

Peninsula Community Planning Board Bylaws

draft

Amended Nov. 12, 2007

PLEASE NOTE: ALL PORTIONS OF THESE BY-LAWS NOT IN RED ARE THE CONSENT AGENDA

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 the boundaries of the Point Loma Community as shown in Exhibit "A".
- Section 4. Meetings of the Peninsula Community Planning Board shall be held within these boundaries.
- 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 group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. The 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 Point Loma Community boundaries. The planning group also advises on other land use matters as requested by the City or other governmental agencies.
- Section 2. In reviewing individual development projects, the Peninsula Community Planning Board should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action. Upon receipt of plans for projects with revisions, the

planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

- Section 3. All activities of the Peninsula Community Planning Group 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 Group shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.
- Section 5.. Pursuant to the provisions of City Council Policy 600-5, the Peninsula Community Planning Board's failure to respond to the City's request for planning group input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the Peninsula Community Planning Board's 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 group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.
- Section 7. The Peninsula Community Planning Board may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

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

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

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

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record 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.

An individual in order to become an eligible candidate must attend at least two regular monthly meetings of the Peninsula Community Planning Board (NOT including special meetings or candidate forums) in the 12 months that precede the March election.

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 group's criteria and formal action is taken by the planning group. However, 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 on the planning group 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 group member, an individual who had served for nine consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for nine consecutive years to continue on the planning group 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 eligible community members participating in the regular election.

The term of the member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond 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 during the entire term of service. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3 or Article IV, Section I of this Council Policy and in the groups adopted bylaws.
- 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 groups adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.
- Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the Peninsula Community Planning Board who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

- Section 1. The 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 the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member from the planning groups regular meetings. See election rules of conduct.

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 determination 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 fill vacancies within 120 days from the time the vacancies are declared following appropriate noticing of the vacancies in the local paper and on the web site and electronic media. Vacancies or seats that become available through other means may in lieu of a public election be elected by the board to replace the prior member. Applicants for replacement seats will be subject to the same requirements as applicants for General elections. Those seated shall fill out the 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 group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. General elections of the Peninsula Community Planning Board members shall be held during the month of March in accordance with the elections procedures found in Article VIII of these bylaws.

The Peninsula Community Planning Board general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be March 1st. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. On March 1st the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. A candidate forum may be advertised and held prior to the March regular meeting.

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

(NOT including special meetings or candidate forums) prior to the March regular meeting.

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

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

The Peninsula Community Planning Board holds its annual election at the regular March meeting. See Article VIII 1e for detailed procedures.

The Peninsula Community Planning Board will require proof of identity of those eligible community members who are seeking to vote in the election. The planning group shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service.

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

Section 3. Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates by the Board 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 meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 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 times; voting locations; voting eligibility; candidate eligibility; establishment and responsibilities of the election committee; promotion of elections; counting votes (ballots); write in candidates; poll location; managing polls and counting ballots; reporting election results to the Chair; and election challenge criteria and procedures. See Article VIII 1e, Conduct of Elections.

ARTICLE VI Community Planning Group and Planning Group 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 there to for inclusion in a General or Community Plan.

It is the duty of all planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions and that public comment on issues may be gathered by way of the Internet by way of an open Internet site. However, all group positions on agenda items shall occur at the noticed planning group meetings.

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

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

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

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

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

(ii) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special planning group meetings or by way of the Internet. In addition, each agenda for a regular planning group meeting shall allow for a public comment period by way of the Internet in advance of meetings or at the beginning of the meeting for items not on the agenda but which are within the scope of authority of the planning group. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda or by way of the Internet. The planning group may adopt time limits for public comment to ensure operational efficiencies but no such limits apply online.

(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 line and on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

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

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

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

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee’s consideration.

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

(vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order

to vote on projects, and to take actions at regular or special planning group meetings.

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

(vii) DEVELOPMENT PROJECT REVIEW – The 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 group shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

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

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

The Peninsula Community Planning Board's planning group chair participates in discussions and has full voting rights.

