

**Peninsula Community Planning Board Operating Procedures**  
**Approved April 20<sup>th</sup>, 2024 (Administrative Approval)**  
**Update from City Resolution R-315560 dated May 29<sup>th</sup> , 2024**

**Introduction and Background**

Through this document, the Peninsula Community Planning Board adopts Council Policy 600-24's Terms and Conditions attachment. In the Terms and Conditions, the City established minimum standard procedures that the planning group will adhere to and designated services the planning group will provide in order to obtain and maintain official recognition by the City pursuant to Council Policy 600-24. Planning groups are independent organizations voluntarily created and operated by community members who are not City employees, City agents, or City representatives. The planning group is not City-controlled or managed organization. The City does not direct or recommend the election, appointment, or removal of planning group voting members, or delegate authority to planning groups to act on its behalf.

The Peninsula Community Planning Board, in adopting these Operating Procedures, commits to meeting these minimum standards and to operating in a manner that abides by and conforms with the Brown Act, is transparent to the public, is accessible to and inclusive of all community members, and reflects the diversity of the communities where they operate. The Peninsula Community Planning Board acknowledges that meeting the standards of this document is necessary to be formally recognized, and continue to be recognized, by the City Council as a planning group in the City of San Diego. The Peninsula Community Planning Board acknowledges that the City can revoke recognition of any planning group if the City, in its sole discretion, determines these standards are not being met.

The Peninsula Community Planning Board will separately and independently maintain any legally required corporate documents, including articles of incorporation and corporate bylaws, or any other legally required documents related to the Peninsula Community Planning Board's founding, operation, or organization.

The Peninsula Community Planning Board will also include with these Operating Procedures a Community Participation and Representation Plan and Ethical Standards and maintain these documents in accordance with the Records Management Section herein.

In consideration of Council Policy 600-24 and its attached Terms and Conditions, the Peninsula Community Planning Board hereby agrees to abide by the following as part of their Operating Procedures:

**ARTICLE I Name**

Section 1. The official name of this organization is the Peninsula Community Planning Board, sometimes abbreviated to PCPB.

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

Section 3 The community planning area boundaries for the Peninsula Community Planning Board are shown on Exhibit “A” and are generally described as the coastline on the east, Midway on the north and West Point Loma Blvd on the west to Froude Street, Froude Street to Adair, Sunset Cliffs Coastline to Point Loma Nazarene University, Point Loma Ave on the south and to include the Navy Installations to the south.

Section 4. Meetings of the Peninsula Community Planning board shall be held within these boundaries, except that when the Peninsula 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 Peninsula 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. A special emergency meeting of the PCPB may be held to act on urgent matters and legislation when it is not possible for the full committee to meet in person in time to act on the matter. Any member of the PCPB may call on the Chair to convene a special emergency meeting.

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

Section 1. The Peninsula 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 Peninsula Community Planning Board community boundaries. 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.

The PCPB may be called upon to advise on, or participate in, additional efforts such as identifying Capital Improvement Project infrastructure needs, as discussed in Council Policy 000-32. Pursuant to the provisions of Council Policy 600-33, the PCPB may be asked to review a park general development plan or capital improvements within the park if there is no City-recognized park advisory group. Nothing in this policy precludes the PCPB from serving as the local advisory group for a Maintenance Assessment District (MAD) nor from seeking to serve as the local manager of a new MAD.

Section 2. In reviewing individual development projects, the Peninsula Community Planning Board should focus such review on conformance with the Land Development Code, and the adopted community plan and the 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 draft environmental document. Upon receipt of the plans for projects with substantive revisions, updates, ~~strikeout~~/underline, and/or involving a reissued environmental document, the planning board may choose to rehear the project, at a regular or special meeting, and may choose to provide a subsequent formal recommendation to the City.

The PCPB must submit its advisory recommendation on a development project, if any, to the City, via the Development Services Department Project Managers, within seven calendar days of the PCPB's approval of the recommendation. The City may decline to review any advisory recommendation submitted to the City eight or more calendar days after the recommendation was approved by the PCPB.

