detailed topics and procedures to be adopted.

**(b) Planning Board Composition**

The following are the Peninsula Community Planning Boards procedures pursuant to Article III, Section 2 regarding planning board composition: Composition of the planning board will be determined by general election. Members who resign or seats that become available through other means will be elected by a vote of the sitting planning board members to complete the term of the prior member. See Article III, Section 2 for eligibility for consideration to fill vacated seats.

**(c) Conduct of Meetings**

The following are the Peninsula Community Planning Boards procedures regarding conduct of planning board and subcommittee meetings: Meeting agendas will be noticed at least 72 hours prior to the meeting by public notice posted at a place freely accessible to members of the public and on the PCPB website. All meetings will allow for non agenda and agenda public comment on topics relevant to the purview of the business of the Board. Public comment, normally three minutes per speaker, may be limited in respect of a full agenda, and may be reduced to no less than two minutes provided each speaker receives the same amount of time. It is to be expected that order and civil discourse will be maintained at all times. Persons who are disruptive, fail to follow the agenda and interrupt meeting progress will be asked to leave the room. If further disruption occurs Chair may declare the meeting adjourned. See Article VI,

Section 2 (a) (xiii) Disorderly Conduct. Audience and public will have opportunity for input in all matters affecting community or projects that are presented. Projects brought by applicants will be considered in the Action Items immediately following Parliamentary Items and after Non Agenda Public Comment in as much as possible.

Subcommittee Chairs and members will be recommended and appointed by vote of the Board. The majority of subcommittee members will be board members. Board membership on subcommittees is limited to less than a majority of non-vacant seats on the board to assure Brown Act compliance. Community members, especially those with expertise may be added to a subcommittee if there is a demonstrated need and when their participation contributes to a more effective subcommittee. The community member will provide a resume and be presented to the board for a vote. A prospective subcommittee member from the community then shall be seated by a majority vote of the board.

The Chair of each subcommittee will be responsible for a mission statement and goals which will be added to the PCPB website. The Chair of each subcommittee will be responsible for carrying out their specific mission, setting meetings, providing venues and for providing minutes of meetings all of which will be added to the PCPB website. Chairs of each subcommittee will keep the Peninsula Planning Board Chair noticed and apprised of all activities and the Chair will be an ex-officio member of all subcommittees.

All agendas to include Regular monthly meeting, Project Review meeting, Subcommittee meetings and Special meetings of the Peninsula Community Planning Board will be noticed (see Article VIII, Section 1 (c)).

#### **(d) Member and Planning Board Responsibilities**

The following are the Peninsula Community Planning Board's procedures regarding member and planning board responsibilities:

Planning board's positions may be represented to the City on planning issues that are not project review recommendations or are an appeal on a City decision by formal letter.

Bylaws amendments can be recommended by Ad Hoc subcommittee for the purpose of developing an amendment. An amendment to the Bylaws will require a two thirds vote prior to submission to the offices of the Mayor and City Attorney for review and approval. See Article II, Section 7.

Standard Operating Procedures may be developed by an Ad Hoc subcommittee and will be a stand-alone document attached to the Bylaws when completed. Standard Operating Procedures will be subject to change as needed.

Voluntary financial contributions may be accepted for specific purposes by community or Board members and will be acknowledged by letter from the Board.

The Peninsula Community Planning Board encourages interface and regular participation with other organizations that may promote greater operational effectiveness and communication for the public good.

**(e) Elections**

The Administrative Guidelines, provides general guidance for planning board elections. The following are procedures pertaining to the election provisions of these Bylaws:

Conduct of Elections:

1. Election Subcommittee: The Election Subcommittee shall consist of the First Vice-Chair and three other Board members who are elected by the board at the regularly scheduled October meeting. No member running for election shall serve as a member of the Election Subcommittee. If the First Vice Chair is running for re-election, the Board shall elect someone to replace her/him as the Chair of the Election Subcommittee.
2. Election Meeting: The election meeting shall take place in March at the location of the regularly scheduled Board meeting or at a special election meeting in March at the Board's discretion. At the election meeting the First Vice Chair (or approved replacement if the First Vice Chair is running for re-election) shall conduct and manage the election with the assistance of the Election Subcommittee. Other Board members may assist in the process so long as they are not candidates in the election.
3. Publication of Election: A notice of election and solicitation of candidates shall be posted monthly in a community newspaper and multiple community forums no later than January preceding the March election.
4. Candidate Eligibility: An individual is qualified to run for a seat on the Peninsula Community Planning Board if she/he is a Recognized Community Member and an Eligible Candidate, both as described in Article III, Section 2.