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

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

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the Peninsula Community Planning Board as an action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal

intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS – The Board may hold meetings other than regular meetings according to the following policy:
The Chairperson of the Peninsula Community Planning Board may call a special meeting according to his/her discretion. In addition, upon the written request of any 5 members of the Board the Chair will be obligated to call a special meeting. An agenda for a special meeting shall be specified as such and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be 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 group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

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

(b) Subcommittees

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

(i) **STANDING SUBCOMMITTEES** - Pursuant to the purpose of the Peninsula Community Planning Board as identified in Article II, Section 1, the planning group has established the following standing subcommittees: Historical, Parks and Recreation, Environment/Water, North Bay Development, North Bay Traffic, Traffic/Midway, Airport Authority, Arts and Culture, Project Review, Signage, Election Committee, Nominating Committee. Subcommittees will stand for the year and subcommittee Chairs will be voted on by the members of the subcommittee and presented to the full Board for final approval. Subcommittees will not include more than a quorum of Board Members. If a subcommittee has more than a quorum of Board Members the meeting may be deemed a regular Board meeting and be subject to noticing and Brown Act requirements.

(ii) **AD HOC SUBCOMMITTEES** - Ad hoc subcommittees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.

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

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

(iv) **RECOMMENDATIONS** – Subcommittee members who are not Board members must have a recommendation brought forth to the full planning group for formal vote at a noticed public meeting. Subcommittee members who are not Board members may be recommended if there is a demonstrated need for outreach and influence of said committee and when its operation contributes to a more effective result. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) **RECUSALS** - Any member of the Peninsula Community Planning Board with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse themselves from voting and not

participate in any manner as a member of the planning group **but rather as a common member of the public** for that item on the agenda.

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

(d) Meeting Documents and Records

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

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

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

The 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 will maintain all records. City will devise a 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 group 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 category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.
- Section 5. The 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 group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.
- Section 6. Each elected Peninsula Community Planning Board member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII Planning Group Officers

- Section 1. The officers of the Peninsula Community Planning Board shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson, 2nd Vice Chairperson and Secretary. The length of an officer's term shall be one year. Except that no person may serve in the same planning group office for more three years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.
- Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. Chair person will be the contact person for other Community groups regarding requested correspondence. Further duties of the Chairperson include setting the agenda, making appointments for applicants for review, and shall be the point of contact for applicants and City Staff regarding review. Chair person will be the primary spokesperson for local news media and press releases.
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. The Vice Chair will be the Chair of the Election Committee unless the Vice Chair is a candidate for re-election and if so a Chair of the election committee will be appointed by the Board.
- Section 4. Secretary. The Secretary shall be responsible for the planning group's, attendance records, minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group 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.
- Section 6. The Peninsula Community Planning Board officers and representatives to the CPC shall promptly disseminate to the Chair and all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

- Section 1. The 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 Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections and will be considered as Standard Operating Procedures 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 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 Boards attention.

Planning group 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 Group Composition

The following are the Peninsula Community Planning Boards procedures pursuant to Article III, Section 2 regarding planning group composition: Composition of the planning group will be determined by general election. Members who resign or seats that become available through other means may in lieu of a public election be elected by the Board 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 group meetings: Meeting agendas will be notice at least 72 hours prior to the meeting by public notice, electronic media or local newspaper. All meetings will allow for non agenda public comment for 3 minutes on topics relevant to the purview of the business of the Board. Public comment may be limited in respect of a full agenda. Roberts Rules of Order will determine

how consent items will be handled. 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 Section VI Section 2 (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 Input.

Sub Committee Chairs will be elected by the members of the subcommittee and submitted to the full Board for final approval. The majority of Sub Committee members will be board members. Community members especially those with expertise may be added to a sub committee if there is a demonstrated need for outreach and influence of said committee and when their operation contributes to a more effective committee. The community member will provide a resume and be presented to the board for a vote. A Sub Community member from the community then will receive a majority vote.

The Chair of each committee will be responsible for mission statement and goals which will be added to the web site. The Chair of each committee will be responsible for carrying out their specific mission, setting meetings, providing venues and for providing minutes of meeting all of which will be added to the web site. Chairs of each committee will keep the PCPB Chair noticed and apprised of all activities and the Chair will be an ex-officio member of all committees.

All agendas to include Regular monthly meeting, Project Review meeting, Sub Committee meetings and Special meetings of the Peninsula Community Planning Group will be noticed at least 72 hours prior to the meeting by local new media, posting and electronic media.

