



THE CITY OF SAN DIEGO

MEMORANDUM

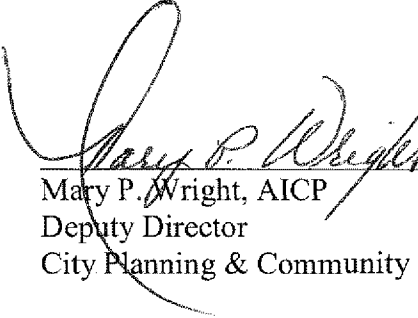
DATE: January 16, 2009


TO: Ellen Willis, Chair, Rancho Bernardo Community Planning Board

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

SUBJECT: Approval of an amendment to the Rancho Bernardo Community Planning Board
bylaws

The Rancho Bernardo Community Planning Board bylaws amendment of November 24, 2008 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: 1.19.09
Mary P. Wright, AICP
Deputy Director
City Planning & Community Investment


Date: 2/11/09
Nina Fain
Deputy City Attorney

MPW/NF/bt

Attachments: Rancho Bernardo Community Planning Board

Rancho Bernardo Community Planning Board Bylaws
Approved by City Council November 24, 2008
Art.V,Sec 1 Amended by RBCPB 11/24/08

ARTICLE I Name

- Section 1. The official name of this organization is the **Rancho Bernardo Community Planning Board**.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the **Rancho Bernardo Community Planning Board** are the boundaries of the **Rancho Bernardo** community, as shown on Exhibit "A".
- Section 4. Meetings of the **Rancho Bernardo Community Planning Board** shall be held within these boundaries, except that when the **Rancho Bernardo Community Planning Board** does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.
- Section 5. The official positions and opinions of the **Rancho Bernardo Community Planning Board** shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. The **Rancho Bernardo Community Planning Board** has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the **Rancho Bernardo** community boundaries. 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 **Rancho Bernardo Community Planning Board** should focus such review on conformance with the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. 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 **Rancho Bernardo Community Planning Board** shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The **Rancho Bernardo Community Planning Board** shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning 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 **Rancho Bernardo Community Planning Board'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 **Rancho Bernardo** 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 **Rancho Bernardo Community Planning Board** operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this planning group. *Robert's Rules of Order Newly Revised* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.
- Section 7. The **Rancho Bernardo Community Planning Board** may propose amendments to these bylaws by majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The **Rancho Bernardo Community Planning Board** shall consist of **twenty (20) elected and three (3) 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 **Rancho Bernardo Community Planning Board** shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the **Rancho Bernardo Community Planning Board** elected seats are filled by a **geographic distribution of seats among neighborhoods as follows:**

- **District A - four (4) seats for the Westwood, Casa de las Campanas area**
- **District B - two (2) seats for the Eastwood, Greens West area**
- **District C - two (2) seats for the Oaks North area**
- **District D - four (4) seats for the Alamedas, Gatewood, Greens, Trails area**
- **District E - two (2) seats for the Seven Oaks area**
- **District F - four (4) seats for the Bernardo Heights area**
- **District G - two (2) seats for the High Country West, Camino Bernardo area**

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 (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 **demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Committee prior to the March election or at the time of voting.**

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 group's criteria and formal action is taken by the planning group.

However, the **Rancho Bernardo Community Planning Board** shall require proof of eligibility during elections.

In addition to elected members, the Rancho Bernardo Community Planning Board has three (3) appointed seats to better represent specific interests of the community:

- **Commercial Representative**
- **Development Representative**
- **Industrial Representative**

To be eligible as a representative of industrial, commercial or real estate development interests, a person shall be at least eighteen years old and an employee or owner of an industrial enterprise, commercial enterprise or real estate developer with a business address in Rancho Bernardo at which employees or operators of the business are located. However, if qualified candidates are not readily available from the Rancho Bernardo community, then the Board may fill these positions with bonafide candidates from planning areas adjacent to Rancho Bernardo.

