



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: September 10, 2009

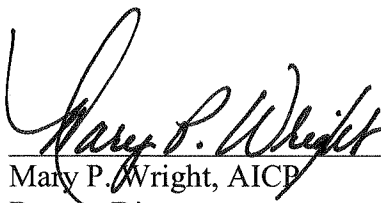
TO: William Penick, Chair, Skyline-Paradise Hills Community Planning Committee

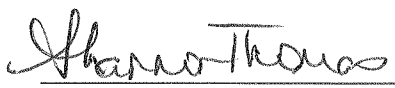
FROM: Mary P. Wright, City Planning & Community Investment Department and  
Nina Fain, Office of the City Attorney

SUBJECT: Approval of an amendment to the Skyline-Paradise Hills Community Planning Committee bylaws

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The Skyline-Paradise Hills Community Planning Committee bylaws amendment of September 8, 2009 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: 9.11.09  
Mary P. Wright, AICP  
Deputy Director  
City Planning & Community Investment

  
Date: 9/15/09  
Nina Fain  
Deputy City Attorney

MPW/NF/kb

Attachments: Skyline-Paradise Hills Community Planning Committee

# Skyline - Paradise Hills Planning Committee



*You can finally make a difference!*

*Our mission is to keep the American Dream of a detached single family home on a 50 foot by 100 foot lot alive in the Skyline Hills and Paradise Hills Planning area. We will fight for those things that make those homes worthwhile: a yard big enough to raise a garden; a paved street in front; sidewalks to walk on; sewers that don't stop up; garbage cans emptied weekly; decent parks and playgrounds for the children; a tax bill we can afford to pay; as envisioned by former Mayor Harley Knox.*

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## CITY OF SAN DIEGO, CALIFORNIA SKYLINE-PARADISE HILLS COMMUNITY PLANNING COMMITTEE BYLAWS Amended September 8, 2009

### ARTICLE I Name

- Section 1. The official name of this organization is the Skyline-Paradise Hills Planning Committee Skyline-Paradise Hills Planning Committee.
- Section 2. All activities of this organization shall be conducted in its official name.
- Section 3. The community planning area boundaries for the Skyline-Paradise Hills Planning Committee are the boundaries of the Skyline-Paradise Hills community, as shown on Exhibit "A."
- Section 4. Meetings of the Skyline-Paradise Hills Planning Committee shall be held within these boundaries, except that when the Skyline-Paradise Hills Planning Committee 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 Skyline-Paradise Hills Planning Committee shall not be established or determined by any organization other than the planning committee, nor by any individual member of the planning committee other than one authorized to do so by the planning committee.

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

- Section 1. The Skyline-Paradise Hills Planning Committee 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 Skyline-Paradise Hills community boundaries. The planning committee also advises on other land use matters as requested by the City or other governmental agency.

- Section 2. In reviewing individual development projects, the Skyline-Paradise Hills Planning Committee 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 committee 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 committee may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.
- Section 3. All activities of the Skyline-Paradise Hills Planning Committee 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 Skyline-Paradise Hills Planning Committee 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 committee when endorsing candidates for public office. The planning committee may take a position on a ballot measure.
- Section 5. Pursuant to the provisions of City Council Policy 600-5, the Skyline-Paradise Hills Planning Committee 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 Skyline-Paradise Hills 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 Skyline-Paradise Hills Planning Committee operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning committee are open and accessible to the public. In addition, Council Policy 600-24 'Standard Operating Procedures and Responsibilities of Recognized Community Planning Committees' and these bylaws govern the operations of the planning committee. 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 committee. 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 Skyline-Paradise Hills Planning Committee may propose amendments to these bylaws by majority vote of the elected members of the planning committee. 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 Committee Organizations

Section 1. The Skyline-Paradise Hills Planning Committee shall consist of 20 elected members to represent the community. These members of the planning committee shall constitute the officially recognized community planning committee for the purpose of these bylaws and Council Policy 600-24.

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

On the Skyline-Paradise Hills Planning Committee elected Executive Board seats are filled: by any eligible member identified below. There is no further restriction on the distribution of seats among interests in the community.

Planning committee members shall consist of 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 planning committee by: attending three meetings of the Skyline-Paradise Hills Planning Committee. Eligibility may be accomplished by documented meeting attendance prior to the March general election.

