

RESOLUTION NUMBER R- 304448

DATE OF FINAL PASSAGE DEC 02 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING COUNCIL POLICY 600-24 TITLED "STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF RECOGNIZED COMMUNITY PLANNING GROUPS."

WHEREAS, on May 22, 2008, the City Council approved the update to Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" per Resolution No. R-302671; and

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

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

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

BE IT RESOLVED, by the Council of the City of San Diego, that staff's recommendations be adopted with the following amendments:

- Approve the proposed Carmel Valley Community Planning Board bylaws with the requested deviations from Art. I, Sec. 3, Art. IV, Sec. 1, and Art VIII, Sec. 1(d)(2); and,
- Conditionally approve the proposed City Heights Area Planning Committee bylaws as follows:

- Approve the requested deviation from Art. II, Sec 7;
- Disapprove the requested deviations from Art. IV, Sec 3 , Art. V, Sec 1, and Art. IX, Sec 3, until these are revised, to the satisfaction of the offices of the Mayor and the City Attorney, to conform to the Council Policy; and,
- Refer the requested deviation from Art. VI, Sec. 2(a)(x) to the City Attorney to be revised to ensure compliance with the state Brown Act; and
- Conditionally approve the proposed La Jolla Community Planning Association bylaws as follows:
 - Approve the requested deviations from the prohibition against corporate bylaws, and from Art. IV, Sec. 3 and Art. VI, Sec. 2 (b); and
 - Disapprove the requested deviation from Art. VI, Sec. 2(a)(x), until it is revised, to the satisfaction of the offices of the Mayor and the City Attorney, to conform to the Council Policy; and,
- Approve the proposed Linda Vista Community Planning Committee bylaws with the requested deviation from Art. III, Sec. 1; and,
- Approve the proposed Midway Community Planning Advisory Committee bylaws with the requested deviation from Art. V, Sec. 1; and,
- Approve the proposed Mission Valley Unified Planning Organization bylaws with the requested deviation from Art. III, Sec. 1; and,
- Approve the proposed Ocean Beach Planning Board bylaws with the requested deviations from Art. II, Sec. 1, Art. II, Sec. 2, Art. V, Sec. 1, and Art. VIII, Sec. 1(d)(8); and,
- Approve the proposed Pacific Beach Community Planning Committee bylaws with the requested two deviations from Art. III, Sec. 2; and,
- Approve the proposed Rancho Bernardo Community Planning Board bylaws with the requested deviation from Art. III, Sec. 1; and,
- Approve the proposed Rancho Penasquitos Planning Board bylaws with the requested deviation from Art. I, Sec. 3; and
- Approve the proposed San Pasqual/Lake Hodges Planning Group bylaws with the requested deviation from Art. III, Sec. 3; and
- Approve the proposed Serra Mesa Planning Group bylaws with the requested deviations from Art. II, Sec. 2(a) and (b).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
11/26/08
Or.Dept:Planning
R-2009-712

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 24 2008 .

ELIZABETH S. MALAND
City Clerk

By Ara Richards
Deputy City Clerk

Approved: 12-2-08
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Carmel Valley Community Planning Board

Bylaws

Approved 3/11/2008

Amended 3/10/2008

Bylaws Shell Date: 6/1/2007

ARTICLE I Name

Section 1.

The official name of this organization is the Carmel Valley Community Planning Board (CVCPB).

Section 2.

All activities of this organization shall be conducted in its official name.

Section 3.

The defined Community Planning Area for the CVCPB are the boundaries of the Carmel Valley Community Plan, as shown on Exhibit "A" plus the boundaries of the Pacific Highlands Ranch Community Plan, as shown on Exhibit "B".

Section 4.

Meetings of the CVCPB shall be held within these boundaries, except that when the CVCPB does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 5.

The official positions and opinions of the CVCPB 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 CVCPB 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 Community Planning Area. The planning group also advises on other land use matters as requested by the City or other governmental agency.

Section 2.

In reviewing individual development projects, the CVCPB 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. Upon receipt of plans for projects with substantive 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 CVCPB 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 CVCPB 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 CVCPB'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 Community Planning Area 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 CVCPB 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 CVCPB 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 CVCPB shall consist of 17 elected and appointed members to represent the community. 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 CVCPB shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the CVCPB, elected seats are filled by distribution of seats among the following interests that represent the community: 2 seats for property owners; 10 seats for residents in Carmel Valley; 2 seats for residents in Pacific Highlands Ranch; and 2 seats for business representatives.