Appointed seats are confirmed by the elected board membership at the March/April regularly scheduled monthly meeting and serve for a one (1) year term. Appointed seats are counted in the 23 planning group membership and vote on planning group business.

Section 3. Members of the **Rancho Bernardo Community Planning Board** shall be elected to serve for fixed terms of **2 years** with expiration dates during alternate years to provide continuity.

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 **Rancho Bernardo Community Planning Board** must retain eligibility during the entire term of service.

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

Section 6. Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the **Rancho Bernardo Community Planning Board** who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

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

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

The **Rancho Bernardo Community Planning Board** shall fill vacancies at the time the vacancies are declared . Vacancies shall be filled by **selection by planning group members by appointment** and seated at the next regularly scheduled board meeting. **Vacancies for elected seats may be posted 10 days prior to the next regularly scheduled planning board meeting at the applicable neighborhood community center and/or other neighborhood gathering locations. Postings will request eligible community members to present themselves for considerations at the next regularly scheduled planning board monthly meeting. Vacancies not filled at the next scheduled meeting will be referred to the Publicity and Election Committee for community outreach.**

Section 3. When the **Rancho Bernardo Community Planning Board** is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning

group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. General elections of **Rancho Bernardo Community Planning Board** members shall be held during the month of March in accordance with the elections procedures found in Exhibit **B** of these bylaws.

The **Rancho Bernardo Community Planning Board** 's general elections shall be held **annually**.

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 group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members 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. 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 **one (1)** meeting of the **Rancho Bernardo Community Planning Board** 's last 12 meetings prior to the February regular meeting preceding the election.

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

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

The **Rancho Bernardo Community Planning Board** holds its election at **multiple locations prior to the regular March meeting. In addition to the neighborhood community centers listed in Article III Section 2, voting/ballots may be available at other community locations as deemed necessary. For a complete discussion on procedures refer to attached Exhibit B Election Procedures**

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

The ballot presented to eligible community members 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 **Rancho Bernardo Community Planning Board** planning group's policy related to write-in candidates is that **write-in candidates are not 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 **Rancho Bernardo Community Planning Board's** election becomes final after announcing the election results **at the conclusion of the noticed, regular March monthly planning group meeting.** The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the-regular meeting in order to allow their full participation as elected members at the April planning group meeting.

Any challenge to the election results must be filed with the chair of the Elections subcommittee in writing within 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 **references to voting procedures, including: election committee establishment and responsibilities, deadline for filing, candidate qualifications, polling places, absentee/mail ballots, voting procedures, qualification of electors , etc.. all issues related to elections are addressed in the attached Exhibit B 'Election Procedures' which are incorporated in the documents which represent the Bylaws of the Rancho Bernardo Community Planning Board**

ARTICLE VI Community Planning Group and Planning Group Member Duties

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

It is the duty of 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 **Rancho Bernardo Community Planning Board** to attend all planning group meetings.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public 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 **Rancho Bernardo Community Planning Board** does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned

because no members of the planning 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 **Rancho Bernardo Community Planning Board** may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

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

The **Rancho Bernardo Community Planning Board** 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 **Rancho Bernardo Community Planning Board** 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 **Rancho Bernardo Community Planning Board**, 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 **Rancho Bernardo Community Planning Board** and are prohibited under this bylaws.

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

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

(b) Subcommittees

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

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the **Rancho Bernardo Community Planning Board** as identified in Article II, Section 1, the planning group has established the following standing sub committees:

- **Administrative Committee:** Held ten (10) days prior to the next scheduled planning board meeting. Committee members include the Officers of the planning board and the Sub Committee Chairs (or their designated representative) for the purpose of setting the agenda for the next scheduled planning board meeting.
- **Development Review Committee:** Reviews and comments upon any projects that may be submitted to the city for development or significant modification
- **Publicity & Election Committee:** Coordinates and ensures effective publicity of the board and its committees activities. Oversees the annual community elections.

