



City of San Diego  
Planning Department  
ADMINISTRATIVE APPROVAL OF COMMUNITY PLANNING GROUP BYLAWS AMENDMENT

Community Planning Group	Torrey Pines Community Planning Board
Subject	Administrative Approval of Bylaws Amendment

The following amendment/s was/were reviewed by representatives of the Mayor's Office and City Attorney's office pursuant to Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and determined to conform with the Policy.

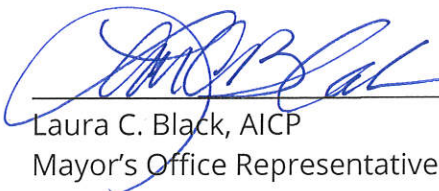
The signatures on this form constitute an Administrative Approval of the cited amendments.

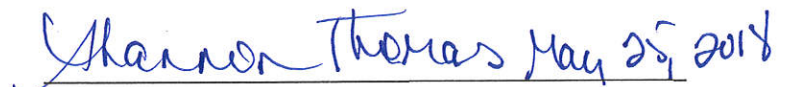
**Date of Bylaws being amended:** *Add approval date of previous bylaws*

**Article & Section and Description of Approved Bylaws Amendment:** Establish consistency with updated Council Policy 600-24 bylaws shell.

**Effective Date of the Amendment:** *May 30, 2018*

**Reviewed and approved for use by the community planning group:**

 *5/30/2018*  
\_\_\_\_\_  
Laura C. Black, AICP  
Mayor's Office Representative / Date

 *May 25, 2018*  
\_\_\_\_\_  
Shannon Thomas  
City Attorney Representative / Date

Cc: Community Planning Group Chair: Dennis Ridz  
Community Planner: Bernie Turgeon  
Planning Administration: Maria Nieves

# **TORREY PINES COMMUNITY PLANNING BOARD**

## **Bylaws**

**Approved May 30, 2018  
(Administrative Approval)**

### **ARTICLE I Name**

- Section 1. The official name of this organization is the Torrey Pines Community Planning Board (abbreviated here as 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 Torrey Pines Community Planning Board are the boundaries of the Torrey Pines Community within the City of San Diego (City) as shown on Exhibit "A".
- Section 4. Meetings of the Torrey Pines Community Planning Board shall be held within the community boundaries, except that when the 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 Torrey Pines Community Planning Board shall not be established or determined by any organization other than the Planning Board, nor by any individual member of the Planning Board other than one authorized to do so by the Planning Board.

### **ARTICLE II Purpose of Community Planning Board and General Provisions**

- Section 1. The Torrey Pines 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 City's General Plan, or a land use plan when a plan relates to the Torrey Pines community boundaries such as the Torrey Pines Community Plan (Community Plan). The Planning Board also advises on other land use matters as requested by the City or other governmental agency as detailed in Council Policy 600-24, Article II: Purpose of Community Planning Boards and General Provisions, including matters of mobility and transportation that affect the Torrey Pines community.
- Section 2. In reviewing individual development projects, the Torrey Pines Community Planning Board should focus such review on conformance with the Land

Development Code and the adopted community plan and/or the City of San Diego General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal Planning Board recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the Planning Board may choose to rehear the project, including a request that the Project Review Subcommittee rehear the project prior to a rehearing by the Planning Board, and may choose to provide a subsequent formal recommendation to the City.

The Planning Board reserves the right to appeal a decision by the City on reviewed projects within the guidelines established for the appeal process by the City when the decision is felt to be (a) contrary to the Planning Board's recommendation, or (b) conflicts with a land use plan such as the Community Plan and/or the General Plan. If the appeal period ends before the next regularly scheduled meeting of the Planning Board, the Project Review Subcommittee shall file a timely appeal per (a) or (b) above.

- Section 3. All activities of the Torrey Pines 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, sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The Torrey Pines Community Planning Board shall not, officially or unofficially, take part in, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a Planning Board when endorsing candidates for public office. The Planning Board may take a public position on a ballot measure. However, when so taking a position, the Planning Board should be on record, formally and publicly, as to how the ballot measure relates to the Planning Board's purpose and/or the Torrey Pines community.
- Section 5. The Torrey Pines 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 Torrey Pines 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 Torrey Pines Community Planning Board operates under the authority of the Ralph M. Brown Act which requires that meetings of the Planning Board are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Boards" and these bylaws govern the operations of the Planning Board. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. Amendments to Council Policy 600-24 will apply to the Planning Board, as well as to all other community Planning Boards, even if individual groups' bylaws are not required to be amended with parallel language.