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, or their designee, of a real property of two or more acres (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 an owner, operator, or designee of a local business with a valid business license operating at a non-residential real property address (including property zoned agricultural, but excluding post office boxes) in the Community Planning Area.

The CVCPB shall require proof of eligibility during elections.

In addition to elected members, the CVCPB has one appointed seat to better represent specific interests of the community. This seat, the major developer seat, is appointed by the CVCPB Chair to represent local development interests. The appointed seat is counted in the planning group membership and votes on planning group business.

Section 3.

Members of the CVCPB shall be elected to serve for fixed terms of 2 years with expiration dates during alternate years to provide continuity. Each year, the terms of 5 Carmel Valley residential seats, 1 Pacific Highlands Ranch residential seat, 1 business seat and 1 property owner seat expire.

No person may serve on the planning group for more than eight consecutive years.

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

Section 4.

A member of the CVCPB must retain eligibility during the entire term of service. Any member who no longer meets the eligibility requirements of their seat may be removed from the planning group by the CVCPB Chair at the next regular meeting of the CVCPB.

Section 5.

A member of the CVCPB 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 CVCPB 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 CVCPB shall find that a vacancy exists upon removal of a member for any reason, 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 unexcused absence during their two-year term of office or fourth unexcused absence in the 12-month period of April through March each year of a member from the planning group's regular meetings. The CVCPB Chair shall determine if an absence is excused or unexcused.

Section 2.

Vacancies that may occur on the CVCPB 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 CVCPB shall fill vacancies within 120 days of the time the vacancies are declared. Vacancies shall be filled by vote of planning group members at a regular meeting of the CVCPB. Up to three candidates to fill the vacancy may be suggested by the CVCPB Chair at a regular meeting of the CVCPB. Candidates to fill a vacancy must meet the eligibility requirements for the seat as specified in these bylaws, but need not meet any attendance requirements.

Section 3.

When the CVCPB 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 CVCPB members shall be held during the month of March in accordance with the elections procedures found in these bylaws.

The CVCPB's general elections shall be held annually.

The planning group's Election subcommittee shall be established no later than December and shall begin soliciting eligible members of the community to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. The deadline for filing as a candidate in the March general election shall be prior to the close of nominations at the regular February meeting of the full planning group.

A candidate forum may be advertised, and held 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 two complete meetings of the CVCPB's last 12 meetings prior to the March election.

Section 2.

The CVCPB 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 eight consecutive years to leave the group for at least one year.

The CVCPB holds its election at a single location on a single day prior to or at the regular March meeting. Details of the election will be publicized at a regular meeting prior to the election.

The CVCPB will require proof of identity and proof of eligibility 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 to vote 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 CVCPB planning group's policy related to write-in candidates is that write-in candidates are not allowed.

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 CVCPB's election becomes final after certifying and announcing the election results at the start of the regular April monthly planning group meeting. The CVCPB 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 24 hours of the regular March meeting in order to allow enough time to resolve the issue.

Section 5.

Article VIII, Section 1(e) contains all voting procedures, including but not limited to: voting time/s; voting locations/s; voting eligibility; candidate eligibility; elections committee establishment and responsibilities; promotion of elections; counting votes [plurality, etc.]; ballots; write-in candidates; poll locations/s; mail-in ballots [if applicable]; managing polls and counting ballots; reporting election results to the Chair, and, election challenge criteria and procedures.

ARTICLE VI Community Planning Group and Planning Group Member Duties

Section 1.

It is the duty of the CVCPB 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 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. However, all substantive discussions about agenda items or possible 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 CVCPB 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 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. In addition, each agenda for a regular planning group 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 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. The planning group may adopt time limits for public comment to ensure operational efficiencies.

(iii) ADJOURNMENTS AND CONTINUANCES – If the CVCPB does not convene a regularly scheduled meeting, there shall be a copy of the “Notice of Adjournment” of the meeting posted on or

near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning 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 conduct business, 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 CVCPB 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 CVCPB planning group's chair fully participates in planning group discussions and votes on all action items.