- **Regional Issues Committee:** Addresses issues outside of Rancho Bernardo that may have an affect on the community and issues that are beyond the scope of any one committee (e.g. Community Plan, City General Plan)
- **Traffic Committee:** Examines and comments on concerns about traffic flow and other related issues. Committee will work jointly with community residents and members of the Community Council. A majority of committee members may not be required to be Planning Board members.

All subcommittee durations are for the period of one (1) year (April to March) All sub committee chairs will be appointed by the Chair of the Rancho Bernardo Community Planning Board and confirmed by the full board membership.

(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 – Subcommittee 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 **Rancho Bernardo Community Planning Board** with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse 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 **the Rancho Bernardo Community Planning Board** 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 **Rancho Bernardo Community Planning Board** is not required to audio or videotape meetings but if recordings are made, they are subject to

a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

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

Section 3. It shall be the duty of the **Rancho Bernardo Community Planning Board** and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes 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 **Rancho Bernardo Community Planning Board** to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The planning group must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The **Rancho Bernardo Community Planning Board** may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any planning group meeting. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each elected **Rancho Bernardo Community Planning Board** member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS, and any future amendments thereto. Newly seated planning group members must complete a basic orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.

ARTICLE VII Planning Group Officers

Section 1. The officers of the **Rancho Bernardo Community Planning Board** shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson , **Corresponding Secretary, Recording**

Secretary and Treasurer The length of an officer's term shall be for a **one (1) year duration** except that no person may serve in the same planning group office for more than eight or nine 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. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. **The Chairperson is the point of contact for all board actions and will assign review responsibility to the appropriate subcommittees.**
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. **The Vice Chairperson will conduct the Administrative meeting to set the agenda for the next regularly scheduled monthly Planning Board meeting.**
- 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. **If, in the opinion of the Board, two (2) Secretaries are required,[per Article VII Section 1.] the division of the duties between the Secretaries shall be determined by the Board**
- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member 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 **Rancho Bernardo Community Planning Board** 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 **Rancho Bernardo Community Planning Board** bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in

Article VIII of Council Policy 600-24. This 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 **Rancho Bernardo Community Planning Board** procedures regarding community participation:

The Publicity and Elections Subcommittee shall maintain communication with area centers and publications concerning the activities of the planning board and its subcommittees. Liaison positions may be designated to interface with the neighborhood centers in the geographic areas listed in Article III Sec. 2.

The Rancho Bernardo Community Planning Board also works in conjunction with a designated Web Master to maintain and update the official Rancho Bernardo Community Planning Board's web site (www.RBPlanningBoard.com).

As opportunities arise the Rancho Bernardo Community Planning Board also participates in local events (i.e. RB Alive annual event)

(b) Planning Group Composition

The following are the **Rancho Bernardo Community Planning Board** procedures pursuant to Article III, Section 2 regarding planning group composition:

To insure full community participation the Rancho Bernardo Community Planning Board appoints three (3) members not identified in the conception of the Rancho Bernardo Community residential (voting) districts to represent the Industrial, Commercial and Development interests of our community. The process and qualifications of these appointments are detailed in Article III Section 2 of this document.

(c) Conduct of Meetings

The following are the **Rancho Bernardo Community Planning Board** procedures regarding conduct of planning group meetings:

Agenda: Agenda is set ten (10) days in advance of the scheduled monthly planning board meeting. Once prepared the agenda will be sent to all members of the group, city planning department as instructed, posted to the Rancho Bernardo Community Planning Board web site (www.RBPlanningBoard.com) and may be posted at the seven district community centers in Rancho Bernardo as outlined in Article III section 2.