Once eligibility to vote is established, an individual remains a General Member of the Skyline-Paradise Hills Planning Committee until a determination is made that the individual does not meet the planning committee’s criteria and formal action is taken by the planning committee. However, the Skyline-Paradise Hills Planning Committee shall require proof of eligibility during elections.

Elected members of this planning committee are defined as follows:  
 Executive Board members – The twenty (20) members elected by the General Membership at the March meeting or to fill vacant seats at other times of the year.  
 Executive Board candidates in addition to the requirements above must have attended three of the previous twelve meetings as a General Member.

General Members of the planning committee are defined as follows:  
 General membership shall be open to any individual meeting the requirements above for eligible members of this community and filed an application for membership with the

Executive Board Secretary and has attended three planning committee meetings of the past twelve meetings.

Section 3. Members of the Skyline-Paradise Hills Planning Committee shall be elected to serve for fixed terms of two years with expiration dates during alternate years to provide continuity.

No person may serve on the planning committee 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 committee member, an individual who had served for eight consecutive years shall again be eligible for election to the planning committee.

The planning committee will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning committee may retain some members who have already served for eight consecutive years to continue on the planning committee without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the Skyline-Paradise Hills Planning Committee must retain eligibility during the entire term of service.

Section 5. A member of the Skyline-Paradise Hills Planning Committee found to be out of compliance with the provisions of Council Policy 600-24 or the planning committees adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-17086NS, 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 Skyline-Paradise Hills Planning Committee who participates in a meeting of the planning committee 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 Skyline-Paradise Hills Planning Committee 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 committee’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 committees regular meetings.

Section 2. Vacancies that may occur on the Skyline-Paradise Hills Planning Committee 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 Skyline-Paradise Hills Planning Committee shall fill vacancies at the time the vacancies are declared at the next regularly scheduled meeting. Vacancies shall be filled by an advertised general election pursuant to Article V at the next regularly scheduled meeting.

- Section 3. When the Skyline-Paradise Hills Planning Committee is unable to fill a vacancy within 120 days, as specified above, and the planning committee has more than twelve members, either the seat may remain vacant until the next planning committee 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 committee members in good standing, the planning committee shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning committee membership has not reached 12 members, the planning committee will be deemed inactive until it has attained at least 12 members in good standing.

#### ARTICLE V Elections

- Section 1. General elections of Skyline-Paradise Hills Planning Committee members shall be held during the month of March in accordance with the elections procedures found in the Election Handbook.

The Skyline-Paradise Hills Planning Committees' 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 committee membership preceding the election. The planning committee'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 committee 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 Executive Board election, a member of the committee [see Article III, Section 2] must have documented attendance at three meetings of the Skyline-Paradise Hills Planning Committee last 12 meetings prior to the February regular meeting preceding the election.

- Section 2. The Skyline-Paradise Hills Planning Committee shall make a good faith effort to utilize means appropriate to publicize the planning committee's eligibility requirements for candidacy and the upcoming elections.

In the election process, the planning committee 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 committee for at least one year.

The Skyline-Paradise Hills Planning Committee holds its election at the March regular meeting. The Skyline-Paradise Hills Planning Committee shall make a good faith effort to utilize means appropriate to publicize the planning committee's eligibility requirements for candidacy and upcoming elections.

The Skyline-Paradise Hills Planning Committee will require proof of identity of those members who are seeking to vote in the election. The planning committee shall ensure that voting is only by eligible members of the General Membership.

The ballot presented to members to vote will clearly identify which office’s individual candidates are running for, how many candidates can be selected, 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 Skyline-Paradise Hills Planning Committee’s policy related to write-in candidates is that: write-in candidates who are members in good standing are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting shall be by 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 Skyline-Paradise Hills Planning Committee’s election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning committee 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 committee 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 voting procedures, including: 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 ; reporting election results to the Chair, and, election challenge criteria and procedures.

ARTICLE VI Community Planning Committee and Planning Committee Member Duties

Section 1. It is the duty of the Skyline-Paradise Hills Planning Committee 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 committee members to conduct official business of the planning committee in a public setting. It is recognized that the officers of the planning committee may oversee administrative business of the planning committee, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible committee positions on agenda items shall occur at the noticed planning committee meetings.

It is the duty of a planning committee as a whole, and of each individual member, to refrain from conduct that is detrimental to the planning committee 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 committee's agenda.