In addition, the PCPB must follow a uniform process for recording and posting PCPB project review recommendations. This process should either use a revised annual report that includes all project recommendations, or a Bulletin 620 Distribution Form revised to include the number of times the applicant presented to the PCPB per project and any major conditions to the project proposed by the PCPB.

For a development project that requires an Environmental Impact Report, the PCPB must submit its comments before the public review period closes.

- Section 3. All activities of the Peninsula Community Planning Board shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. The Peninsula 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 board may take a position on a ballot measure.
- Section 5. The Peninsula 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 Peninsula 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 Peninsula Community Planning Board operates under the authority of the Ralph M. Brown Act which requires that meetings of the planning board be open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and these operating procedures govern the operations of the planning board. Several provisions of these bylaws constitute Brown Act requirements as outlined in the Policy. The PCPB may have teleconferenced meetings pursuant to Sections 54953(b)(1) and (2), and all requirements of Section 54953(b)(3) can be waived. The Board will carefully consider the unique needs of the Peninsula Community and the PCPB's capacity for reliable and robust technology in deciding whether to hold in-person meetings, hybrid meetings, or fully teleconferenced meetings. However, annual elections must have an in-person voting option. Amendments to Council Policy 600-24 will apply to the Peninsula Community Planning Board, as well as to all other community planning boards, even if the individual board's operating procedures are not required to be amended with parallel language.

In addition, Council Policy 600-24 provides explanations of the Policy's minimum standard operating procedures and responsibilities of this planning board. The latest version of *Robert's Rules of Order* is used when Council Policy 600-24 and these bylaws do not address an area of concern or interest.

Section 7. The Peninsula Community Planning Board may propose amendments to these operating procedures 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.

Section 8. The CPG is an independent entity from the City and must be able to operate as such. The City may provide assistance to CPGs at the discretion of the City Manager and subject to the availability of City resources. In addition, CPGs may be allocated funds by the City when such funding is approved by the City Council.

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

Section 1. The Peninsula Community Planning Board shall consist of fifteen elected members. These members of the planning board shall constitute the officially recognized community planning board for the purpose of these bylaws and Council Policy 600-24. Five additional, non-voting members may be added to represent stakeholder groups. At no time may the board exceed twenty voting and non-voting members.

Section 2. Community Representation. Council Policy 600-24 requires that elected members of the Peninsula Community Planning Board (PCPB) shall, to the extent possible,

be representative of the community's demography and interests, including homeowners, renters, individuals with and without school age children, and diverse age groups.

Collection of Membership Data. To measure community representation, the PCPB shall gather demographic data of existing and new PCPB voting members at the time of elections or at other regular periods to measure whether the PCPB is representative of the community's demographics. The PCPB shall compare this data to the demographics of the community at large as may be available from the City or other agencies such as SANDAG or the U.S. Census Bureau. The demographic data gathered should include age range, nature of relationship to community (homeowner, renter, or business owner), duration of relationship to community, ethnicity, race, gender, professional background or expertise, and length of service or involvement with the CPG. This data should be submitted to the City along with the annual rosters required by Article VI, section 2 (4) Meeting Document (b). Participation in this type of survey will be voluntary and will be conducted in a manner to ensure the privacy of responses and respondents.

Voting Member Eligibility. The Peninsula Community Planning Board elected seats are filled by any Eligible Candidate identified below. There are no further restrictions on the distribution of seats among interests in the community.

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

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local businessperson, 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 as evidenced by a business tax certificate or other official document. Only one representative of a particular establishment may hold a seat on the community planning board at one time.

An eligible member of the community may become an Eligible Candidate by submitting a completed application to the Elections subcommittee for validation. 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 Peninsula Community Planning Board shall require proof of eligibility during elections.

Section 3. The fifteen Voting Members of the Peninsula Community Planning Board shall be elected to serve for fixed terms of three years in groups of five with expiration dates during alternating years to provide continuity.