Residents' Period: Time will be allotted at Board meetings for residents who wish to be heard. If the subject is on the Agenda, residents' comments will be heard during discussion of the Agenda item. If the matter is not on the Agenda, residents' comments will be heard during the Residents' period. Unless the Board Chair has received notification in time for the issue to be published with the Agenda, no action can be taken by the Board other than to refer the matter to the appropriate Subcommittee(s)

Agenda Items: These items are designated for action by the Board such as approval, rejection or modification or for providing information on projects or other matters which could have an impact on Rancho Bernardo residents. Such items will be posted on the City's designated we-site as procedures allow and/or published in the local newspapers and/pr posted to the Planning Board's official web-site prior to the Board meeting. A request to change the sequence of an Agenda item requires a motion to suspend the rules and a statement of the reason why. Such a motion needs a second, is not debatable and requires a two-thirds vote of the members present.

Non Voting Agenda Items: The Rancho Bernardo Community Planning Board agenda provides an allotted time to receive liaison reports provided to the board by local elected officials and/or their representatives when appropriate. Liaison reports may also be heard as 'Non-Agenda Public Comment'

Non-Agenda Items: When a developer or presenter desires consideration and action on a matter not on the Agenda, a member of the Board shall first move to suspend the rule against taking action on a non-agenda item. *Robert's Rules of Order* require a motion to suspend the rules and a statement of the purpose of the suspension. The motion needs a second, is not debatable or amendable and requires a two-thirds vote. If the motion to suspend the rule is passed, the Chair of the Board calls upon the developer/presenter to proceed with the presentation.

The Board may hear the presentation for information only and/or refer the project to the appropriate Standing Committee(s), establish a special committee to review the project/issue or take any other action which does not invalidate the requirements in the Bylaws and/or Council Policy 600-24 for

prior public notice on development projects which directly impact residents and business establishments in the community.

An effort should be made to avoid the consideration of items not on the Agenda. To accomplish this, the Board Chair, upon receiving a request for Board action after the Agenda has been set will ask for Board approval to amend the Agenda.

Informal Discussion: If a Board member wishes to discuss a non-agenda item without taking action on it, the member shall ask the Chair for an informal discussion. If there is no objection, the Board may discuss the matter informally but may not take any action other than referring the item to a committee. If any member of the Board objects, the request for an informal discussion must be put to a vote. A simple majority prevails.

Board Procedure on Project/Issues: When a development project or proposal has been presented to the Board by the developer or presenter, the Chair shall ask for a report from the Chair of each standing subcommittee that has reviewed the project or issue. Following the report(s), the Board members may ask questions for clarification. The Chair then takes comments from the public who have filled out the required 'Speaker Slip'. Public comments; as to time and duration will be determined by the Chair.

When the speakers from the public have completed their statements, the Board Chair brings the proposal back to the Board and asks for a motion which is usually made by the Subcommittee Chair. Once the motion has been made and seconded, the Chair rereads the motion and discussion is limited to Board members. This procedure will be followed for all presentations with the exception that if no subcommittee has heard the issue, any Board member may make the motion.

Information-only presentations, such as an update on a project, may be made; however, no action will be taken on such presentations and such presentations may be designated to be heard as a non agenda public comment item by the Chair.

Financial/Personal Interests: Any Board member who has a direct financial interest or has demonstrated a personal interest which will be perceived by other members as prejudicial toward the project, in a project presented for information or action by the Board shall not participate in the discussion, ask or answer questions or vote on the project as a Board member. The Board member must remove themselves from the Board seat but may speak, make statements and answer questions from a place in the audience.

Obtaining the Floor: Board members wishing to speak must be recognized by the Chair. The Chair will give priority to those who have not yet spoken

to the motion. Non-Board members wishing to speak on a subject must provide a completed Speaker's Slip to the Chair prior to the discussion and identify themselves by name, address, organization, if any, and if they are a part of an organized presentation or if speaking as an individual.

