



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: March 13, 2008

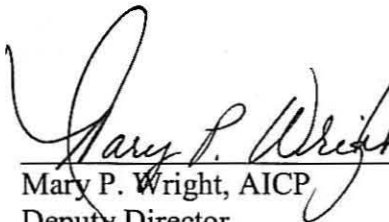
TO: Doug Case, Chair, College Area Community Planning Board


FROM: Mary P. Wright, City Planning & Community Investment Department &  
Marianne Greene, Office of the City Attorney

SUBJECT: Approval of an amendment to the College Area Community Planning Board bylaws

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The College Area Community Planning Board bylaws amendment has been reviewed and determined to be in conformance with the provisions of City of San Diego (City) Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups). The Council Policy 600-24 requires each community planning group, as a condition of official recognition by the City, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws." Amendments may be approved by the Mayor's office and the City Attorney's office if determined to conform to Council Policy 600-24. The amended bylaws have been reviewed and approved by the City Attorney's office and the City Planning & Community Investment department, acting on behalf of the Mayor's office. The bylaws are effective as of the last and final date signed below.

  
Date: 3/20/08  
Mary P. Wright, AICP  
Deputy Director  
City Planning & Community Investment

  
Date: 3/25/08  
Marianne Greene  
Deputy City Attorney

MPW/MG/bt

Attachments: College Area Community Planning Board bylaws

# College Area Community Planning Board Bylaws

## **ARTICLE I Name**

- Section 1. The official name of this organization is the College Area Community Planning Board, hereinafter referred to as the CACPB.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the CACPB are the boundaries of the College Area community, as shown on Exhibit "A."
- Section 4. Meetings of the CACPB shall be held within these boundaries.
- Section 5. The official positions and opinions of the CACPB 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 the Community Planning Board and General Provisions**

- Section 1. The CACPB has been formed and recognized by the City Council as a community planning group, as defined in City Council Policy 600-24. As used in these bylaws, "planning board" is equivalent to the term "planning group" referenced in City Council Policy 600-24. The purpose of the CACPB is 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 College Area community boundaries. The planning board also advises on other land use matters as requested by the City or other governmental agency.
- Section 2. In reviewing individual development projects, the CACPB 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 board recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning board may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

- Section 3. All activities of the CACPB 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, sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The CACPB shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected and appointed 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 CACPB's failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the College Area community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.
- Section 6. The CACPB 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 Groups" 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 CACPB may propose amendments to these bylaws by majority vote of the elected and appointed members 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.

### **ARTICLE III Community Planning Board Organization**

- Section 1. The CACPB shall consist of eighteen (18) elected and two (2) appointed members to represent the community. 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 CACPB shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the CACPB at least ten (10) of the eighteen (18) elected seats shall be filled by resident property owners.

Planning Board members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least eighteen (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, or their designee, 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, operator, or designee at a non-residential real property address in the community planning area.

An individual may become an eligible member of the community by submitting a registration form to the planning board Secretary at least twenty-eight (28) days prior to the March election

Once eligibility to vote is established, an individual remains an eligible member of the community until a determination is made that the individual does not meet the planning board's criteria and formal action is taken by the planning board. However, the CACPB shall require proof of eligibility during elections.

In addition to elected members, the CACPB has one (1) voting member appointed by the President of San Diego State University, and one (1) voting member appointed by the President of the Associated Students at San Diego State University for an annual term beginning June 1 and ending May 31. The President of the University and the President of the Associated Students shall submit the names of their designees in writing to the CACC Chair on official University or Associated Students letterhead; designees are not eligible to vote until such documentation is received. In the event a designee is unable to continue serving on the Board, the President of the University or the President of the Associated Students may appoint another person. In the event an appointed designee of the Associated Students is unable to attend any meeting during a semester break, an alternate may be sent to participate in Executive Board discussion, debate and voting. In this instance the President of the Associated Students will notify the Chair of the CACPB in writing, before the meeting.

Appointed seats are counted in the twenty (20) planning board membership and vote on planning board business.

Section 3. Members of the CACPB shall be elected to serve for fixed terms of three (3) years, with the terms of six (6) of the elected members expiring each year.

