

**TORREY HILLS COMMUNITY PLANNING GROUP
MINUTES FOR FEBRUARY 17, 2026**

Present: Victor Marshall, Teresa Henning, Elaine Sampson, Rama Subramanian, Paula Abney, Matt Bliss, Cassie Paumard, Johnny Grady, Brad Fagan and Delisa Deleo.

Not Present: N/A

Guests: Kathryn Burton, Jessica Reed.

- 1. PAbney called a Robert's Rules Point of Order (attached)** to discuss electronic document, dated 02/17/2026 citing all violations, titled: Violations by Planning Board Chair Victor Marshall regarding February 17, 2026 planning meeting and prior Brown Act violations are attached. Discussion proceeded between VMarshall, PAbney, and K Burton on details of the cited violations.

Point of Order: Violations by Victor Marshall regarding February 17, 2026 planning meeting and prior Brown Action violations

- V. Marshall did not properly appoint Teresa Henning to a business seat in January per the Operating Procedures. He sent an email only to planning board members appointing her, however, appointments must comply with the Brown Act and occur at a properly noticed public meeting. He could have corrected this by putting it on the February agenda as an action item as requested but he refused. Because she was not properly appointed, Teresa Henning is not a current member of the planning board. She was secretary of the planning group and will not be able to take minutes at the February meeting.
- Citation: Operating Procedures 4.3.1. In addition to elected members, the planning group has three (3) appointed seats to better represent specific interests or unique stakeholder interests of the community (e.g., businesses). San Diego Gas & Electric Company (SDG&E) has a permanent seat as a significant landowner within the planning group's boundaries (five percent of total land area). **The Chairperson will appoint one seat** and the Vice-Chairperson will appoint one seat **to service a one-year term that runs from January to January**. Appointed seats of the planning group membership, vote on group business and, together with the elected members, are referred to throughout as "voting members of the community planning group". In addition to elected members, the planning group has three (3) appointed seats to better represent specific interests or unique stakeholder interests of the community (e.g., businesses). The Chairperson, the Vice-Chairperson, will appoint one seat each and agree to a third seat. All three seats to service a one-year term that runs from January to January. Appointed seats of the planning group membership, vote on group business and, together with the elected members, are referred to throughout as "voting members of the community planning group".
- The Torrey Hills Operating Procedures require filling a vacancy the meeting following the vacancy. Julie Broadwin resigned at the January meeting. V. Marshall did not put this item on the February agenda. Two planning board members asked him to send a revised agenda with filling the vacancy as an action item. He refused.

Citation: Operating Procedures 5.2 Transparency and Inclusion in Operations
If a member is removed or resigns from the CPG. **At the monthly meeting immediately following the seat's vacancy the planning board chairperson shall ask if there are any nominations to replace an empty seat.** The remaining planning board members may nominate candidates. The planning

board chairperson shall conduct a public vote.

- d. V. Marshall did not conduct proper outreach to advertise the February nominating meeting and the seats up for election so that Torrey Hills community members would know of the nominating meeting and election. When asked about this omission, he did not respond. In the past outreach was always done by placing a notice in the Carmel Valley News prior to the February meeting.

Citation: San Diego City Council Political 600-24. Groups must use means appropriate to the community to publicize eligibility requirements for candidacy and the details of the upcoming elections.

- e. V. Marshall put an item on the February agenda to elect a new vice-chair. There is no indication that the current vice-chair resigned. He refused to answer questions about the validity of this action item. He wrote that the Operating Procedures required the vice-chair to conduct the election. There is a problem with the Operating Procedures because they do not address having the vice chair conduct the election when he/she is up for reelection and would have a conflict. This was brought up at the January meeting by someone who had consulted the city planner prior to the January meeting. The planner recommended choosing a board member not up for election to conduct the election such as business member Teresa Henning.

- f. V. Marshall has repeatedly violated the Brown Act by not properly noticing public meetings and by seeking a collective concurrence on matters before the planning group for decision. This has been documented to the planning group by providing emails, in particular on January 21, 2026. See also, January 20, 2026 planning meeting where he asked to have a private conversation with Rama regarding sidewalks in the middle of a discussion about them. When she refused, he suggested she resign from the planning group.

Citation: 2.4 Adherence to Ralph M. Brown Act The planning group must comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act), by conducting meetings that are open to the public, properly noticed in a publicly accessible location 72 hours in advance of the meeting, and in compliance with each of the Brown Act provisions. Failure of the planning group to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the planning group to lose its Council recognition and may subject the planning group and planning group voting members to a loss of indemnification by the City. V. Marshall has repeated violated the Brown Act by failing to properly notice meetings and attempting to develop a collective concurrence on items before the planning board for consideration. These have been documented by sending emails to planning board members with the violations.

Citation: Operating Procedures. Responsibilities 2.4 Adherence to Ralph M. Brown Act **The planning group must comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act), by conducting meetings that are open to the public, properly noticed in a publicly accessible location 72 hours in advance of the meeting, and in compliance with each of the Brown Act provisions. Failure of the planning group to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the planning group to lose its Council recognition and may subject the planning group and planning group voting members to a loss of indemnification by the City.**

Citation: Operating Procedures 6.4.9. Conduct of meetings.

COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the planning group 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.

- g. It is unclear which planning members are up for reelection because there has not been careful record keeping recently. Appointed members filled a vacancy but the question is which vacancy and term.

I consulted the planning department regarding these issues. They recommended the planning group do the following:

The actions regarding February's agenda cited above require that the planning group to vote to ratify. Any motion or amendment to a motion can be offered by an elected member or member of the public to help clarify these actions or correct/rectify past actions.