(d) Member and Planning Group Responsibilities

The following are the **Rancho Bernardo Community Planning Board** procedures regarding member and planning group responsibilities:

In addition to the responsibilities outlines in Article VI of the Bylaws document, the Chair may, at his/her descretion assign additional member duties including but not limited to the appointment of liaisons to the following area groups, committees or organizations

- **Community Center(s)**
- **San Dieguito River Valley Park**
- **San Pasqual/Lake Hodges Planning Group**
- **COMPACT**
- **SANDAG**

If planning group members are not available to fill appointed seats, the Chair, with a majority vote of the board, may designate community volunteers to act as liaisons on behalf of the Rancho Bernardo Community Planning Board for presentation of informational items.

(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:

see attached Exhibit B *Election Procedures*

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

Section 1. *Indemnification and Representation.* The **Rancho Bernardo Community Planning Board** 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 **Rancho Bernardo Community Planning Board** and its duly elected members may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act. The Brown Act includes criminal penalties and civil remedies. Both individual members of the planning 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 Rancho Bernardo Community Planning Board

In cases of alleged violations of the **Rancho Bernardo Community Planning Board** 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 **Rancho Bernardo Community Planning Board** 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 **Rancho Bernardo Community Planning Board** 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 Rancho Bernardo Community Planning Board as a Whole

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

If a violation against the planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning group

shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

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

Exhibit A: **Rancho Bernardo Community Planning Board** Boundary Map

Bylaws Shell Date: 6/1/07

Planning Board vote 8/16/07

Planning Board vote 10/18/07

EXHIBIT B

ELECTION PROCEDURES

THE RANCHO BERNARDO COMMUNITY ELECTIONS ARE A COMBINED EFFORT BETWEEN THE RANCHO BERNARDO COMMUNITY PLANNING BOARD, RECREATION COUNCIL, AND COMMUNITY COUNCIL. THE ADMINISTRATIVE RESPONSIBILITY OF CONDUCTING THE COMMUNITY ELECTIONS MAY BE ROTATED ON A YEARLY BASIS.

Election Committee

Each community group shall designate one (1) member each to serve on the Tri-Council Community Election Committee no later than October. It shall be the responsibility of the member designated for the Rancho Bernardo Community Planning Board to ensure that all elections are conducted in compliance with Council Policy 600-24, the Bylaws of the Rancho Bernardo Community Planning Board and the Administrative Guidelines.

The Tri-Council Election Committee shall:

- make every effort to recruit a greater number of qualified candidates that there are vacancies.
- coordinate the elective process.
- prepare, distribute and receive candidate qualification forms.
- candidates for election shall be positioned on the ballots as drawn by lot by the Tri-Council Election Committee. Ballots shall include up to four words of identification for each candidate (i.e. incumbent, homemaker, retired, executive, etc.).
- A termed out member may be listed on the ballot and be elected if there are not enough qualified candidates to fill the open seats AND they receive 2/3 of the total vote. This distinction shall be noted on the ballot.
- the election committee will have discretion to modify the guidelines from year to year. All modifications must be in compliance with operating documents of the RBCPB.
- take steps to ensure that voters/candidates are qualified as to age and residency and the voters cast votes only for candidates running for office in the voters geographical district and are listed on the ballot.
- the planning board member of the Tri-Council Committee will verify and confirm that planning board candidates meet any and all

requirements as dictated by the planning board's operating documents.

Changes in District Boundaries and Representation

The Tri-Council Election Committee shall make recommendations to the Rancho Bernardo Community Planning Board for further recommendations to the City any changes in residential district boundaries and/or changes in the number of positions for each community district represented on the planning board.

Deadline for filing and List of Candidates

The deadline for filings as a candidate for election shall be postmarked or delivered by January 31 by 11:59 pm (PST) to the Tri-Council Election Committee.

Candidates and Qualifications, Polling Places, Absentee/Mail Ballots

The Election Committee shall arrange for publication of notices for the list of candidates with qualifications, location of the polling places, hours of voting and availability of absentee/mail ballots twenty-one (21) days prior to the election day in March.