No person may serve on the planning board for more than nine consecutive (three 3-year terms) years. The nine-year limit refers to total consecutive years of service time, not to individual seats held. After a one-year break in service as a planning board member, an individual who previously 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 insufficient numbers of new candidates are found to fill all vacant seats, the planning board may retain members who have served for nine consecutive years to continue on the planning board without a break in service. However, this member must be elected to an open seat by at least a two-thirds of the ballots cast by eligible members of the community participating in the regular election.

The number of individuals on a planning board serving more than nine consecutive years shall in no case exceed twenty-five percent of the voting board membership.

The term of the member elected by a two-thirds vote serving beyond nine years shall count as time served beyond the required break in service as required by this Section. Future consecutive election of the member who has served beyond nine years is subject to the requirements of this Section. Refer to Council Policy 600-24, II.E, for further clarification.

Appointed Seats. To ensure representation of unique stakeholder interests in the community planning area, the PCPB may appoint up to five non-voting members, for a total of no more than twenty members, to represent ethnicities, age groups, disabilities, renters, and intergenerational households not otherwise represented by the elected members. These non-voting members will be selected to represent the interests of their segment of the community, add substantive knowledge to committee deliberation, and inform discussion. As with board community members, appointed members will be voting members of standing and ad hoc committees and subcommittees and will be encouraged to stand for election.

- (1) Ten percent of the electorate is sufficient to merit representation. Where more than five stakeholder groups over ten percent of the electorate are not represented, the top five shall be afforded representation by an appointed seat.
- (2) Appointed seats shall be for a term of one (1) year, with members remaining eligible for reappointment for a maximum of six sequential terms. Any break in appointment of one year or greater will make the member eligible for reappointment for another six years. Appointed membership shall not affect

eligibility for three full terms of three years as an elected, voting member, except that no elected member deemed ineligible for reelection may become an appointed member for at least one year after becoming ineligible for reelection.

- (3) Process. Immediately following the election of new members in March, the Executive Board shall determine if the PCPB remains representative of the community demographically. One elected member from a stakeholder group is sufficient to constitute representation. Should the Executive Board determine that the elected membership no longer represents the community adequately, the PCPB shall actively seek representatives from the impacted stakeholder group. The Elections Committee shall validate any candidate for appointment using the same process as an elected member. In the April PCPB meeting after the Elections Committee presents and the PCPB seats the newly elected members, the Executive Board shall present a slate of non-voting member candidates for appointment. Should multiple candidates express interest in appointment to represent a stakeholder group, the competing candidates shall be presented to the full board for consideration and selection by a vote of the full PCPB. The selected candidates shall be immediately seated before the board proceeds with the agenda.

Section 4. A member of the Peninsula Community Planning Board must retain eligibility during the entire term of service. The PCPB shall take attendance to ensure that each voting member attends at least two-thirds of the PCPB's regularly scheduled meetings in any twelve-month period throughout their term as a voting member. Failure to meet minimum attendance shall be grounds for disqualification of the voting member.

Section 5. A member of the Peninsula Community Planning Board found to be out of compliance with the provisions of Council Policy 600-24 or the planning board's adopted operating procedures risks loss of defense and indemnification (legal protection and representation) pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

Section 6. Several provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A member of the Peninsula 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 Peninsula 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 board'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 board's regular meetings.

A vacancy may also exist following a vote of the PCPB as described in section II.D of Council Policy 600-24 related to ineligibility or following conclusion of a member-removal process conducted under Article IX of these operating procedures.

Section 2. Vacancies that may occur on the Peninsula 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 Peninsula Community Planning Board shall move to fill vacancies at the time the vacancies are declared. Vacancies will have appropriate noticing in the local paper and on the PCPB website. Applicants for replacement seats will be subject to the same qualification requirements as applicants for General Elections. Vacancies shall be filled by a vote cast by the seated Planning Board members. Such vote shall be in writing and the vote cast by each Board Member to select a replacement for a vacant seat will not be disclosed until the results of the election are announced. The results of the election for the replacement seat should be announced at the same meeting as that in which the vote was taken. Those seated shall fill the remaining term of the member they are replacing.