The Peninsula Community Planning Board will allow write-in candidates. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate will be an invalid vote and will not be counted.

Determination of eligibility shall be the responsibility of the Election Subcommittee and a formal record of this eligibility shall be kept.

5. Electioneering: There shall be no electioneering (handing out election slate materials, soliciting votes by candidates, etc.) within 100 feet of the voting premises.

6. Voter Eligibility: An individual is eligible to vote in the Peninsula Planning Board Election if she/he is a Recognized Community Member, as described in Article III, Section 2, and provides proof of such eligibility. Proof of eligibility shall consist of:

- a. a valid CA driver's license or CA ID with an address located within the Planning Board area, or
- b. a current utility bill (within the last two months) with the name and address within the Planning Board area (plus some acceptable form of picture identification), or
- c. a property tax statement with the name and address within the Planning Board area (plus some acceptable form of picture identification), or
- d. such other identification deemed acceptable by an Election Subcommittee member and a City of San Diego official.

All prospective voters shall sign the voter log which requires name, address, and, if applicable, business name. This log shall be kept by the First Vice Chair or in event the First Vice Chair is running for office by the Chair of the Peninsula Community Planning Board as a permanent record of the election proceedings.

7. Counting of Ballots: Counting shall be done by Election Subcommittee members and at least one City of San Diego official when available.

8. Election Results: Election results shall be determined by Plurality Vote, as when the candidates for available seats who receive the highest number of votes cast are elected irrespective of the percentage of votes received by any candidate. The election results shall be reported by the Chair of the Election Subcommittee to the Chair of the PCPB (or their designee if the Chair is running for re-election) so that the results may be announced at the Election Meeting.

9. The First Vice Chair in her/his capacity as election Chair shall keep all election materials (ballots, voter log, etc for at least (six) months. In the event the First Vice Chair is running for re-election, the Second Vice Chair will keep all election materials. At the end of that period the materials may be destroyed. In disputed elections, the City of San Diego's City Planning and Community Investment Department, or other City agency may, at the Election Subcommittee's discretion, take responsibility for election materials.

10. Challenges to the eligibility of a candidate to run for the Board should be brought to the attention of the Election Subcommittee. In order to facilitate these challenges, the Election Subcommittee will make the eligibility record (see 4

above) available to any member of the public (at his/her own expense) who requests it.

11. Election Challenges: Challenges to the election shall be made to the Elections Subcommittee chair within 48 hours of the election. With the exception of ballots, copies of all election materials shall be made available to the public at the expense of the party making the request.

## **ARTICLE IX Rights and Liabilities of Recognized Community Planning Boards**

- Section 1. Indemnification and Representation. The Peninsula Community Planning Board members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-17086 NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 and these Bylaws; and all findings specified in the ordinance can be made.
- Section 2. Brown Act Remedies. The Peninsula Community Planning Board and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning board, as well as the planning board itself, may be subject to civil remedies. Under certain circumstances, individual planning board members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.
- Section 3. Council Policy 600-24 Violations and Remedies.

### **(a) Alleged Violations by a Member of the Peninsula Community Planning Board:**

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

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

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

If corrective action or measures are not feasible, the planning board may remove a member by a two-thirds vote of the planning board. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these Bylaws.

If the planning board member is found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning board member risks loss of indemnification [legal protection and representation] pursuant to Ordinance No .O-17086 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

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

Documenting a violation:

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

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

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

Presenting a violation to the planning board:

- The matter of removing a seated planning board member will be placed on the planning board's agenda as a potential action item. Supporting materials from the Chair or from the offending planning board member will be made available to the elected planning board members prior to the meeting.
- The matter will be discussed at the planning board's regular meeting with opportunity given to the planning board member who committed the violation to present their case and/or rebut documentation gathered by the chair with the assistance of the planning board officers. The member may also request a continuance of the item to gather more information to present to the planning board.
- At the end of the discussion, the planning board may, by a 2/3 vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected planning board member removed by a 2/3 vote of their recognized community planning board.
- The planning board member's seat shall be immediately declared vacant and subject to provisions of Article IV.

- The removal of a planning board member by a 2/3 vote of their recognized community planning board will not prohibit the member from running for a planning board seat in future scheduled elections.