Rancho Bernardo Community Elections are held the first Saturday in the month of March.

Voting Procedures

Ballots for residential voting by election districts shall be available on election day at the designated polling places. The Election Committee shall provide personnel and make other necessary suitable arrangements at the polling places to ensure voting by secret ballots.

Absentee/Mail ballots shall be provided by the Election Committee and notices published at least twenty-one (21) days prior to election day as to availability of absentee/mail ballots, where obtained and procedure for casting an absentee/mail ballot. All absentee/mail ballots shall be returned in a sealed envelope. The envelope must be signed by the absentee/mail voter and received prior to the close of elections on the election date. Absentee/mail ballots may either be sent to the Tri-Council Election Committee in the regular US mail or placed in a ballot box or delivered to a polling place on election day.

BALLOTS

All voting prior to the first Saturday in the month of March shall be by 'absentee' ballot. Residents 'voting' at local polling centers providing 'absentee' ballots will sign a log sheet with their name and address and be provided a ballot, a ballot envelope and a return envelope. Return envelopes will be pre-printed with required information: name, address, signature.

Voting by proxy is prohibited.

Cumulative voting is not permitted.

A Notice shall be conspicuously placed at the polling places prohibiting campaigning conducted within one hundred (100) feet of the polling places.

Eligibility for Planning Board Membership

To be eligible as a residential candidate for election to the Rancho Bernardo Community Planning Board a person shall be at least eighteen (18) years old and shall be a resident of the specific district for at least thirty (30) continuous days. Candidate must also meet any and all requirements as outlined in Article III Section 2 and meet the documented attendance required in Article V Section 1. of the Rancho Bernardo Community Planning Board Bylaws.

Qualification of Electors

The electors shall be individuals who have been in residence in Rancho Bernardo for a continuous period of not less than thirty (30) days and whose age is at least eighteen (18) years on the date of the election.

Advisory Propositions

Advisory propositions setting forth issues of concern to all residents in Rancho Bernardo to be placed before the voters may be included in the election process provided the Election Committee has approved such action including the precise language of the advisory proposition. Such action shall be taken by the Board no later than its regular meeting in January. All advisory propositions shall be placed on a single ballot and be collected and counted separately from the tally of the votes for candidates. Costs, if any, for advisory propositions will be paid by the Board only if the Board has initiated and set forth the proposition.

Counting Ballots

The Tri-Council Committee will solicit ballot counters to assist in the counting of ballots. No individual on the ballot may serve in this capacity. Ballots

will be counted in teams of (at least) two volunteers. Totals will be verified by a second team of counters.

Absentee ballots received without the required signature on the envelope will be deemed invalid and not counted.

For all ballots cast prior to the first Saturday in March, the Tri-Council Committee will verify that signatures on ballot envelopes correspond to signatures on sign in list.

Tri-Council Committee will keep a list of all written requests for absentee ballots and verify receipt.

Election Results

Upon final verification of the count, the Chair of the Rancho Bernardo Community Planning Board Publicity & Election Committee shall report the election results to the Planning Board Chairperson and certify the election. The election results shall be announced at the March Planning Board meeting.

Resolution of a tie vote regarding election procedures for candidates, vacancies and officers shall be referred to *Robert's Rules of Order Newly Revised* (if not otherwise addressed in the operating documents).

Resolution of Disputes

In the event of an issue of any nature concerning eligibility of candidate or electors, the conduct of election campaigns or outcomes, a three (3) member Election Committee shall resolve the dispute as it relates to Planning Board members. The members shall be appointed by the Chair of the Planning Board at a meeting following the election. Their recommendation to the full Planning Board shall be made at the second regularly scheduled meeting in March; called to order immediately following the adjournment of the first regularly scheduled meeting. Election issues shall be brought forth to the Election committee no later than at the conclusion of the meeting following the election. Final resolution of such issues by the full Board must occur at the second regularly scheduled board meeting in March.