In addition, the Administrative Guidelines provide explanations of the Policy's minimum standard operating procedures and responsibilities of this Planning Board. The latest version of Robert's Rules of Order shall be used when the Council Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

Section 7. The Torrey Pines Community Planning Board may propose amendments to these bylaws by a two-thirds vote of the voting members of the Planning Board. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

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

Section 1. The Torrey Pines Community Planning Board shall consist of thirteen (13) members elected and appointed to represent the community. These thirteen members of the Planning Board shall constitute the officially recognized community Planning Board for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected members of the Torrey Pines Community Planning Board shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

On the Torrey Pines Community Planning Board elected seats are filled by any eligible member as identified below.

Planning Board members shall be elected 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; only one representative of a particular establishment may hold a seat on the Planning Board at one time.

An eligible member of the community may also become eligible to serve on the Torrey Pines Community Planning Board by meeting the additional eligibility requirements in Article V, Section 1 below.

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

If a seat remains vacant after the March election, the Torrey Pines Community Planning Board will seek to fill one (1) of the thirteen (13) seats with a representative affiliated with an organization involved in the management or stewardship of the Los Peñasquitos Lagoon. This seat will be appointed by vote of the Planning Board for a three (3) year term, renewable in April. The appointed seat is included in Planning Board membership and is a voting member of the Planning Board. If a representative affiliated with a qualified organization is unavailable to serve, an eligible member of the community at-large may be appointed by the Planning Board for a three (3) year term.

Section 3. Elected members shall serve for fixed terms of three (3) years with expiration dates during alternate years to provide continuity.

No person may serve on the Planning Board for more than nine consecutive years. The nine-year limit refers to total maximum years of service time, not to individual seats held.

After a one-year break in service as a Planning Board member, an individual who had served for nine consecutive years shall again be eligible for election to the Planning Board.

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

- Section 4. A member of the Torrey Pines Community Planning Board must retain eligibility during the entire term of service.
- Section 5. A member of the Torrey Pines Community Planning Board found to be out of compliance with the provisions of Council Policy 600-24 or the Planning Board's adopted bylaws risks loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 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 Torrey Pines Community Planning Board who participates in a meeting of the Planning Board where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

#### **ARTICLE IV Vacancies**

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

A vacancy may also exist following a vote of the Planning Board as described in Article III, Section 5 of Council Policy 600-24 related to ineligibility, or following conclusion of a member-removal process conducted under Article IX of the Policy, or due to adopted bylaws violations.

- Section 2. Vacancies that may occur on the Torrey Pines Community Planning Board should 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 Planning Board shall fill vacancies at the time the vacancies are declared. Vacancies shall be filled by selection by Planning Board members at the time the vacancies are declared.

Section 3. When the Torrey Pines Community Planning Board is unable to fill a vacancy within 120 days, as specified above, and the Planning Board has more than thirteen members, a search for a new member should continue, however either the seat may remain vacant until the next Planning Board election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members.

If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 Planning Board members in good standing, the Planning Board shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the Planning Board membership has not reached 12 members, the Planning Board will be deemed inactive until it has attained at least 12 members in good standing.

## **ARTICLE V Elections**

Section 1. General elections of Torrey Pines Community Planning Board members shall be held annually during the month of March. Elections are held when electable seats become contestable (have more than one candidate). The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full Planning Board membership preceding the election.

The Planning Board designates a member who serves as the elections representative. The elections representative is responsible for organizing and overseeing the elections and may solicit assistance from other Planning Board members. Soliciting eligible community members to become candidates shall begin no later than January. A report from the elections representative will be provided to the Planning Board at the January meeting and at other meeting times as needed. In February, the elections representative shall present to the Planning Board a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. 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 three (3) meetings of the last 12 meetings prior to the February preceding the election of either the Planning Board or the Project Review Subcommittee.

Section 2. The Torrey Pines Community Planning Board shall make a good faith effort to utilize means appropriate to publicize the Planning Board's eligibility requirements for candidacy at upcoming elections.

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

The Planning Board holds its election concurrent with the March regular meeting. Voting times may precede and/or overlap with the scheduled March meeting time.

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

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, 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 Planning Board's policy related to write-in candidates is that write-in candidates are not allowed. Cumulative voting is not allowed and only Planning Board-sanctioned ballots will be used for election of members.

Section 3. Voting to elect new community Planning Board members 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 Torrey Pines Community Planning Board's election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly Planning Board meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New



members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April Planning Board meeting.

Any challenge to the election results must be filed with the elections representative in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the issue.

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

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

It is the duty of a Planning Board as a whole, and of each individual member, to refrain from conduct that is detrimental to the Planning Board or its purposes under Council Policy 600-24. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the Planning Board's agenda.