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 CVCPB as to 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 chair of the CVCPB, or a majority of planning group 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 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 unless the member files with the planning group 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 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 CVCPB and are prohibited under this bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the CVCPB 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 CVCPB 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 CVCPB as identified in Article II, Section 1, the planning group has established the following standing subcommittees:

- Regional Issues: Our “development review” subcommittee, handles issues related to development.
- Design Review: Intended to be more specific to architecture and less to planning and development.
- CV MAD: Issues relating to the Maintenance Assessment District of Carmel Valley north of SR-56.
- CV MAD N10: Issues relating to the Maintenance Assessment District of Neighborhood 10.
- PHR MAD: Issues relating to the Maintenance Assessment District of Pacific Highlands Ranch.
- CV FBA: Issues relating to the Facilities Benefit Assessment district in Carmel Valley.
- PHR FBA: Issues relating to the Facilities Benefit Assessment district in Pacific Highlands Ranch.
- Bylaws: Issues relating to the Bylaws of the CVCPB.
- Policies and Procedures: Issues relating to Policies and Procedures of the CVCPB.
- Signage: Issues relating to signage within the Community Planning Area.
- Trails: Issues relating to Trails within the Community Planning Area and connections to adjacent communities and open space.
- CVREP: Issues relating to the Carmel Valley Restoration and Enhancement Project and its associated trails and open space.
- San Dieguito River Park: Issues relating to the San Dieguito River Park and its impact on the local community.

Each standing subcommittee shall have at least 3 members. A member of the CVCPB will serve as chair or co-chair.

(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 recommendations must be brought forth to the full planning group 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 group without a formal vote of the full planning group.

(c) Abstentions and Recusals

(i) RECUSALS - Any member of the CVCPB 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 from voting and not participate in any manner as a member of the planning group 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 CVCPB 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 CVCPB 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 – CVCPB records must be retained for public review. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3.

It shall be the duty of the CVCPB 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 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 CVCPB 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 CVCPB 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 CVCPB 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 CVCPB shall be elected from and by the members of the planning group. Said officers shall consist of a Chair, Vice Chair 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 than eight consecutive 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.

Chair. The Chair shall be the principal officer of a recognized community planning group and shall preside over all planning group and community wide meetings organized by the planning group. The Chair sets the agenda; is the point of contact for development applicants, the City and other planning groups, etc.; establishes subcommittees and appoints subcommittee chairs.

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 group's correspondence, attendance records, and 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 CVCPB Chair 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 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 group'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 6.

The CVCPB officers and representatives to the CPC shall promptly disseminate to 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 CVCPB 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 Group Composition; Conduct of Meetings; Member and Planning Group Responsibilities; and Elections.

(a) Community Participation

The following are the CVCPB procedures regarding community participation:

1. The public is provided an opportunity to speak during a Public Communications item at the start of every regular planning group monthly meeting. Speakers are limited to topics not listed on the agenda. Presentations are limited to 2 minutes or less.
2. People wishing to address the planning group during Public Communications are encouraged to bring a written summary of their comments. Item of a complex nature will be referred to the proper agenda for proper consideration. Guests will be expected to identify themselves, give their address and tell who they are representing.
3. Local governmental representation is invited to speak at every regular planning group monthly meeting. Examples include representatives from the police department, fire department, City Council office, County Board of Supervisor's office, etc.
4. The public is included in discussions on agenda items.

(b) Planning Group Composition

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

1. The major developer seat is an appointed seat. The Chair makes the appointment to the developer with the largest undeveloped land holdings in the Community Planning Area.
2. Each subcommittee should make every effort to ensure diverse representation of the groups and neighborhoods impacted by the subcommittee's deliberations.

(c) Conduct of Meetings

The following are the CVCPB procedures regarding conduct of planning group meetings:

1. Every effort is made to hold planning group meetings at a regular time and location in order to encourage public participation. Where possible, the CVCPB holds its regular meeting on the second Tuesday of each month.
2. Meetings are noticed at the regular monthly planning group meeting, through the City Planning web site, and (where possible) on local web sites.
3. All requests for inclusion as an agenda item must be made to the Chair.
4. The Chair may include a consent agenda. If an item requires further discussion, the Chair may move it to the Action agenda.
5. The Chair may change the order of agenda items.
6. Presentations by Proponent and Opponents will not exceed 10 minutes unless prior approval is received from the planning group Chair. Multiple speakers will organize their presentation to stay within the time limit.
7. CVCPB meetings will end at 10:00 PM unless a majority of the planning group votes to continue the meeting. The planning group Secretary will be responsible for implementing this item and for keeping time.