No person may serve on the planning board for more than nine (9) consecutive years. A person is eligible for election to the planning board even if such person is not eligible to serve the complete term to which elected. In such an instance, the member must resign when nine (9) years of service have been completed.

The nine (9) 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 (9) 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 (9) consecutive years to continue on the planning board without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the CACPB must retain eligibility during the entire term of service.

Section 5. A member of the CACPB found to be out of compliance with the provisions of Council Policy 600-24 or the planning board's 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 CACPB 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 CACPB 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 board's Secretary reporting the third (3<sup>rd</sup>) consecutive absence or fourth (4<sup>th</sup>) absence in the twelve (12)-month period of April through March each year, of a member(s) from the planning board's regular meetings.

The University and Associated Students designee shall be subject to these same attendance requirements, except that the twelve (12)-month period for the Associated Students President's designee shall be June through May rather than April through March. In the event that a designee fails to meet the attendance requirements, the designee shall lose voting privileges for the remainder of his or

her annual term; however, the designee shall retain the privilege of participating in CACPB discussions and debate.

Section 2. Vacancies that may occur on the CACPB shall be filled not later than one hundred twenty (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 CACPB shall fill such vacancies as may occur by election by the CACPB not earlier than the first regular meeting nor later than one hundred twenty (120) days following the regular meeting at which the vacancy is announced. Vacancies so filled shall be for the remainder of the unexpired terms.

When such a vacancy is created, the Nominations and Elections Committee shall solicit applications from eligible members of the community. The Nominations and Elections Committee shall review the applications received by the announced deadline and shall announce qualified nominees to the Executive Board. The Nominations and Elections Committee shall attempt to maintain representation from a broad based cross section of the community as stipulated in Article III, Section 2. No additional nominations will be accepted at the time of the election by the CACPB.

Section 3. When the CACPB is unable to fill a vacancy within one hundred twenty (120) days, as specified above, and the planning board has more than twelve (12) 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 twelve (12) members. If a vacancy remains for more than sixty (60) days from the time a vacancy is declared, and there are less than twelve (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 sixty (60) additional days, the planning board membership has not reached twelve (12) members, the planning board will be deemed inactive until it has attained at least twelve (12) members in good standing.

## **ARTICLE V Elections**

Section 1. General elections of CACPB members shall be held annually during the month of March in accordance with the elections procedures found in Article VIII, Section 1(e) of these bylaws.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning board preceding the election. The Nominations and Elections Committee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Nominations and Elections Committee 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.

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 at least two (2) meetings of the CACPB's last twelve (12) meetings prior to the February regular meeting preceding the election.

Section 2. The CACPB 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 (9) consecutive years to leave the group for at least one year.

The CACPB holds its election at the March regular meeting.

The CACPB will require proof of identity of those eligible community members who are seeking to vote in the election. The planning board shall ensure that voting is only by eligible members of the community.

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, and which candidates, if any, must receive a two-thirds (2/3) majority of the vote due to service beyond nine (9) consecutive years of service.

The CACPB 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 is contrary to the intent of Council Policy 600-24 and is not allowed.

Section 4. The CACPB's election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly 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 Nominations and Elections Subcommittee in writing within twenty-four (24) 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: voter eligibility and sign in, quorum, candidate eligibility, candidate speeches, teller procedures, ballots, and reporting election results.

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

Section 1. It is the duty of the CACPB 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 all planning board members 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 discussions. However, all substantive discussions about agenda items or possible group 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 CACPB 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. 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].

(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 CACPB 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 twenty-four (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 five (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 CACPB 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 (2/3) of the entire elected and appointed membership, or every member if less than two-thirds (2/3) 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 CACPB planning board's chair fully participates in planning board discussions and votes on all action items.

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 CACPB as to 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 CACPB, or a majority of planning board members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least twenty-four (24) hours before a special meeting. Each member of the planning board shall receive the written notice of the meeting at least twenty-four (24) hours before the time of the meeting as specified in the notice unless the member files with the planning board secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least twenty-four (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 CACPB and are prohibited under these bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the CACPB 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 CACPB may establish 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 CACPB as identified in Article II, Section 1, the planning board has established the following standing subcommittee: (1) Project Review Standing Subcommittee

The Project Review Subcommittee shall review all development projects and make a recommendation to the CACPB.