### Section 2. **(a) Meeting Procedures**

It shall be the duty of each member of the Torrey Pines Community Planning Board to attend all Planning Board meetings.

(i) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of the agenda item shall include the intended action of the Planning Board regarding that item [e.g., information item, action item].

The agenda shall be offered to the City for posting on the City's website and should be posted on the website at least 72 hours in advance of the meeting.

(ii) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special Torrey Pines Community Planning Board meetings. In addition, each agenda for a regular Planning Board meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the Planning Board. Planning Board members may make brief announcements or reports to the Planning Board on their own activities under the public comment section of the agenda. The Planning Board may adopt time limits for public comment to ensure operational efficiencies.

(iii) ADJOURNMENTS AND CONTINUANCES – If the Torrey Pines 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 Planning Board members were present, the subsequent meeting, if not a regular meeting, must be noticed as if it were 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 Board has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and

3. The item has not substantially changed since the subcommittee's consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a consent agenda item. Any Board member or interested member of the public may take a consent agenda item off the consent agenda by request.

(vi) QUORUM AND PUBLIC ATTENDANCE - A quorum, defined as a majority of non-vacant seats of a Planning Board, must be present in order to conduct business, to vote on projects, and to take actions at regular or special Planning Board meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the Planning Board, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary; however, public attendees may be apprised of the requirement to demonstrate meeting attendance to be eligible for election to the Planning Board. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW - The Torrey Pines Community Planning Board or its Project Review Subcommittee may request project applicants provide information or materials sufficient to make an informed recommendation. However, the Planning Board nor the Project Review Subcommittee may not, as a condition of placing an item on an agenda, require applicants to submit information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

(viii) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the voting members of the Torrey Pines Community Planning Board, or every member if less than two-thirds of the voting members of the Planning Board are present, determine by a vote that

there is a need to take an immediate action, but only if the need for action came to the attention of the Planning Board subsequent to the agenda being posted.

A two-thirds vote of the voting members of the Planning Board is required to remove an elected community Planning Board member in accordance with Article IX.

Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the voting members of the Planning Board for the purpose of ratifying the findings presented by the Secretary to the group.

Amendments to adopted bylaws require a two-thirds vote of the voting members of the Planning Board.

A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of the Planning Board.

All other Planning Board actions, including subcommittee votes, only require a simple majority of the voting members of the group in attendance when a quorum is present.

The Torrey Pines Community Planning Board's Chair fully participates in Planning Board discussions and votes on all action items.

The Planning Board shall not engage in, nor allow, secret ballots 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 be in the Minutes and shall reflect the positions taken by each elected or appointed members on the Planning Board identified in Article III, Section 1 of Council Policy 600-24.

(ix) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the Torrey Pines Community Planning Board as to action to be taken on an item by members of the Planning Board, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(x) SPECIAL MEETINGS - The chair of the Torrey Pines Community Planning Board, or a majority of Planning Board members, may call a special meeting.

An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting.

Each member of the Planning Board 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 Board secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 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 Torrey Pines Community Planning Board and are prohibited under these bylaws.

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

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

**b) Subcommittees**

The Torrey Pines Community Planning Board may establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular Planning Board meetings.

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the Torrey Pines Community Planning Board as identified in Article II, Section 1, the Planning Board has established the following standing subcommittee:

Project Review Subcommittee. The Project Review Subcommittee shall consist of a minimum of (4) appointed Planning Board members and a maximum of (3) appointed members of the community at-large who meet qualifications to be eligible members of the community. Subcommittee membership is appointed by the Planning Board annually at the April regular meeting. Vacancies are appointed by the Planning Board. The Planning Board chair is the chair of the Project Review Subcommittee.

The Subcommittee reviews development applications distributed to the Planning Board by the City and provides a recommendation to the TPCBP. The Planning Board chair may place development applications that receive a unanimous vote recommending approval on the Consent portion of the Planning Board meeting agenda. All meetings of the Subcommittee shall be open to the public and noticed at least 72 hours in advance of the meeting.

Members of the Planning Board who are not Subcommittee members may attend a subcommittee meeting as long as their attendance does not result in a quorum of Planning Board members present at the meeting. Under these circumstances, these members may participate in discussions as part of the community at-large but may not vote on agenda items.

(ii) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for a finite period of time to review focused issue areas and shall be disbanded following their review and final report to the Planning Board. Ad hoc subcommittee reports shall also be provided at regular meetings of the Planning Board.

(iii) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of regular members of the Planning Board.

Non-members who are duly appointed by the Planning Board to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of the Administrative Guidelines.