Section 2. (a) Meeting Procedures

It shall be the duty of each member of the Skyline-Paradise Hills Planning Committee to attend all planning committee 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. All projects shall include an address and/or a location description. 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 committee 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 committee meetings. In addition, each agenda for a regular planning committee 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 committee. Planning committee members may make brief announcements or reports to the planning committee on their own activities under the public comment section of the agenda. The planning committee may adopt time limits for public comment to ensure operational efficiencies.

(iii) ADJOURNMENTS AND CONTINUANCES - If the Skyline-Paradise Hills Planning Committee 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 committee 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 committee 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 committee, must be present in order to conduct business, to vote on projects, and to take actions at regular or special planning committee meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the planning committee, 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 Skyline-Paradise Hills Planning Committee may, 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 committee shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

The planning committee 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 committee subsequent to the agenda being posted.

The Skyline-Paradise Hills Planning Committee's Chair: participates in discussions but does not vote except to make or break a tie.

The planning committee shall not engage in, or allow, 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 positions on the planning committee 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 Skyline-Paradise Hills Planning Committee as to action to be taken on an item by members of the planning committee, 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 Skyline-Paradise Hills Planning Committee or a majority of planning committee 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 committee 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 committee 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 Skyline-Paradise Hills Planning Committee and are prohibited under these bylaws.

(xii) RIGHT TO RECORD - Any person attending a meeting of the Skyline-Paradise Hills Planning Committee must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning committee 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 committee meeting is willfully interrupted by a person or committee of persons, so as to make the orderly conduct of the meeting infeasible, the planning committee may first cause removal of the individual or individuals. If that is unsuccessful then the planning committee 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 committee may also readmit an individual or individuals who were not responsible for the disruption.

(b) Subcommittees

The Skyline-Paradise Hills Planning Committee may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning committee meetings.

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the Skyline-Paradise Hills Planning Committee as identified in Article II, Section 1, the planning committee has established no standing subcommittees but will create, as needed, an ad hoc subcommittee to address a particular planning or operational matter such as the Elections subcommittee.

(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 committee.

Non-members, who are duly appointed by a planning committee to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. 0-17086 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 committee 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 committee without a vote of the Executive Board planning committee.

(c) **Abstentions and Recusals**

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

(ii) **ABSTENTIONS** — In limited circumstances, planning committee 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 committee, 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 committee members, which is distributed at the planning committee meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the planning committee 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 committee 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 committee meeting, a report of Skyline-Paradise Hills Planning Committee member attendance and a copy of approved minutes shall be retained by the planning committee, and shall be available for public inspection. The minutes of each planning committee 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 committee action) appeared before the planning committee. If an applicant did not appear before the planning committee 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 committee meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning committee.

The Skyline-Paradise Hills Planning Committee 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 — Skyline-Paradise Hills Planning Committee 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 committee.

Section 3. It shall be the duty of the Skyline-Paradise Hills Planning Committee 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 committee 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 Skyline-Paradise Hills Planning Committee to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning committee members in its possession, and to forward the current roster, as well as any updates, to the City. The planning committee 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 Skyline-Paradise Hills Planning Committee may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning committee 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 committee meeting. All contributions must be voluntarily made, and no official planning committee correspondence may be withheld based on any individual’s desire to not make a voluntary contribution.

Section 6. Each elected Skyline-Paradise Hills Planning Committee member is required to attend an orientation training session administered by the City as part of planning committee and individual member indemnification pursuant to Ordinance No. 0-17086 NS, and any future amendments thereto. Newly seated planning committee members must complete a basic orientation training session within 12 months of being elected or appointed to a planning committee or the member will be ineligible to serve.

Section 7. General Members shall attend the annual Community Orientation Workshop (COW), or by taking the online Electronic Community Orientation Workshop (E-COW) found at

<http://www.sandiego.gov/planning/community/ecow/index.shtml>. General Members will be indemnified by the City at completion of the COW or E-COW