(d) Member and Planning Group Responsibilities

The following are the CVCPB procedures regarding member and planning group responsibilities:

1. CVCPB positions will be represented to the City or other governmental agency through a letter, approved by the planning group and signed by the Chair.
2. The CVCPB provides elected representation of residents, property owners and businesses within the Community Planning Area. It also serves a role as a general community forum, a place where community residents can seek assistance, highlight neighborhood or community issues, and receive referrals to appropriate agencies and local government offices. As such, the planning group may choose to hear input on, discuss, and take positions on subjects that are of general interest to the community, but not restricted exclusively to the scope of Article II, Section 1.
3. Discussions, communications, deliberations and recommendations of the subcommittee shall not represent the view of the planning group unless approved by the planning group.
4. Members of the planning group are required to regularly participate in at least one subcommittee.

5. There are many meetings, workshops, formal and informal hearings that the planning group members attend as individuals. Planning group members attending any such meetings shall specifically state that they are speaking on their own behalf and not on behalf of the planning group unless authorized to speak for the planning group.

6. Planning group members should notify the Chair in advance when they cannot attend a regular meeting. The Chair shall make the determination if the absence is excused or unexcused.

(e) Elections

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

Election subcommittee.

The Planning Group Election subcommittee shall:

1. set a date in March for the community-wide election; and
2. arrange for a suitable polling place in the community; and
3. obtain personnel to man the polls during hours determined by the Election subcommittee which will allow the community to have adequate time to vote; and
4. prepare, distribute and receive candidate Membership Applications (see attachment); and
5. at least 21 days prior to the election day in March, arrange for publication of notices including a list of candidates with qualifications, location of the polling places and hours of voting; and
6. prepare all material necessary to carry out the election process, including appropriate ballots, ballot boxes and street indices needed to identify the eligibility of the voters at the voting places; and
7. make provisions for verifying the eligibility of voters by using street indices; and
8. determine the type of documentation required for proof of eligibility and proof of property acreage for voters in each seat category; and
9. position the candidates for election on the ballots as drawn by lot by the Election subcommittee.

The Election Process, Counting and Reporting the Results.

1. The Chair of the planning group Elections subcommittee shall preside at the first organizational meeting of each new planning group, seat the newly elected planning group members and conduct the planning group officer elections.

2. No candidate who meets the requirements for a seat on the planning group shall be denied listing on the ballot, except members of the Election subcommittee.
3. Prior to receiving a ballot, the voters shall be required to sign a voter registration journal attesting to their address and residency in the Community Planning Area.
4. Ballots may include up to four words of identification for each candidate (i.e., incumbent, housewife, retired, executive, etc.).
5. A notice shall be conspicuously placed at the polling places prohibiting campaigning conducted within one hundred (100) feet of the polling places.
6. Cumulative voting shall not be permitted.
7. If a local business or property owner is voting by designee, the designee must have written permission from the local business or property owner to act as their designee, as well as written proof of eligibility of the local business or property owner and proof of acreage (if applicable.) The designee must be at least 18 years of age. In no case may the designee be a candidate for the seat being voted on, or a member of the Election subcommittee.
8. The polls must be closed before the end of the regular March meeting, allowing enough time to count the ballots before the end of that meeting. In no case should the voting extend past 9:00 PM the night of the regular March meeting.
9. Ballots shall be sealed in a plain envelope that is then sealed in a second envelope. On the outside of the second envelope, the voter must write their name, address, the seat being voted on and all information relevant to their eligibility to vote for that seat (including information such as business or property owner name, and acreage owned, where applicable.) Before the counting of votes, the board will review the qualifications on the sealed envelopes for eligibility. Before the opening of the inner envelopes and the counting of the votes, all identifying information will be removed and separated from the ballots. Objections to voter eligibility should be made before the outside (second) envelope is opened and removed.
11. The Election subcommittee shall begin counting ballots only after all polls are closed.
12. The winner of each seat shall be determined by a plurality of votes. In the event of a tie, the subcommittee shall decide the winner by lot during the regular March meeting. The final ballot count tally sheets shall be audited and signed by the Chair(s) of the Election subcommittee.
13. Upon final verification of the count, the Election subcommittee Chair shall report the election results to the planning group Chair at the regular March meeting and publish the results.
14. The election results shall not be certified by the planning group until the start of the regular April meeting, allowing candidates sufficient time to file a protest of the elections. Once certified, the elections are final.