Items can be added to the agenda in an emergency or if there is urgency for the vote to act with a 2/3rds vote of the entire group. If less than 2/3rds of the voting members are present then all members present at the meeting must vote to approve. This was elaborated on in the CP 600-24 Admin Guidelines (2015).

- h. Actions recommended that the planning board take:
1. Appoint Teresa Henning to the business seat to remedy the failure to appoint in January.
 2. Take nominations to fill Julie Broadwin's vacated seat and vote.

- A. **CALL TO ORDER, INTRODUCTIONS, AND ATTENDANCE** – Chair VMarshall at 6:00PM.
- B. **APPROVAL OF THE JANUARY 2026 MINUTES** – Changes requested by: Kathryn Burton, as follows under Public Comment, item a. – Operating Procedures state that Public Comment should also include Board Member comments. List this in the Agenda. Will provide a link to the City website for planning boards to VMarshall. PAbney – confirming that the Planning Board Annual Election is coming up in March. KBurton – proposed that THenning, as a Business Seat (not Residential Seat) receive and count votes for new/renewing BOD members as the current procedures create a conflict for the Vice-Chair as Election Chair while running for reelection. The Planning Board should discuss the operating procedures for this and decide how to manage so as not to have conflict and/or confusion when deciding who manages the Annual Election. Approval motioned by Elaine Sampson, motion seconded by BFagan, motion carried unanimously.
- C. **STATE SENATOR JONES REPORT** – Valeria Mayoral
- a. Absent.
- D. **MAYOR TODD GLORIA REPORT** – Fatima Maciel
- a. State mandated Zone Zero requirements coming up. Owners/developers will need to show compliance. Will begin distributing compliance requirements soon.. VMarshall – how will this be reinforced? BFagan – HOA BOD will be reviewing the requirements of Zone Zero tomorrow evening. FD is not yet enforcing this. RSubramanian – who develops the fire zone map? City works with the Fire Marshall, Tony Tosca, who obtained community input. CAL FIRE will update this map every 5-years. Budget 2027 preparation season is coming up. Take a look at this and submit suggestions or questions. RSubramanian – who allocates funding for the sidewalks. The City Council determines repair priorities for sidewalks.
- E. **COUNCIL DISTRICT 1 REPORT** – Sandy Mach
- a. City council mad note of FY27 priorities: balanced budget, EMS, NW PD department, storm water infrastructure, transportation and sidewalks. Undergrounding Project trench work starts mid-2026. NW Council District 1 will hold a townhall, on Thursday at 6:00pm.

CPaumard – question concerning sidewalks – what happens if someone falls due to one of these sidewalks. Her mother fell hard, and has filed a suit with the City. Sandy will convey/reach out to the Transportation Department to advise.

- F. **STATE ASSEMBLY REPRESENTATIVE DARSHANA PATEL** – Tracy Nguyen
 - a. Absent.
- G. **OFFICE OF SUPERVISOR TERRA LAWSON REMER** – Jeffrey Yuen
 - a. Absent.
- H. **COMMUNITY POLICING** – Officer John Briggs
 - a. Absent.
- I. **PUBLIC COMMENT-** Non-agenda items (3-minute limit)
 - a. Jessica Reed – checking out the Board to determine her interest. Her interest and focus is on climate issues and how they affect communities. PAbney – shared about past, local fires in the Torrey Hills community.
 - b. RSubramanian – overnight parking in park parking lot. Reached out to Officer Briggs who suggested submitting a Get It Done request for a No Overnight Parking sign. The Parks & Rec rep will also keep an eye out – pergola work is awaiting pricing. The Parks & Rec rep will reach out to BOD when in hand; people parking near fire road picnicking; CPaumard – Torrey Hills Elementary School issue – parents are blocking the egress on adjacent road (Calle Mariposa) and also homeowner driveways. Working on a community petition for support to change the current set-up .BFagan – have been discussing this for 15-years with Officer Briggs with no action. Varied discussion on this topic.
- J. **NOMINATE VICE CHAIR** – Victor Marshall
 - VMarshall – Vice Chair, BFagan is up for reelection. KBurton – discussed the original election template that she asked VMarshall to complete and submit to the City in January of 2024. VMarshall created the current Operating Procedures specifying the vice chair as election chair for every year's election.. Additional discussion ensued on this item. VMarshall asked BFagan to resign as vice chair. VMarshall nominated ESampson to act as the Vice-Chair to run the election process. Vote to approve – passed unanimously. After the election, BFagan will be restored as vice chair.
- K. **CPG ELECTION NEXT MONTH** – Victor Marshall
 - a. Election committee volunteers to be solicited -
 - VMarshall – nominated CPaumard and JGrady to be the election committee – passed unanimously,
 - b. PAbney – asked if the Planning Board would be nominating THenning to a Business Seat. Because the item was not on the agenda, a Point of Order was followed. VMarshall nominated THenning and JGrady to the two existing business seats,
 - c. VMarshall – asked KBurton to serve as a parliamentarian to the BOD. KBurton stated she had already provided advice.
 - d. VMarshall – nominated DeLisa, Brad and Paula for new terms. DeLisa withdrew her nomination and is vacating her Resident Seat effective immediately.
 - e. PAbney – nominated KBurton
 - f. KBurton – reminded the Planning Board of the Annual Election procedures. We have missed the February nomination period. March is the election meeting.
- L. **ADJOURNMENT** - meeting adjourned by VMarshall at 7:20 PM.