(ii) AD HOC SUBCOMMITTEES - Ad hoc subcommittees, including a Nominations and Elections Subcommittee, 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 be chaired by a CACPB member and contain a majority of members who are members of the planning board.

Non-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 committee or 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 CACPB 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 charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) **MINUTES** – For each planning board meeting, a report of CACPB 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. Recusals 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 CACPB 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 – CACPB 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 boards.

- Section 3. It shall be the duty of the CACPB 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 insofar as these are deemed to be in the best long-range interest of the community at large.
- Section 4. It shall be the duty of the CACPB to maintain a current, up-to-date roster of the names, terms, and category/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 CACPB 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 elected and appointed CACPB member is required to attend an orientation training session 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 twelve (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 CACPB shall be elected from and by the members of the planning board. Said officers shall consist of a Chair, Vice Chair, Secretary, and Treasurer. Officers shall be elected at the regular April meeting. The length of an officer's term shall be one year except that no person may serve in the same planning board office for more than nine (9) consecutive years. After a period of one (1) year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.
- Section 2. Chair. The 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 Chair shall be responsible for setting the agenda for all meetings of the CACPB.
- Section 3. Vice Chair. In the absence of the Chair, the Vice Chair shall perform all the duties and responsibilities of the Chair.
- Section 4. Secretary. The Secretary shall be responsible for the planning board's correspondence, attendance records, and 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 shall retain a copy of any written documentation, prepared or provided by City staff, applicants, or planning board members, that is distributed at a planning board meeting and arrange for storage of such documents according to procedures established by the City. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 5. Treasurer. The Treasurer shall handle all financial affairs of the community planning board, including receipt and disbursement of all funds, and maintain financial records.
- Section 6. The Chair 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 other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning 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 7. The CACPB officers and representatives to the CPC shall promptly disseminate to all elected or appointed planning board members pertinent information that is received by the planning board regarding its official business.

Section 8. In the event of a vacancy in the office of Chair, the Vice Chair shall assume the office of Chair for the remainder of the term, and a new Vice Chair will be elected by and from the CACPB at its next regular meeting. In the event of a vacancy in any office except that of the Chair, the vacancy shall be filled by and from the CACPB at its next regular meeting. If necessary, the Chair may appoint an interim officer to serve until the vacancy is filled.

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

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

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

Listed procedures are grouped by category as follows: Community Participation; Planning Board Composition; Conduct of Meetings; Member and Planning Board Responsibilities; and Elections.

### **(a) Community Participation**

The following are the CACPB procedures regarding community participation:

The CACPB shall conduct an annual open community forum at the March meeting.

### **(b) Planning Board Composition**

The following are the CACPB procedures pursuant to Article III, Section 2 regarding planning board composition:

At the annual election, nominees in each category with the highest number of votes shall be considered elected unless the election of all such persons would result in less than the number of resident property owners serving on the Board required by Article III, Section 2, of these Bylaws. In that situation, the resident property owners) receiving the highest number of votes would be elected in the place of the candidates who are not resident property owners receiving the least number of votes.

### **(c) Conduct of Meetings**

The following are the CACPB procedures regarding conduct of planning board meetings:

CACPB agendas shall be posted at the CACPB meeting site seventy-two (72) hours prior to the meeting. In addition, agendas may be posted on the City of San Diego and College Area Community Council Web sites and published in the College Area Community Council newsletter.

Regular CACPB meetings are normally held the second Wednesday of each month beginning at 7:00 p.m. and adjourning no later than 9:00 p.m. unless extended by a majority vote. The CACPB may elect to cancel no more than one meeting per year.

Time shall be allowed at each CACPB meeting, at a time published in the agenda, to provide interested community members an opportunity to address the CACPB. During this portion of the agenda, each speaker shall be limited to three minutes.

During CACPB meetings, questions and comments are encouraged from community members present. The Chair has the discretion to limit the time of such questions or comments.

Community members who wish to address the council should complete a speaker slip. The slip should include the name of the speaker, address, telephone number, and email address (if applicable) and the agenda item or topic of a non-agenda item. For agenda items, the slip should indicate if the person wishes to speak in favor or opposition to the proposed project or action. This requirement does not preclude audience members from asking questions or providing feedback when requested of the audience.

