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

Date	January 27, 2017
Community Planning Group	Torrey Hills 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: February 24, 2015
[prior date of approval either administratively or with a deviation by City Council]

Article & Section and Description of Approved Bylaws Amendment:
[description is simple phrase indicating what language change is being approved – list each Section]

These amendments were incorporated to bring these bylaws into compliance with Council Policy 600-24 revisions of 2014.

Effective Date of the Amendment: March 1, 2017
[date when both City Attorney and Mayor's representative have signed off]

Reviewed and approved for use by the community planning group:

Tom Tomlinson 3/1/17 Shannon Thomas Feb 7, 2017

Mayor's Office Representative/Date City Attorney Representative/Date

Cc: Community Planning Group Chair _____
Community Planner _____
Planning Administration _____

Torrey Hills Community Planning Board Bylaws
Approved March 1, 2017

ARTICLE I Name

Section 1. The official name of this organization is the Torrey Hills Community Planning Board.

Section 2. All activities of this organization shall be conducted in its official name.

Section 3. The community planning area boundaries for the Torrey Hills Community Planning Board are the boundaries of the Torrey Hills community, as shown on Exhibit "A".

Section 4. Meetings of the Torrey Hills Community Planning Board shall be held within these boundaries, except that when the Torrey Hills Community Planning Board does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 5. The official positions and opinions of the Torrey Hills Community Planning Board shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

Section 1. The Torrey Hills Community Planning Board has been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Torrey Hills community boundaries. The planning group 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 Groups and General Provisions.

Section 2. In reviewing individual development projects, the Torrey Hills Community Planning Board should focus such review on conformance with the Land Development Code and the adopted community plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the planning group may choose to rehear the project and may choose to provide a subsequent formal recommendation to the City.

Section 3. All activities of the Torrey Hills Community Planning Board shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4. The Torrey Hills Community Planning Board shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Elected members shall not identify affiliation with a planning group when endorsing candidates for public office. The planning group may take a position on a ballot measure.

Section 5. The Torrey Hills 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 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 Torrey Hills Community Planning Board operates under the authority of the Ralph M. Brown Act, which requires that meetings of the planning group are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these bylaws govern the operations of the planning group. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. Amendments to Council Policy 600-24 will apply to the Torrey Hills Community Planning Board, as well as to all other community planning groups, 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 group. The latest version of *Robert's Rules of Order* is used when the Policy, the Administrative Guidelines, and these bylaws do not address an area of concern or interest.

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

docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

ARTICLE III Community Planning Group Organizations

Section 1. The Torrey Hills Community Planning Board shall consist of 15 elected and appointed members to represent the community. These members of the planning group shall constitute the officially recognized community planning group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that elected members of the Torrey Hills 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 Hills Community Planning Board, elected seats are filled by distribution of seats among the following interests that represent the community (refer to Article VIII, Section 1(b) for additional eligibility requirements):

A. 10 seats for Residents.
B. 2 Business Seats representing retail or commercial businesses operating in the community.
C. 1 Seats for Property owners owning greater than 2 acres.

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

(1) Resident who is an individual whose primary address of residence is an address in the community planning area, or
(2) 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, where only one representative of a particular establishment may hold a seat on the community planning group at one time, or
(3) Property owner, who is the sole or partial owner of record, or designee, of real property (either developed or undeveloped), within the community planning area of greater than 2 acres; only one vote per property greater than 2 acres.

An individual may become an eligible member of the community by demonstrating qualifications to be an eligible member of the community to the planning group Secretary or Election Committee prior to the March election or at the time of voting.

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

The Torrey Hills Community Planning Board has 2 appointed seats to better represent specific interests of the community. There is 1 seat for the SDG&E representative and 1 seat for the Carmel Valley South Community Planning Area representative. Appointed seats are counted in the 15-member planning group membership and vote on planning group business.

Appointed seats may be removed by a 2/3 vote of the planning group.

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

No person may serve on the planning group for more than 8 consecutive years.

The 8-year limit refers to total maximum consecutive years of service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for 8 consecutive years shall again be eligible for election to the planning group.