Planning group's positions may be represented to the City on planning issues that are not project review recommendations by formal letter or when applicable an Appeal on City Decision. Such appeal would include a formal thoughtful presentation by designated members and by a unanimous decision of the Board.

By Laws amendments can be made by Ad Hoc committee for the purpose of developing an amendment. An amendment to the By Laws will require a 2/3 rds vote prior to submission to the offices of the Mayor and City Attorney for review and approval. See Article II Section 7.

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

OPTION: Discuss operation of the planning group's development review subcommittee operations. See Article Section 2. Decide if any further explanation is necessary or not.

(d) Member and Planning Group Responsibilities

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

Planning group's positions may be represented to the City on planning issues that are not project review recommendations by formal letter or when applicable, an Appeal on a City Decision. A letter will require a majority vote and will be compiled by the Board and signed by the Chair. An Appeal will include a formal thoughtful presentation by designated members and be a unanimous decision of the Board.

By Laws Amendments may be made by an Ad Hoc committee for the purpose of developing and amendment. to be submitted 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 Ad Hoc Committee and will be a stand alone document attached to the By Laws 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 Group encourages interface and regular participation with other organizations that may promote greater operational effectiveness and communication for the public good.

(e) Elections

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning group elections. The following are procedures and of the election provisions of these By Laws:

Conduct of Elections:

1. Election Committee: The Election Committee 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 Committee. If the First Vice Chair is running for re-

election, the Board shall elect someone to replace him/her as the Chair of the Election Committee.

2. Election Meeting: The election meeting shall take place in March at the regularly scheduled Board meeting or at a special election meeting at the Board's discretion. At the election meeting the First Vice Chair shall conduct the election with the assistance of the election committee. 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 eligible to run for membership in the PCPB if she/he is at least eighteen years old, lives in or owns business property in the planning area, and has attended two PCPB regular meetings (NOT special meetings or candidate forums) within the last 12 months prior to the election.

Proof of eligibility shall consist of:

- a. A valid driver's license with an address located within the Planning Board area.
- b. A current utility bill (within the last two months) with the name and address within the Planning Board area (plus some form of picture identification)
- c. A property tax statement with the name and address within the Planning Board area.

AND

- d. Proof of having attended the required PCPB meetings. Examples of proof include: having signed the visitors log at one PCPB meeting, having presented at one PCPB meeting (proved by presence in the minutes for those months); having signed the visitors log at a special meeting of the PCPB.

Determination of eligibility shall be the responsibility of the Election Committee 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 a PCPB election if she/he is eighteen years old, lives in or owns business property in the planning area.

Proof of eligibility shall consist of:

- a. a valid driver's license with an address located within the Planning Board area.

- b. a current utility bill(within the last two months) with the name and address within the Planning Board area (plus some form of picture identification).
- c. a property tax statement with the name and address within the Planning Board area (plus some form of picture identification).
- d. such other identification deemed acceptable by an Election Committee member AND a City of San Diego official.

All prospective voters shall sign the voter log which requires name, residence or business address and phone number. 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 PCPB as a permanent record of the election proceedings.

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

8. Election Results. Election results shall be determined by Plurality Voting. Candidates with the highest number of votes shall be elected to fill the open seats. If there are not enough candidates to fill all seats, then upon approval of the Board by majority vote at the regular April meeting, a second general election may be held at the regularly scheduled general meeting of the Board in July to fill the vacant seats. Procedures for the July election shall be the same as those in the regular March election.

Election Challenges:

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 event the Vice Chair has run for office the Chair of PCPB 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 Development Services Department or other City agency may, at the Election Committee'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 Committee. In order to facilitate these challenges, the Election Committee will make the eligibility record (see 3 above) available to any member of the public (at his/her own expense) who requests it.

11. Challenges to the election shall be made 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 Groups

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 By Laws; and all findings specified in the ordinance can be made.

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

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

(a) Alleged Violations by a Member of the *[insert CPG name]*

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

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

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

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

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

Investigation procedures for elected member violations are outlined below:

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

Documenting a violation:

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

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

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by

action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.

- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and *PCPB* would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

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

Recourse for expelled member:

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

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

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

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

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

Exhibit A: *PCPB* Boundary Map

Bylaws Shell Date: 2/11/08