15. The Election subcommittee shall notify the candidates of the results within seventy-two (72) hours after the counting of the ballots.

Additional Qualifications to Hold Seats and Vote for Candidates.

1. To qualify as a candidate for a seat on the planning group, an individual must:

- a. have filed as a candidate with the Election subcommittee prior to the close of nominations, and
- b. have attended two complete regular meetings of the CVCPB in the 12 months prior to the March election, and
- c. have met the eligibility requirements for the desired seat, as specified in these bylaws.

2. Candidates who are not active board members must also:

- a. attend either the January or February meeting of the planning group and make a presentation to the community, and
- b. submit a Membership Application demonstrating the qualifications to hold that seat (see attachment) to the Election subcommittee prior to or at the regular February meeting of the planning group.

3. Once elected to the CVCPB, an individual remains eligible to hold their seat on the planning group until a determination is made that the individual does not meet the seat's eligibility requirements, and formal action is taken by the planning group [Article III, Section 4].

Additional qualifications for Resident Seats:

1. Voting districts for the 12 Resident seats are distributed among the neighborhoods shown in the attached Community Planning Area maps, one seat per voting district. Voting districts are broadly defined by the neighborhood boundaries of the Community Planning Area, but may span multiple neighborhoods in cases of sparse development or population. Neighborhoods with no residential development (Neighborhood 2) will be excluded from the Residential Voting Districts. The Pacific Highlands Ranch Community Plan does not define neighborhoods for the community, so the planning group will divide the community into voting districts designed to be representative of the various geographic sections of the community and diversified community interests.

2. Eligible individuals for Resident seats shall be affiliated with the community as a resident as defined in Article III, Section 2, where the primary address of residence is within the voting district designated for that seat.

3. Resident seats on the CVCPB are elected by eligible members of the community who are residents (Article III, Section 2) and live within that seat's voting district. Voters must provide proof of eligibility to cast a ballot. Voting is one vote per resident.

Additional qualifications for Business Representative Seats:

1. Eligible individuals for Business Representative seats shall be affiliated with the community as a local business person as defined in Article III, Section 2.
2. Business Representative seats on the CVCPB are elected by eligible members of the community who are local business persons (Article III, Section 2). Voting is one vote per eligible business.
3. Business Representative seats are held by the individual, who is affiliated with the business as defined in Article III, Section 2 and is an eligible member of the community.

Additional qualifications for Property Owner Seats:

1. Eligible individuals for Property Owner seats shall be affiliated with the community as a property owner as defined in Article III, Section 2.
2. Property Owner seats on the CVCPB are elected by eligible members of the community who are property owners (Article III, Section 2). Voting is one vote per eligible acre owned.
3. Property Owner seats are held by the individual, who is affiliated with the property as defined in Article III, Section 2 and is an eligible member of the community.

Additional qualifications for the Major Developer Seat:

1. The major developer seat on the CVCPB shall be filled by the developer/property owner that controls the largest amount of undeveloped acreage in the Community Planning Area.
2. The Major Developer seat is appointed by the chair of the CVCPB.
3. The holder of the Major Developer seat may not vote for either the Business Representative seats or the Property Owner seats.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1.

Indemnification and Representation. The CVCPB 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 CVCPB 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 CVCPB

In cases of alleged violations of the CVCPB 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 CVCPB 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 CVCPB 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 CVCPB 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 CVCPB 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 C: Membership Application

Membership Application

Carmel Valley Community Planning Board

[Please type or print legibly]