The planning group will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats the planning group may retain some members who have already served for 8 consecutive years to continue on the planning group without a break in service. Refer to Council Policy 600-24 Article III, Section 4 for further clarification.

Section 4. A member of the Torrey Hills Community Planning Board must retain eligibility during the entire term of service.

Section 5. A member of the Torrey Hills Community Planning Board found to be out of compliance with the provisions of Council Policy 600-24 or the planning groups adopted bylaws risks loss of 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 Hills Community Planning Board who participates in a meeting of the planning group where actions

are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.

ARTICLE IV Vacancies

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

A vacancy may also exist following a vote of the Torrey Hills Community 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 Hills 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 Torrey Hills Community Planning Board shall fill vacancies at the time the vacancies are declared. Vacancies shall be filled by selection by planning group members at the time the vacancies are declared. Nominations will be considered at the next regular meeting followed by a planning group vote.

Two or more concurrent community planning group vacancies shall be filled by a vote of all eligible members of the community by secret written ballot.

Section 3. When the Torrey Hills Community Planning Board is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive until it has attained at least 12 members in good standing.

ARTICLE V Elections

Section 1. General elections of Torrey Hills Community Planning Board members shall be held during the month of March in accordance with the elections procedures found in Article VIII, Section 1(e) of these bylaws.

The Torrey Hills Community Planning Board's general elections shall be held annually.

The deadline to qualify for candidacy in the March general election shall be prior to the February noticed regular or special meeting of the full planning group membership preceding the election. The planning group's Election subcommittee shall be established no later than January and shall begin soliciting eligible community members to become candidates. In February, the Election subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must have documented attendance at one meeting of the Torrey Hills Community Planning Board's last 12 meetings prior to the February regular meeting preceding the election.

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

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for 8 consecutive years to leave the group for at least one year.

The Torrey Hills Community Planning Board holds its election at the March regular meeting. Voting will occur before the beginning of the meeting.

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

The ballot presented to eligible community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, whether there are limitations on which candidates various categories of eligible community members can vote for and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight or nine consecutive years of service. Voting may only take place within respective categories.

There are 10 Resident seats. 5 will be up for election in one year and the other 5 in the next year. The Carmel Valley appointed seat will serve a term of 2 years beginning with the appointment cycle in 2016.

The 2 Business seats and 1 Property Owner seats will be for 2 year terms beginning in 2017.

The SDG&E seat is a permanent seat.

The Torrey Hills Community Planning Board does not allow write-in candidates. Any vote cast for a write-in candidate is an invalid vote and will not be counted.

Section 3. Voting to elect new community planning group 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 Hills Community Planning Board's election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly planning group meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April planning group meeting.

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

Section 5. Article VIII, Section 1(e) contains additional voting procedures.

ARTICLE VI Community Planning Group and Planning Group Member Duties

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

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

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

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

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

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

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

The agenda shall be offered to the City for posting on the City's website.

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

(iii) ADJOURNMENTS AND CONTINUANCES – If the Torrey Hills Community Planning Board does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of the planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

(iv) CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

(v) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all of the following are required:

1. A subcommittee of the planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee's consideration.

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

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

No member of the public shall be required, as a condition of attendance at any meeting of the planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(vii) DEVELOPMENT PROJECT REVIEW - The Torrey Hills Community Planning Board may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the City's project review application process.

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

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

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

A two-thirds vote of the voting members of the Torrey Hills Community Planning Board is required to remove an elected community planning group 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 Torrey Hills Community 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 Torrey Hills Community 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 Torrey Hills Community Planning Board.

All other Torrey Hills Community 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 Hills Community Planning Board's chair fully participates in planning group discussions and votes on all action items.

The planning group shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning group identified in Article III, Section 1 of Council Policy 600-24.

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

(x) SPECIAL MEETINGS - The chair of the Torrey Hills Community Planning Board, or a majority of planning group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

(xi) EMERGENCY MEETINGS - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the Torrey Hills Community Planning Board and are prohibited under these bylaws.