(iv) RECOMMENDATIONS – Subcommittee recommendations must be brought forth to the full Planning Board for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be

forwarded directly to the City as the formal recommendation of the Planning Board without a formal vote of the full Planning Board.

**(c) Abstentions and Recusals**

(i) RECUSALS - Any member of the Torrey Pines Community Planning Board with a direct economic interest in any project that comes before the Planning Board or its subcommittees must disclose to the Planning Board that economic interest, and must recuse from voting and not participate in any manner as a member of the Planning Board for that item on the agenda.

(ii) ABSTENTIONS – In limited circumstances, Planning Board members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.

**(d) Meeting Documents and Records**

(i) AGENDA BY MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community Planning Board, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(ii) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or Planning Board members, which is distributed at the Planning Board meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the Planning Board meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or Planning Board members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charge for the cost of reproducing any the materials requested by an individual or individuals.

(iii) MINUTES – For each Planning Board meeting, a report of Torrey Pines Community Planning Board member attendance and a copy of approved minutes shall be retained by the Planning Board, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the Planning Board’s

next regular scheduled meeting. The minutes of each Planning Board meeting shall include the votes taken on each action item and reflect the names of voting members for, against and abstention when the vote is not unanimous. Recusals shall also be recorded. The minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to Planning Board action) appeared before the Planning Board. If an applicant did not appear before the Planning Board then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the Planning Board meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the Planning Board.

The 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 – Torrey Pines Community Planning Board records must be retained for public review. Community Planning Board records are meeting agendas and any other writings that are distributed to at least a majority of the group members in connection with a matter subject to consideration at an open meeting of the group. Community Planning Board records do not include writings that are required to be submitted to the City in accordance with Council Policy 600-24 to substantiate and document the Planning Board operations and compliance. The Planning Board also receives materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community Planning Board records, and non-records.

Section 3. It shall be the duty of the Torrey Pines 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 Board shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at-large.

Section 4. It shall be the duty of the Torrey Pines Community Planning Board to maintain a current, up-to-date roster of the names, terms, and category/qualifications of Planning Board members in its possession, and to forward the current roster, as well as any updates, to the City. The Planning Board must also submit to the City an annual report of accomplishments for the past 12 months 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 Torrey Pines 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 Board to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any Planning Board meeting. All contributions must be voluntarily made, and no official Planning Board correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each elected Torrey Pines Community Planning Board member is required to attend an orientation training session administered by the City as part of Planning Board and individual member indemnification pursuant to Ordinance No. O-19883 NS, and any future amendments thereto. If it is not possible for a new member to attend the training session as required, or if a new member is seated through a special election or in a month other than March, then the member shall successfully complete the online orientation training.

As required by O-19883 NS, newly seated Planning Board members must complete a basic orientation training session within 60 days of being elected or appointed to the Planning Board or the member will be ineligible to serve. The basic orientation training session will be scheduled within 60 days of the last day of March each year to meet this ordinance requirement.

## **ARTICLE VII Planning Board Officers**

Section 1. The officers of the Torrey Pines Community Planning Board shall be elected from and by the members of the Planning Board. Said officers shall consist of a Chairperson, Vice-Chairperson, Secretary, and Treasurer. The length of an officer's term shall be one (1) year, except that no person may serve in the same Planning Board office for more than 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.

In addition, the chair of the Project Review Subcommittee shall be an ex officio officer with voting rights at any meetings of the officers. No person may serve as an officer for more than nine consecutive years.

Section 2. Chairperson. The Chairperson shall be the principal officer of the Torrey Pines Community Planning Board and shall preside over all Planning Board

and communitywide meetings organized by the Planning Board. The Chairperson shall be responsible for preparing and posting the agenda of all Planning Board meetings. The Chairperson shall also distribute the agenda as a courtesy via email and be the designated point-of-contact for all communications to the Planning Board.

Appeals of discretionary decisions to the City shall be transmitted by the Chairperson or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the Planning Board.

The Chairperson may delegate specific responsibilities to, or seek assistance from, a member identified as Co-chairperson.

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 maintaining records of the Planning Board's correspondence, attendance records, recording and preparing draft and final minutes of meetings, and shall record all Member actions including identification of the Planning Board members that constitute a quorum, identification of members' votes on an action item including nay votes, abstentions or recusals, and reasons for these votes, and shall assure that Planning Board 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. Treasurer. The Treasurer shall be responsible for maintaining any funds available directly to the Planning Board and used for Planning Board operations, and shall share with The Chairperson the authority to write checks against Planning Board bank funds. The Treasurer shall maintain a ledger of funds received including date of receipt, amount, source or origin including information on individuals giving funds including their addresses, purpose for which the funds were provided if known and if other than a gift. The Treasurer shall reconcile monthly the ledger and bank statements and shall report monthly to the Planning Board on the disposition of such funds. The Treasurer will also be responsible for assisting with fund raising activities, but shall not have the assigned responsibility of fund raising.