Two or more concurrent PCPB vacancies shall be filled by a vote of all eligible members of the community by secret written ballot in a special election.

Section 3. When the Peninsula Community Planning Board is unable to fill a vacancy within 120 days, as specified above, and the planning board has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next planning board election, or these operating procedures may be amended to permit decreased membership to a minimum of twelve 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 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 twelve members, the planning board will be deemed inactive until it has attained at least twelve members in good standing.



## **ARTICLE V Elections**

Section 1. General elections of Peninsula Community Planning Board members shall be held annually during the month of March in accordance with the PCPB's adopted elections procedures found in Article VIII, Section 6 of these operating procedures.

The deadline to qualify for candidacy in the March general election shall be on or prior to the Candidate Forum noted below. The planning board's Election Subcommittee shall be established no later than January and shall initiate the search for eligible community members to become candidates. In February, the Election Subcommittee 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 shall be advertised and shall be held after the February noticed regular meeting and prior to the March Election. The Candidate Forum represents the last opportunity for new candidates to be declared eligible.

The Peninsula Community Planning Board will allow write-in candidates. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate will be an invalid vote and will not be counted.

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

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

The Peninsula Community Planning Board shall hold its annual election separately from, but on the same day and at the same location as, the regular board meeting in March, or at another date in March designated by the planning board.

The Peninsula Community Planning Board will require proof of identity of those eligible community members who are seeking to vote in the election pursuant to Article VIII, Section 6 (6). The planning board shall ensure that voting is only by recognized members of the community eligible to vote.

The ballot presented to eligible community members will clearly identify how many candidates can be selected and which candidates, if any, must receive a Two-thirds majority of the vote due to service beyond nine consecutive years of service.

Section 3. Voting to elect new PCPB members shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances.

Section 4. The Peninsula Community Planning Board election becomes final after announcing the election results at the conclusion of the regular noticed 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 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 chair of the Elections Subcommittee in writing within 48 hours of the counting of the ballots to allow enough time to resolve the issue.

Section 5. Article VIII, Section 6 contains all voting procedures, including voting eligibility; candidate eligibility; elections subcommittee establishment and responsibilities; promotion of elections; poll location; managing polls; counting ballots and Write in candidates; reporting election results to the Chair; and election challenge criteria and procedures.

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

Section 1. It is the duty of the Peninsula 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 the Peninsula Community Planning Board 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 board 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 to disrupt the public process as set forth on the planning board's agenda.

Section 2. Meetings

Meeting Procedures. It shall be the duty of each member of the Peninsula Community Planning Board to attend all planning board meetings.

- (1) **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 twenty 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 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 PCPB's website at least 72 hours in advance of the meeting.

- (2) **PUBLIC COMMENT**- Any interested member of the public may comment on agenda items during regular or special 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.
- (3) **ADJOURNMENTS AND CONTINUANCES** – If the Peninsula 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 board were present, the subsequent meeting, if not a regular meeting, must be noticed as if it was a special meeting.

- (4) **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 it were a regular meeting; otherwise, the original meeting agenda is adequate.
- (5) **CONSENT AGENDA** - For items to be considered for a "Consent Agenda" all of the following are required:

- a. A subcommittee of the planning board has discussed the item at a noticed subcommittee meeting,
- b. All interested members of the public were given an opportunity to address the subcommittee, and
- c. 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.

- (6) **QUORUM AND PUBLIC ATTENDANCE** - A quorum, defined as a majority of non-vacant seats on the planning board, must be present 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. No member of the public may be charged a fee for admittance.

- (7) **DEVELOPMENT PROJECT REVIEW** - The Peninsula 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 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 a review takes place and provide the applicant with an opportunity to present the project.

The planning group recognizes that City staff and development project applicants are not required by the City to present their project or application before the planning group although the City encourages applicants to conduct robust engagement with all planning groups, the community, and project neighbors.