Date: _____
Name: _____
Business Name: _____
Mailing Address: _____

Phone: _____
Email: _____
Position Sought: _____

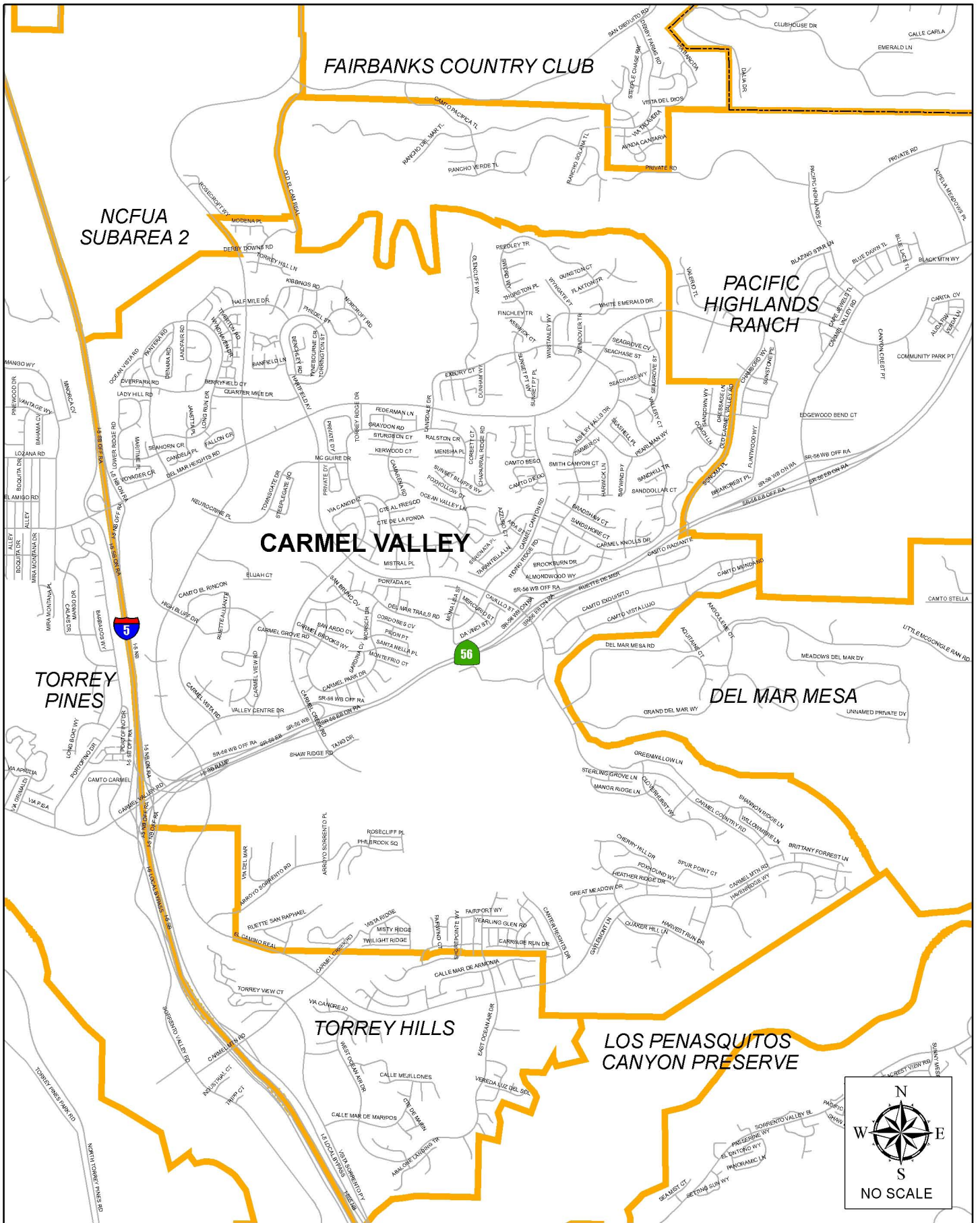
The Carmel Valley Community Planning Board requires that candidates for seats on the planning group must meet all the qualifications set forth in the Bylaws, including:

1. being at least 18 years of age, and
2. attending either the regular January or February planning group meeting and making a presentation to the community, and
3. attending two complete meetings in the twelve months prior to the March election, and
4. submitting this application prior to or at the February planning group meeting.

Check the one that applies (please attach evidence of qualification.)

- _____ Residential Seat: Must be an eligible member of the community whose primary address of residence is within the seat's voting district.
- _____ Business Seat: Must be an eligible member of the community, and an owner, operator, or designee of a local business with a valid business license operating at a non-residential real property address (including property zoned agricultural, but excluding post office boxes) in the Community Planning Area.
- _____ Property Owner Seat: Must be an eligible member of the community, and a property owner or their designee, of a real property of two or more acres (either developed or undeveloped), within the Community Planning Area.