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

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

(b) Subcommittees

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

(i) STANDING SUBCOMMITTEES - Pursuant to the purpose of the Torrey Hills Community Planning Board as identified in Article II,

Section 1, the planning group has established the following standing subcommittees: 1) the Development review subcommittee and 2) the Maintenance Assessment District (MAD) subcommittee and will create, as needed, ad hoc subcommittees to address particular planning or operational matters. The committee must have at least 2 members.

(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. The committee must have at least 2 members.

(iii) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of members who are members of the planning group.

Non-members, who are duly appointed by a planning group to serve on a subcommittee, may be indemnified by the City in accordance with Ordinance No. O-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 group for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the planning group without a formal vote of the full planning group.

(c) Abstentions and Recusals

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

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

(d) Meeting Documents and Records

(i) AGENDA BY MAIL - Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar

year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

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

(iii) MINUTES – For each planning group meeting, a report of the Torrey Hills Community Planning Board's member attendance and a copy of approved minutes shall be retained by the planning group, 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 group's next regularly scheduled meeting. The minutes of each planning group meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the planning group. If an applicant did not appear before the planning group then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the planning group meeting. A copy of the approved minutes shall be submitted to the City within 14 days after approval by the planning group.

The Torrey Hills Community Planning Board is not required to audio or videotape meetings but if recordings are made, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(iv) RECORDS RETENTION – The Torrey Hills Community Planning Board's records must be retained for public review. Community planning group 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 group 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 group operations and compliance. The planning group also receives materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community planning group records, and non-records.

Section 3. It shall be the duty of the Torrey Hills Community Planning Board and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

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

Section 6. Each elected Torrey Hills Community Planning Board member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-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 group members must complete a basic orientation training session within 60 days of being elected or appointed to a planning group 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 Group Officers

Section 1. The officers of the Torrey Hills Community Planning Board shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary. The length of an officer's term shall be one year except that no person may serve in the same planning group office for more than eight consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer. The officers shall be elected at the April meeting following the March election.

Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group. The Chair shall set the agenda and be the point of contact for development applicants.

Appeals of discretionary decisions to the City shall be made 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 group.

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 group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by vote of the planning group, a planning group member other than the chair may be selected as the official representative to CPC with the same voting rights and privileges as the chair. Designation of a member other than the chair for either representative, as well as for the planning group's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.

Section 6. The Torrey Hills Community Planning Board officers and representatives to the CPC shall promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

Section 1. The Torrey Hills Community Planning Board bylaws incorporate policies and procedures directed by Article I through VII of Council Policy 600-24. These bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. This bylaws Article lists additional procedures which are found in Exhibits attached to the bylaws.

Any procedures found in exhibits have the same effect as if they were incorporated directly into Articles I through VII of the bylaws. They are separated into exhibits for ease of understanding.

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

(a) Community Participation

The following are the Torrey Hills Community Planning Board procedures regarding community participation:

Public comment will be conducted at the beginning of meetings to allow community participation on non-agenda items.

The public will be given ample opportunity to comment on agenda items. However, the Board reserves the right to limit public input (time limit) when many speakers are present.

(b) Planning Group Composition

The following are the Torrey Hills Community Planning Board supplemental procedures pursuant to Article III, Section 2 regarding planning group composition:

(i.) Elected Seats. Planning Board members and candidates for membership shall meet the requirements discussed in Article V, Section 1 as well as the following eligibility requirements for their respective seat:

1) A 'Resident at Large' member shall be an individual whose primary address of residence is within the Torrey Hills community planning area.
2) A 'Resident of a Geographic Region' member shall be an individual whose primary address of residence is an address in the Geographic region they seek to represent.

(ii.) Appointed Seats.

1) The 'San Diego Gas and Electric' member shall be appointed by SDG&E and must be filled by a person currently employed by SDG&E. In addition, the SDG&E representative shall also appoint an alternate

employee who may attend meetings and have the same authority as the primary SDG&E board member in the primary representative's absence.

2) The 'Carmel Valley South Community Planning Area' member shall be nominated by the chair of the Torrey Hills Community Planning Board and appointed by a vote of the Planning Board. The member shall be a resident of Carmel Valley Neighborhoods 8a, 8b, or 8c or within the western portion of Neighborhood 10.