Section 6. The Chairperson shall be the recognized community Planning Board's representative to the Community Planners Committee (CPC). However, if the Chairperson requests, by vote of the Planning Board, a Planning Board member other than the chair may be selected as either the official representative or the alternate to CPC with the same voting rights and

privileges as the chair. Designation of a member other than the chair for either representative, as well as for the Planning Board's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

Section 7. The Torrey Pines Community Planning Board officers and representatives to the CPC shall promptly disseminate to all elected Planning Board members pertinent information that is received by the Planning Board regarding its official business.

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

Section 1. The Torrey Pines Community Planning Board strives to effectively represent community viewpoints and interests and shall conduct meetings in a transparent and efficient manner. Consistent with these objectives, these bylaws incorporate policies and procedures as directed by Articles I through VII of Council Policy 600-24 within its relevant sections. The Administrative Guidelines to Council Policy 600-24 will also be consulted as appropriate.

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

Section 1. Indemnification and Representation. The Torrey Pines 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-19883 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 Council Policy 600-24, Article II, Section 1; their conduct was in conformance with the Policy and these bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The Torrey Pines 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 Board, as well as the Planning Board itself, may be subject to civil remedies.

Under certain circumstances, individual Planning Board members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the

public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies.

**(a) Alleged Violations by a Member of the Torrey Pines Community Planning Board**

In cases of alleged violations of the Torrey Pines Community Planning Board bylaws or Council Policy 600-24 by a Planning Board member, the Planning Board may conduct an investigation consistent with the Administrative Guidelines and these bylaws.

A complaint that an individual member of a Planning Board violated one or more provisions of the Planning Board's bylaws or Council Policy 600-24 may be submitted to the Planning Board chair by any individual, including another Planning Board member. The complaint should be filed when it becomes known, but no later than 90 days of the alleged violation.

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

If corrective action or measures are not feasible, the Planning Board may remove a member by a two-thirds vote of the voting members of the Planning Board. 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 Board member is found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the Planning Board risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the Torrey Pines Community Planning Board to discipline or remove a member must occur at a scheduled Planning Board meeting and be advertised on the agenda as an action item. Due to the significant nature

of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

- A complaint that a violation of bylaws of Council Policy 600-24 has occurred will be presented to the Planning Board chair. If the complaint is about the chair, it may be presented to any other officer of the Planning Board.
- The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- The complaint should provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from someone other than another Planning Board member, the chair [or other officer] may assist in providing appropriate citations to assist the complainant.
- The chair will confer with the Planning Board officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
- The chair shall create a written record of the complaint and alleged violation to share with the alleged violator.

Procedures for administering and acting on investigating a violation: While the authority for this process rests with this Planning Board, City staff may be contacted for assistance at any point in the process.

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the Planning Board officers, will meet and talk with the Planning Board member against whom the violation is alleged. The allegations will be presented and the Planning Board member shall be given opportunity for rebuttal.
- If the chair, with assistance from the Planning Board officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the Planning Board officers, determines that a violation has occurred but the situation can be

remedied either by action of the Planning Board or by the Planning Board member, then the chair will outline the necessary actions to achieve the remedy.

- If the chair, with assistance from the Planning Board officers, determines that the situation cannot be remedied and that the interests of the community and Planning Board would best be served by the removal of the Planning Board member, then the chair shall set the matter for discussion at the next Planning Board meeting. The Planning Board member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a Planning Board discussion.

Presenting a violation to the Planning Board:

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

Recourse for expelled member:

- There is no appeal available to an elected Planning Board member removed by a 2/3 vote of the voting members of their recognized community Planning Board.
- The Planning Board member's seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a Planning Board member by a 2/3 vote of the voting members of their recognized community Planning Board will not

prohibit the member from running for a Planning Board seat in future scheduled elections.

**(b) Alleged Violations Against the Torrey Pines Community Planning Board as a Whole**

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

If a violation against the Planning Board as a whole is proven and there is a failure of the Planning Board to take corrective action, the Planning Board will forfeit its rights to represent its community as a community Planning Board recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated Board's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. The Planning Board shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the Planning Board is found to be out of compliance with the provisions of this Policy not subject to the Brown Act or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Exhibit A: Torrey Pines Community Planning Board Boundary Map