## ARTICLE VII Planning Committee Officers

- Section 1. The officers of the Skyline-Paradise Hills Planning Committee shall be elected from and by the members of the planning committee. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary, and Treasurer. The length of an officer's term shall be two years. The Chair and Secretary terms expire in EVEN numbered years, and the Vice-Chair and Treasurer terms expire in ODD numbered years, except that no person may serve in the same planning committee 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. Chairperson: The Chairperson shall be the principal officer of a recognized community planning committee and shall preside over all planning committee and communitywide meetings organized by the planning committee, set the agenda and be point of contact for development applicants. The Chairperson and the designated Community Planner shall assure that the planning committee members and members of the public have access to this information.
- Section 3. Vice Chairperson: In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.
- Section 4. Secretary: The Secretary shall be responsible for the planning committee's correspondence, attendance records, and minutes and actions [including identification of those planning committee 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 committee 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 Treasurer shall receive all monies and deposit same in the name of the Skyline-Paradise Hills Planning Committee and; pay all bills as directed by the Executive Board, keep account of all transaction and financial condition of the Skyline-Paradise Hills Planning Committee. The Treasurer will report monthly to the Executive Board, and make a written report annually in January of each year. An audit will be conducted before a new Treasurer takes office.
- Section 6. The Chairperson shall be a recognized community planning committee's representative to the Community Planners Committee (CPC). However, by vote of the planning committee, a planning committee 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 committee's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 7. The Skyline-Paradise Hills Planning Committee officers and representatives to the CPC shall promptly disseminate to all elected planning committee members pertinent information that is received by the planning committee regarding its official business, to include all planning/project correspondence and blue prints that will have route slips attached for review by all committee members. Additionally, pertinent projects on the

agenda with their correspondence and plans will be mailed with the agenda to allow time prior to the meeting for walking the site and thoughtful development of pertinent questions by members.

#### ARTICLE VIII Planning Committee Policies and Procedures

Section 1. The Skyline-Paradise Hills Planning Committee 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.

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

(a) Community Participation

The following are the Skyline-Paradise Hills Planning Committee procedures regarding community participation:

Community outreach serving the SKYLINE/PARADISE HILLS area shall consist of utilization of community newsletters, posting agenda's and election notices in public locations such as branch libraries, recreation centers and such bulletins and kiosks that exist. Assistance of the City Planning & Community Investment Department and City Council District Office shall also be requested to assist with full knowledge that they have greater means and ability to conduct outreach.

(b) Planning Committee Composition and Procedures

The following are the Skyline-Paradise Hills Planning Committee procedures pursuant to Article III, Section 2 regarding planning committee composition:

- (1) Executive Board Officers- Chair, Vice-Chair, Secretary, and Treasurer shall be elected by full committee membership with duties as outlined in article VII.
- (2) Executive Board members, elected by the full committee membership, shall participate in discussions and vote on projects.
- (3) General Board Members admitted to the committee as outlined in article III of the bylaws. The General Board Members are expected to participate in the discussion though they may not vote on the question. They may serve on any subcommittees created where their opinions on the question will be noted. They are expected and encouraged to attend any training sessions offered by the City Planning & Community Investment Department or others.
- (4) The Public- at any meeting of the Skyline-Paradise Hills Planning Committee or its subcommittees, at any time shall be set aside at the meeting's beginning for public comment. After the applicant has made their presentation, members of the public shall be given time to speak to the project before the General Membership and Executive Board membership.

(c) Conduct of Meetings

The following are the Skyline-Paradise Hills Planning Committee procedures regarding conduct of planning committee meetings:

- (1) All meetings shall have a written agenda prepared by the Chair and distributed to the full membership. The Chair shall physically post the agenda 72 hours prior to the meeting consistent with Article VI (i). The Chair shall distribute all pertinent project exhibits to the Executive Board.
- (2) At the 6:30 p.m. start of the meeting all correspondence received by the committee members pertaining to planning issues shall be on route slips to be reviewed and initialed by committee members who have not already done so.
- (3) Any Executive Board member who has not given prior notice to the Chair that they will be late and arrives fifteen (15) minutes after a meeting is called to order will be recorded as absent.
- (4) Once a quorum has been established, the Chair shall request for approval or modification of the agenda. Once adopted the items on the agenda shall be heard in the order listed.