(iii.) Voting district boundaries are shown on Exhibit A, The Torrey Hills Community Planning Board Geographic Regions and Boundary Map

(c) Conduct of Meetings

The following are the Torrey Hills Community Planning Board procedures regarding conduct of planning group meetings:

Meetings shall be noticed at least 72 hours in advance of the meeting, in a public place easily accessed by the community.

Meetings are conducted using the latest version of *Robert's Rules of Order*. Board members will all times address the public and other members civilly and respectfully. Public comment on non-agenda items will be conducted at the beginning of each meeting. Presentation of agenda items will allow for a reasonable length of public comment, however time should be set aside for the board to deliberate these issues without interruption.

Subcommittees can be composed of both board members and members of the community/public. A board member will always chair such subcommittees and meetings of subcommittees will be noticed publicly.

The New Development subcommittees meet regularly each month. All meetings of this subcommittee shall be publicly noticed.

The Elections Subcommittee is formed at the January meeting and will meet to solicit eligible candidates, advertise the election and determine proper election procedure.

(d) Member and Planning Group Responsibilities

The following are the Torrey Hills Community Planning Board procedures regarding member and planning group responsibilities:

The planning group's official positions may be represented only by the Chair or their designee.

Bylaw Amendments shall be initiated by the Planning Group, for discussion and review by the By-Laws Sub Committee, then presented for discussion and review

to the Planning Group, but can only be approved in its entirety at the following Planning Group meeting.

Planning group member's participation on other committees or with other organizations is bound by the Brown Act.

(e) Elections

The Administrative Guidelines provides general guidance for planning group elections. The following are procedures pertaining to the elections provisions of these bylaws:

Voting takes place prior to the regularly scheduled March meeting and is to be open for a minimum of two and one half hours before the meeting's time of 6:30 p.m. All residents of Torrey Hills are eligible to vote. An Election Subcommittee will be established at the January meeting. This subcommittee will meet to solicit eligible candidates and determine proper conduct of the election. Members will be elected based on a plurality of votes.

Residents shall produce proof of residence (driver's license, utility bill, property tax bill or similar documents).

Business owners shall produce proof of business address (letterhead, business card, business license or similar) – Note: Only one vote per business.

Investor Owners shall produce property tax statement, grant deed or similar proof of ownership and showing the fact that the property's are greater than 2 acres in size and that they represent that ownership entity. Note only one vote per parcel greater than 2 acres.

ARTICLE IX Rights and Liabilities of Recognized Community Planning Groups

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

subject to civil remedies. Under certain circumstances, individual planning group members may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the member intended to deprive the public of information to which the member knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

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

(a) Alleged Violations by a Member of the Torrey Hills Community Planning Board.

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

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

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

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

If the planning group member is found to be out of compliance with the provisions of these bylaws or Council Policy 600-24, the planning group risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Investigation procedures for elected member violations are outlined below:

Any action by the Torrey Hills Community Planning Board to discipline or remove a member must occur at a scheduled planning group meeting and be advertised on the agenda as an action item. Due to the significant nature of removing an elected member, and to ensure a fair and public process, the procedures for investigating a violation of a member are listed below:

Documenting a violation:

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

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

- Once the information about an alleged violation is completed in writing, the chair, with assistance from the planning group officers, will meet and talk with the planning group member against whom the violation is alleged. The allegations will be presented and the planning group member shall be given opportunity for rebuttal.
- If the chair, with assistance from the planning group officers, determines that no violation has actually occurred, the chair may record this in the written record of the complaint.
- If the chair, with assistance from the planning group officers, determines that a violation has occurred but the situation can be remedied either by action of the planning group or by the planning group member, then the chair will outline the necessary actions to achieve the remedy.
- If the chair, with assistance from the planning group officers, determines that the situation cannot be remedied and that the interests of the community and Torrey Hills Community Planning Board would best be served by the removal of the planning group member, then the chair shall set the matter for discussion at the next planning group meeting. The planning group member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning group discussion.