With regard to policy matters, the standing subcommittees shall only serve to advise the CACPB; all statements of position or policy must be approved by the CACPB. A quorum for standing subcommittee meetings is a majority; however, if a quorum is not present a minority recommendation can be made.

All standing subcommittee meetings are open to the public.

Each standing subcommittee chair shall submit a brief written report at each monthly CACPB meeting and shall prepare a complete written annual report in March. Subcommittee chairs are responsible for maintaining subcommittee records and for passing the committee records to their successor.

All development projects shall be reviewed by the Projects Review Subcommittee which shall make a recommendation to the CACPB. When necessitated by time constraints, the CACPB by a two-thirds (2/3) vote may decide to consider a position on a project without a recommendation from the Projects Review Subcommittee.



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

The Chair of the Projects Review Subcommittee 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.

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

The following are the CACPB procedures regarding member and planning board responsibilities:

[None other than those listed in Article VI of these bylaws.]

**(e) Elections**

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for planning board elections. The following are procedures pertaining to the elections provisions of these bylaws:

There shall be a Nominations and Elections Subcommittee, an ad hoc subcommittee consisting of three (3) members of the CACPB appointed by the Chair and confirmed by a majority vote of the CACPB. Members of the Nominations and Elections Subcommittee are not eligible to be candidates for election.

The duties of the Nominations and Elections Subcommittee are to prepare a call for nominations to be published in the College Area Community Council newsletter and other community publications at least sixty (60) calendar days prior to the March meeting; to receive said nominations; to ascertain the eligibility of each nominee; to obtain the written consent of each nominee whose name is placed on the ballot; to prepare the ballot and to prepare a list of nominees with their statement of qualifications for distribution at the March meeting. The chair of the Nominations and Elections Subcommittee shall act as chief teller at the election and shall certify the vote to the Chair. In the event of vacancies on the CACPB between annual elections, it shall be the responsibility of the Nominations and Elections Subcommittee to secure nominations to present to the CACPB.

At the election meeting tables shall be placed near the entrance and will be staffed by three or four members. These tables should have alphabetical designations (A-H, I-L, etc.) with the corresponding segments of the list of community members eligible to vote. As community members arrive, they must present identification in order to receive a ballot. New members must submit proof of residency or documentation that they meet the eligibility requirements for community members. Community members shall also be given a runoff ballot to be used if necessary.

Candidates are expected to be present. All candidates nominated from the floor are required to be present.

Each candidate shall be given one minute to address the community members.

Ballots may not be cast until the Chair orders the tellers to collect the ballots.

Voting for members of the CACPB shall be by secret ballot. Each eligible voter may vote for no more than as many nominees in each category as there are vacancies. Cumulative voting (casting more than one vote per nominee) shall not be permitted.

A quorum for the election shall be twenty-five (25) community members.

The tallying of the ballots shall take place during the open community forum. The Nominations and Elections Subcommittee Chair shall verify the results and give the results to the CACPB Chair to announce. In the event of a tie, a runoff election shall be conducted.

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

Section 1. Indemnification and Representation. The CACPB and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-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 CACPB and its duly elected and appointed 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 CACPB**

In cases of alleged violations of the CACPB Bylaws 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 planning board 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 found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning board risks loss of indemnification (legal protection and representation) pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Investigation procedures for elected and appointed member violations are outlined below:

Any action by the CACPB 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 and appointed 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 someone other than another planning board 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 CACPB 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 or appointed 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 two-thirds (2/3) vote, choose to remove the member.

Recourse for expelled member:

- There is no appeal available to an elected or appointed planning board member removed by a two-thirds (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 two-thirds (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 CACPB 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 CACPB 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.