(d) Member and Planning Committee Responsibilities

The following are the Skyline-Paradise Hills Planning Committee procedures regarding member and planning committee responsibilities:

- (1) Each member of the Skyline-Paradise Hills Planning Committee: Officer, Executive Board or General Member shall endeavor to keep the larger community apprised of the Skyline-Paradise Hills Planning Committee existence and responsibilities through word of mouth, participation in and through other civic committees; and posting of flyers in their neighborhoods.
- (2) Each Skyline-Paradise Hills Planning Committee member shall attend all Skyline-Paradise Hills Planning Committee meetings, reviewing appropriate plans and walking “sites” prior to meeting.
- (3) Each Skyline-Paradise Hills Planning Committee member shall come to meetings on time, prepared with paper pencil and appropriate documents pertaining to the agenda.
- (4) Skyline-Paradise Hills Planning Committee members shall participate in discussions when called upon. General Members may not vote, but may otherwise participate.
- (5) The Chair shall recognize those that wish to speak, calling first those who have not spoken to the subject before those who wish to speak a second or third time. The audience and guests shall be afforded the opportunity to speak before Executive Board members so as to have community issues with projects brought forward early in the discussion.

(e) Elections

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

- (1) To be eligible to serve on the board an individual must be : a Member in good standing, who has attended three of the previous twelve meetings and complied with membership application requirements and willing to attend the City’s Planning

Committee workshop within one year from date of application for General Membership.

- (2) The Board shall make good faith effort to contact community newspapers and utilize other means to advertise the elections as follows: In January of each year, the Skyline-Paradise Hills Planning Committee Secretary shall provide a mailing list of General Members to the City Planning & Community Investment Department. The City Planning & Community Investment Department shall mail a notice of the March election to the General Members as shown on the mailing list.
- (3) In January of each year the Chair shall appoint a nominating committee. At the February and March meetings, the nominating committee will present the nominated candidates for the Executive Board. At both February and March meetings, the nominations of Members in good standing will also be taken from the floor.
- (4) Elections of board members shall be held annually during a regularly scheduled meeting in March.
- (5) Voting shall be by ballot. Ballots shall be available at the noticed planning committee meeting at which the election will be held.
- (6) Each Executive Board and General Member, as shown on the membership mailing list, who is present at the March meeting, shall have one vote.
- (7) New members shall be seated in April.
- (8) General Members shall attend the annual Community Orientation Workshop (COW), or by taking the online Electronic Community Orientation Workshop (E-COW) found at <http://www.sandiego.gov/planning/community/ecow/index.shtml>. General Members will be indemnified by the City at completion of the COW or E-COW

ARTICLE IX Rights and Liabilities of Recognized Community Planning Committees

Section 1. Indemnification and Representation. The Skyline-Paradise Hills Planning Committee 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 0-17086 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 Skyline-Paradise Hills Planning Committee 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 committee, as well as the planning committee itself, may be subject to civil remedies. Under certain circumstances, individual planning committee 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 Skyline-Paradise Hills Planning Committee

In cases of alleged violations of the Skyline-Paradise Hills Planning Committee bylaws or Council Policy 600-24 by a planning committee member, the planning committee may



conduct an investigation consistent with the Administrative Guidelines and these bylaws.

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

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

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

If the planning committee member found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning committee risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-17086 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the Skyline-Paradise Hills Planning Committee to discipline or remove a member must occur at a scheduled planning committee 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 committee Chair. If the complaint is about the Chair, it may be presented to any other officer of the planning committee.
- 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 committee member, the Chair [or other officer] may assist in providing appropriate citations to assist the complainant.
- The Chair will confer with the planning committee 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 committee, 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 committee officers, will meet and talk with the planning committee member against whom the violation is alleged. The allegations will be presented and the planning committee member shall be given opportunity for rebuttal.
- If the Chair, with assistance from the planning committee 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 committee officers, determines that a violation has occurred but the situation can be remedied either by action of the planning committee or by the planning committee member, then the Chair will outline the necessary actions to achieve the remedy.
- If the Chair, with assistance from the planning committee officers, determines that the situation cannot be remedied and that the interests of the community and Skyline-Paradise Hills Planning Committee would best be served by the removal of the planning committee member, then the Chair shall set the matter for discussion at the next planning committee meeting. The planning committee 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 committee discussion.

Presenting a violation to the planning committee:

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

Recourse for expelled member:

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

(b) Alleged Violations Against the Skyline-Paradise Hills Planning Committee as a Whole

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

If a violation against the planning committee as a whole is proven and there is a failure of the planning committee to take corrective action, the planning committee will forfeit its rights to represent its community as a community planning committee recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated committee's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. A planning committee 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 committee 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. 0-17086 NS, and any future amendments thereto.

Exhibit A: Skyline-Paradise Hills Planning Committee Boundary Map