Residence, Business or Property Address (if different from above):

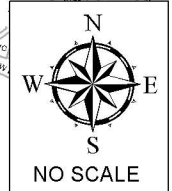


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Exhibit A: Boundary Map-Carmel Valley

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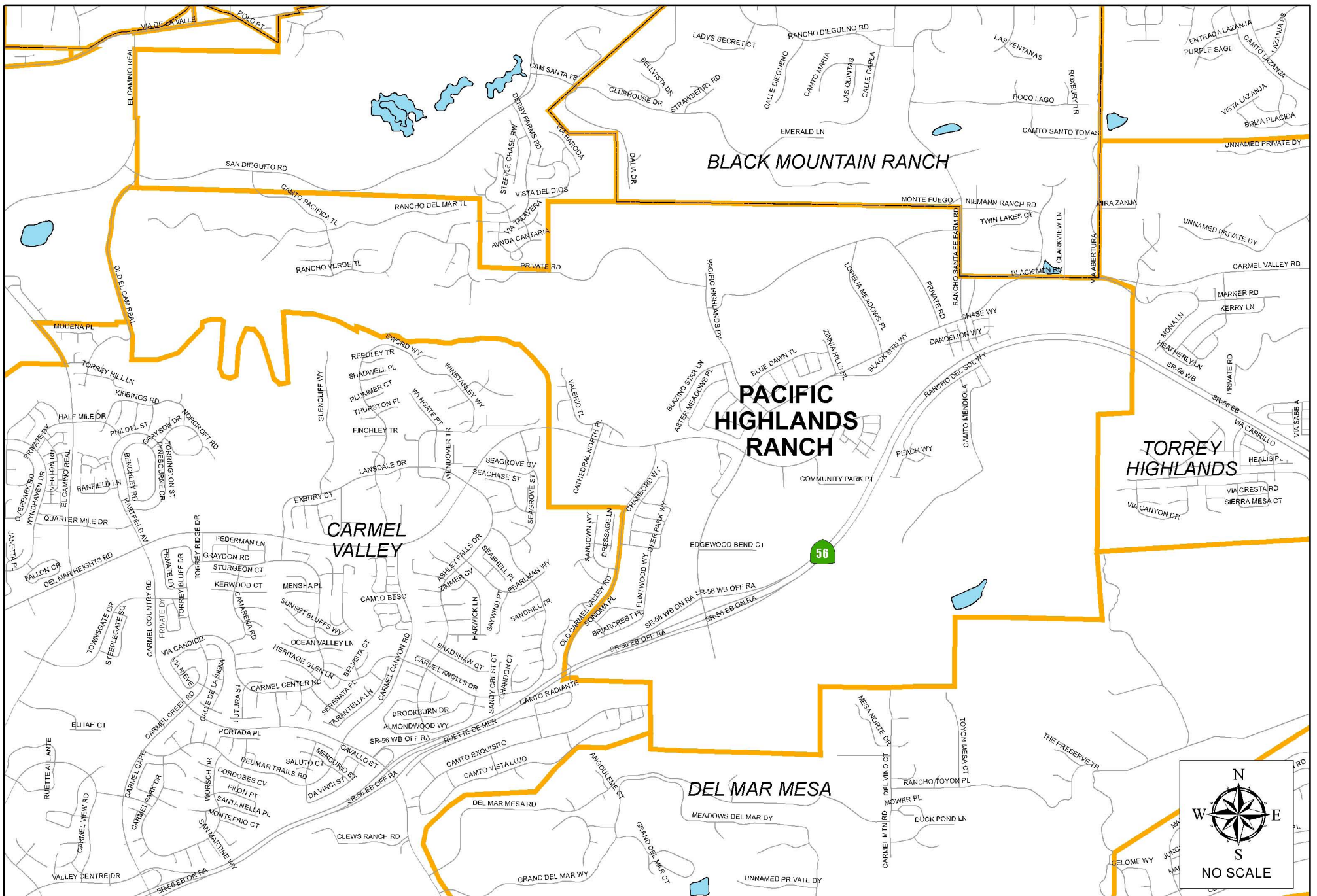


Exhibit A: Boundary Map-Pacific Highlands Ranch

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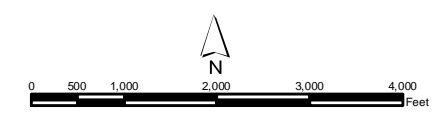
THE CITY OF SAN DIEGO



Carmel Valley Neighborhoods and Voting Districts

Legend

-  City of San Diego Boundary
-  Carmel Valley Planned Area Boundary
-  Areas Outside Carmel Valley
-  Carmel Valley Neighborhood Boundary
-  Community Planning Board Voting District Boundary



City of San Diego
Planning Department
October 14, 2003

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