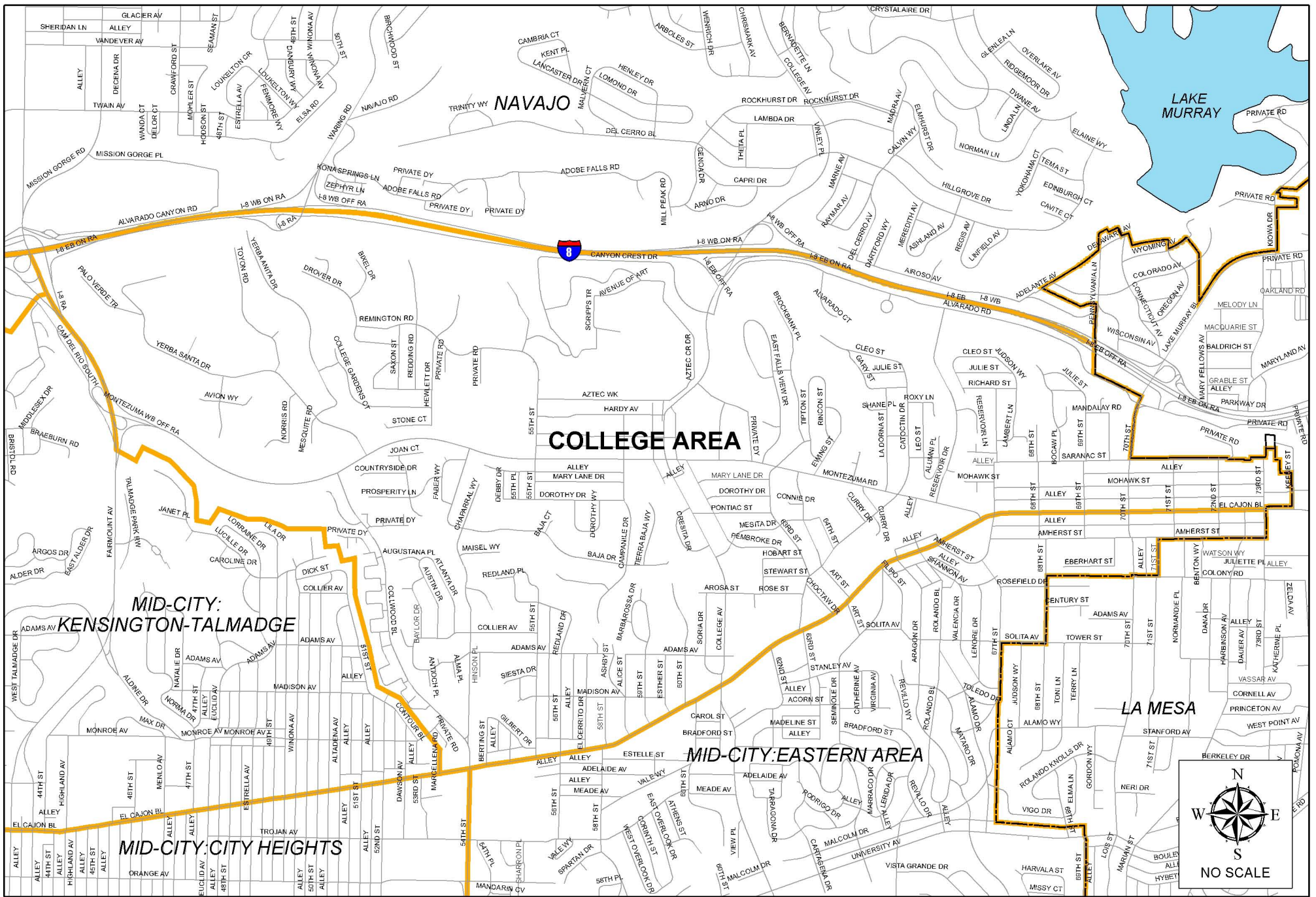
If a violation against the planning board as a whole is proven and there is a failure of the planning board to take corrective action, the planning board will forfeit its rights to represent its community as a community planning board recognized under Council Policy 600-24. Such a determination resulting 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 risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS, and any future amendments thereto.

Exhibit "A": CACPB Boundary Map

*Adopted November 2007*

*Approved by the City Attorney and City Planning & Community Investment Department, March 2008*



# Exhibit A: Boundary Map-College Area

CITY OF SAN DIEGO • CITY PLANNING & COMMUNITY INVESTMENT

Map Document: (L:\GIS\GIS\Community\_Projects\CollegeArea\_vicinitymap.mxd)  
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