- (8) ACTION ON AGENDA ITEMS - An item not noticed on the agenda may be added if either two-thirds of the voting members of the PCPB, or every member if less than two-thirds of the voting members of the PCPB 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.
- (9) BOARD VOTING
- a. A two-thirds vote of the voting members of the PCPB is required to remove an elected community planning board member in accordance with Article IX.
  - b. Removing a member due to ineligibility in accordance with Article III, Section 2 requires a majority vote of the voting members of the PCPB for the purpose of ratifying the findings presented by the Secretary to the board.
  - c. Amendments to adopted operating procedures require a two-thirds vote of the voting members of the PCPB.
  - d. A vote to approve a community plan update or a community plan amendment requires a majority vote of the voting members of the PCPB.
  - e. All other PCPB actions, including subcommittee votes, only require a simple majority of the voting members of the group in attendance when a quorum is present.
  - f. The Peninsula Community Planning Board's Chair may participate in discussions but does not vote except to make or break a tie.
  - g. The planning board 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. Special web-based meetings are allowed and not a method of absentee voting.
  - h. Votes taken on agenda items shall reflect the positions taken by the elected or appointed positions on the planning board.
- (10) COLLECTIVE CONCURRENCE - Any attempt to develop a collective concurrence of the members of the Peninsula Community Planning Board as to an 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.

- (11) **SPECIAL MEETINGS** - The chair of the Peninsula Community Planning Board, or a majority of planning board members, may call a special meeting. Special meetings may be web-based provided all other requirements are met. 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 written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice. Written notice shall be delivered to at least one 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.
- (12) **EMERGENCY MEETINGS** - Emergency meetings require no public notice and are called for matters related to public health and safety. These matters are outside of the purview of the Peninsula Community Planning Board and are prohibited under these operating procedures.
- (13) **RIGHT TO RECORD** - Any person attending a meeting of the Peninsula 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.
- (14) **DISORDERLY CONDUCT** - If any 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.

Subcommittees. The Peninsula Community Planning Board may establish or create as needed standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular planning board meetings.

All subcommittee meetings are noticed, except that Ad-Hoc subcommittee meetings are, at minimum, noted on the PCPB website or listed on the regular planning board agenda.

- (1) STANDING SUBCOMMITTEES - Pursuant to the purpose of the Peninsula Community Planning Board as identified in Article II, Section 1, has established the following standing subcommittees: Airport, Long Range Planning, Parks and Recreation, Traffic and Transportation, Environment, and Project Review. Subcommittees will stand for the year and subcommittee Chairs will be voted on by the Board.
- (2) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for a finite period to review more focused issue areas and shall be disbanded following their review.
- (3) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority of members who are members of the planning board.

To prevent a subcommittee meeting becoming a meeting of the full Board, the number of Board members on any subcommittee must be less than a majority of the full Board. However, in accordance with the Brown Act, members of the Board who are not members of the subcommittee may attend a subcommittee meeting as a member of the audience to observe but may not participate verbally, or through gestures or facial expressions.

Non-members, who are duly appointed by a 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 Council Policy 600-24.

- (4) 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.

#### Abstentions and Recusals

- (1) 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. PCPB voting members should voluntarily choose to abstain from voting when that member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of

impropriety, cast doubt on that member's ability to make a fair decision, or a where that member lacks sufficient information upon which to cast a vote. The PCPB's record of the vote on the item will reflect an abstaining member in the vote and they are still counted in a PCPB quorum for that item, regardless of the point in time they declare their abstention. Discomfort in publicly disclosing their position on a matter is not sufficient reason to abstain. At the time of the vote, a member shall disclose their reason for abstaining.

- (2) RECUSALS - Any member of the Peninsula 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.
- (3) CONFLICTS OF INTEREST - PCPB voting members with a potential or perceived conflict of interest should recuse themselves from a PCPB hearing on matter for which they have a direct economic interest. A direct economic interest includes, but is not limited to, investments in or positions with a business entity, interest in real property, source of income, source of gifts, and personal finances. Exceptions to conflicts of interest may be granted by the PCPB to a voting member who can show that the decision will not have an effect, positive or negative, on their economic interest.