**(b) Alleged Violations Against The Peninsula Community Planning Board as a Whole**

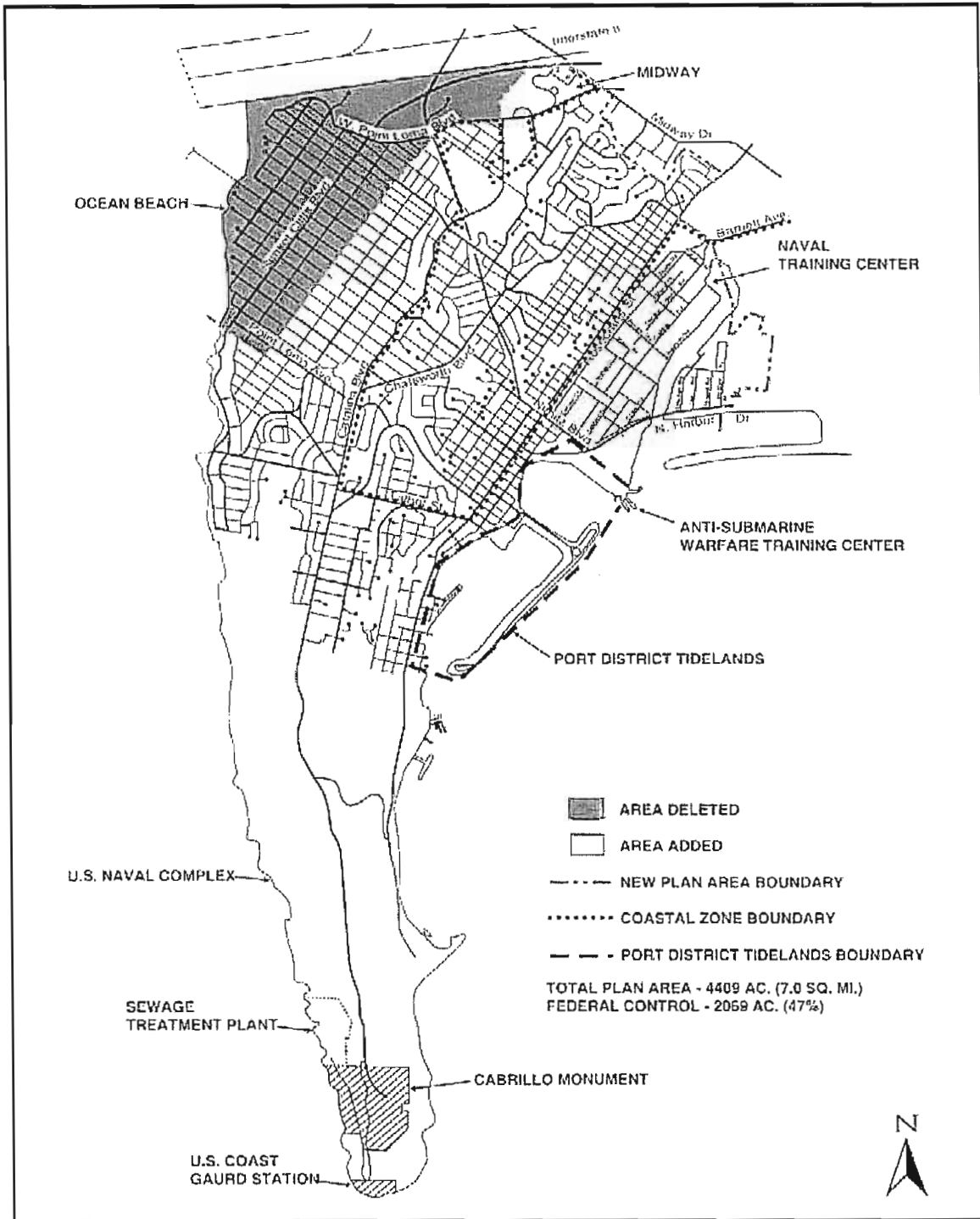
In the case of an alleged violation of the planning board's Bylaws or of Council Policy 600-24 by the planning board as a whole or multiple members of the planning board, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the planning board, determining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

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

If the planning board is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted Bylaws, it risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Exhibit A: The Peninsula Community Planning Board Revised Boundary Map.

Exhibit A



**Revised Plan Area Boundaries**

**Peninsula Community Plan**

CITY OF SAN DIEGO PLANNING DEPARTMENT

**FIGURE 2**