Presenting a violation to the planning group:

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

Recourse for expelled member:

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

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

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

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

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

Exhibit A: The Torrey Hills Community Planning Board Geographic Regions and Boundary Map – update map with current department name

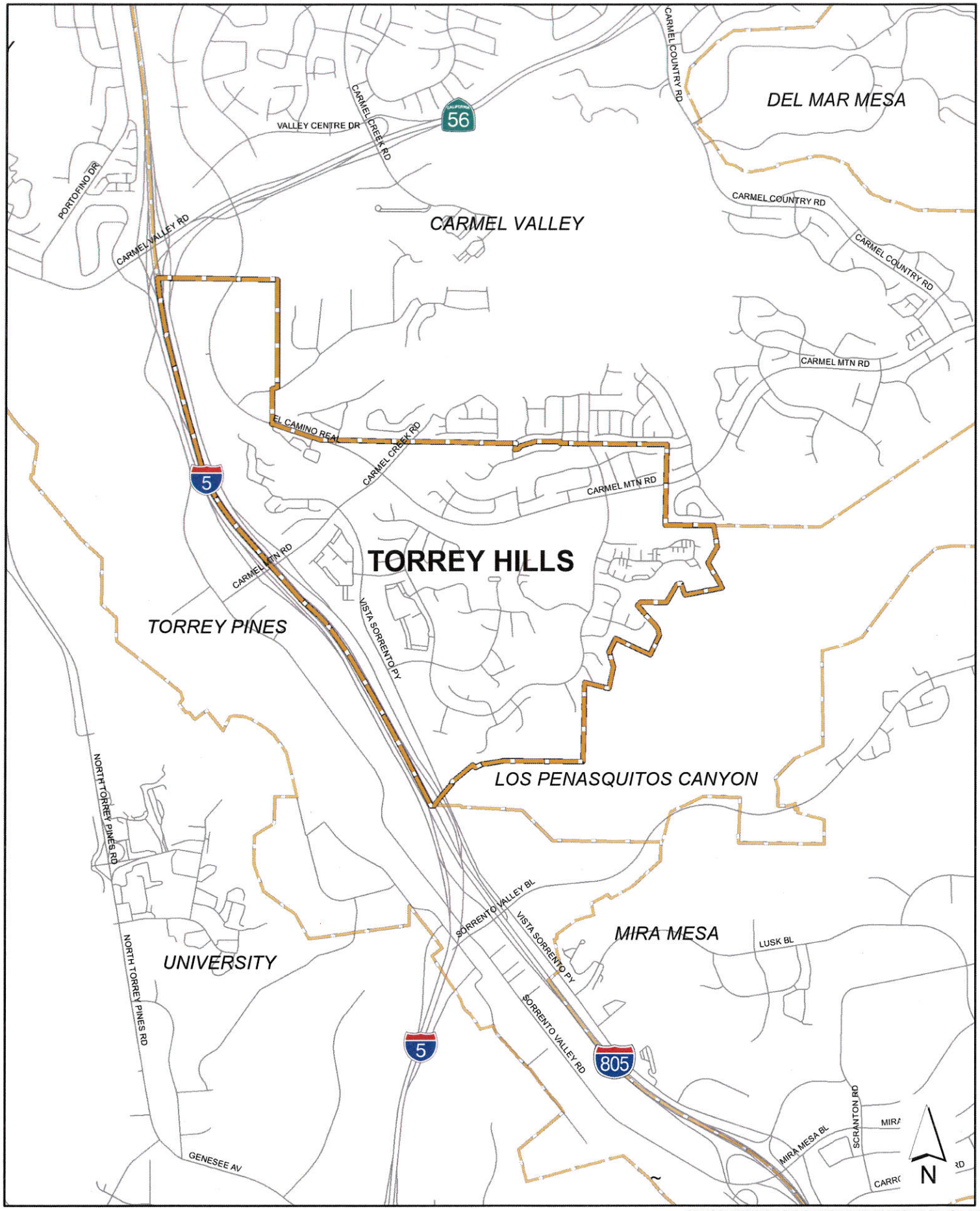

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Exhibit A: Boundary Map - Torrey Hills