#### Meeting Documents and Records

- (1) 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 a 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.
- (2) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or planning board members that 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



charged for the cost of reproducing any of the materials requested by an individual or individuals.

- (3) **MINUTES** – For each planning board meeting, a report of Peninsula 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 next regularly scheduled PCPB meeting. The minutes of each planning board 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 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 minutes shall also be posted to the PCPB website within 14 days of approval.

The Peninsula Community Planning Board is not required to record audio or video of 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.

- (4) **RECORDS RETENTION** – Peninsula 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 board members in connection with a matter subject to consideration at an open meeting of the board. 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 PCPB operation and compliance. The PCPB also receives materials that do not qualify as records. Council Policy 600-24 discusses categories of material that are City records, community planning board records, and non-records.
  - a. The PCPB shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, evidence of completion of annual trainings, and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official

records available to the City and to any member of the public upon request.

- b. Written applications submitted to the PCPB by individuals wishing to serve as voting members, and records of election results, are considered official records and will be maintained by the CPG in accordance with Policy 600-24. The PCPB will submit to the City the rosters of PCPB voting members by May 1st of each year and will also submit to the City any changes to rosters as a result of PCPB elections.

Professional Conduct. The PCPB and its voting members will conduct themselves reasonably and professionally and refrain from disrupting the public process as set forth on the board's agenda. PCPB members shall recuse themselves from board business in which they have any personal interest or equity, to include abstention and recusal as noted above. PCPB voting members should treat each other, applicants, city staff, and the public with courtesy and respect at all times. Continued disreputable conduct may be grounds for censure or other disciplinary proceedings.

Section 3. It shall be the duty of the Peninsula Community Planning Board and its members to routinely 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 Peninsula 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. The planning group will submit to the City the Annual Roster of planning group voting members by May 1 of each year and will also submit to the City any changes to rosters as a result of planning group elections. The annual report shall be submitted to the City within 14 days of the approval of the March minutes.

Section 5. The Peninsula 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.

Neither the CPG nor its voting members should accept donations on behalf of any individual running for public office.

Section 6. Each elected Peninsula Community Planning Board member shall complete the formal education, training program in-person or online 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. Voting members must complete the training each year no later than June 1st of each succeeding year for as long as the voting member is serving or re-elected.

Newly seated planning board members must complete a basic orientation training session within 60 days of being elected or appointed to a planning board or the member will be ineligible to serve. Community members must complete training within 60 days of appointment to be indemnified by the city. The basic orientation training session will be scheduled within 60 days of the last day of March each year to meet this ordinance requirement. 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.

## **ARTICLE VII Planning Board Officers**

Section 1. The officers of the Peninsula Community Planning Board shall be elected from and by the members of the planning board. Said officers shall consist of a Chairperson, First Vice Chairperson, Second Vice Chairperson, Treasurer, and Secretary. The length of an officer's term shall be one year, except 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.

Section 2. Chairperson: The Chairperson or Chair shall be the principal officer of a recognized community planning board and shall preside over all planning board and communitywide meetings organized by the planning board. The Chairperson will be the contact person for other community boards regarding requested correspondence. Example duties of the Chairperson include setting the agenda, responsibilities for making appointments for applicants for review, and shall be the point of contact for applicants and City Staff regarding review. The Chairperson shall organize and delegate as appropriate. The Chairperson will be the primary spokesperson for local news media and for press releases. 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 board.

Section 3. First Vice Chairperson: In the absence of the Chairperson, the First Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. The First Vice Chair will be the Chair of the Election Subcommittee unless the First Vice Chair is a candidate for re-election and, if so, a Chair of the Election Subcommittee will be appointed by the Board.

Section 4. Second Vice Chairperson. In the absence of the Chairperson and First Vice Chairperson, the Second Vice Chairperson shall perform all the duties and responsibilities of the First Vice Chairperson.

Section 5. Secretary. The Secretary shall be responsible for the planning board's correspondence, attendance records, and minutes and actions (including identification of those planning board members that constitute a quorum, who votes on an action item, and who may abstain or recuse and the reasons) 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 6. Treasurer: The Treasurer shall keep books of accounts showing details of the business and the Board's accounts, and all receipts, and disbursements; amount of cash on hand, and amount of accounts payable and accounts receivable. The Treasurer shall disburse any of such money or incur indebtedness only as the result of an official action of the Peninsula Community Planning Board. The Treasurer may pay small board expenses less than \$30.00 without requesting permission beforehand but must report on such action at the next regularly scheduled Board meeting.

Section 7. The Chairperson shall be a recognized community planning board's representative to the Community Planners Committee (CPC). However, by vote of the planning board, a planning board member may be assigned as an alternate for the official representative to CPC with voting rights and same privileges as the Chair to attend in the absence of the Chair. Designation of a member other than the Chair as 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 8. The Peninsula Community Planning Board Chair or representative to the CPC shall promptly disseminate to all elected planning board members pertinent information to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, that is received by the planning board regarding its official business.

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

Section 1. The Peninsula Community Planning Board operating procedures incorporate policies and procedures directed by Articles I through VIII and Attachment A of Council Policy 600-24. This Article lists additional procedures of the planning board.

Section 2. Community Participation. The following are the Peninsula Community Planning Board procedures regarding community participation:

Community Participation consists of notifying the Public of all meetings and inviting attendance at said meetings. Community members will have an opportunity to speak at all meetings on topics relevant to the purview of the Planning Board. Community input will be sought regarding all matters coming to the Board's attention.

The planning board will access all community resources and utilize all available media to promote community outreach programs to further education, awareness of its purpose and community contributions. It will strive for inclusion of diverse representation and input.

Section 3. Planning Board Composition. The following are the Peninsula Community Planning Board's procedures pursuant to Article III, Section 2 regarding planning board composition:

Composition of the planning board will be determined by general election. Members who resign or seats that become available through other means will be elected by a vote of the sitting planning board members to complete the term of the prior member. See Article III, Section 2 for eligibility for consideration to fill vacated seats.

Non-voting members may be appointed by the board to represent stakeholder groups in the community not otherwise represented in some capacity by the elected board members as defined by Article III, Section 3.

Section 4. Conduct of Meetings. The following are the Peninsula Community Planning Board procedures regarding conduct of planning board meetings:

All agendas to include Regular monthly meeting, Project Review meeting, Subcommittee meetings, and Special meetings of the Peninsula Community Planning Board will be noticed.

Meeting agendas will be noticed at least 72 hours prior to the meeting by public notice posted at a place freely accessible to members of the public and on the PCPB website. All meetings will allow for non-agenda and agenda public comment on topics relevant to the purview of the business of the Board. Public comment, normally three minutes

per speaker, may be limited in respect of a full agenda, and may be reduced to no less than two minutes provided each speaker receives the same amount of time. It is to be expected that order and civil discourse will always be maintained. Persons who are disruptive, fail to follow the agenda and interrupt meeting progress will be asked to leave the room. If further disruption occurs Chair may declare the meeting adjourned. See Article VI, Section 2 (14) Disorderly Conduct. The audience and public will have an opportunity for input in all matters affecting community or projects that are presented. Projects brought by applicants will be considered in the Action Items immediately following Parliamentary Items and after Non-Agenda Public Comment in as much as possible.

Subcommittee Chairs and members will be recommended and appointed by vote of the Board. The majority of subcommittee members will be board members. Board membership on subcommittees is limited to less than a majority of non-vacant seats on the board to assure Brown Act compliance. Community members, especially those with expertise may be added to a subcommittee if there is a demonstrated need and when their participation contributes to a more effective subcommittee. The community member will provide a resume and be presented to the board for a vote. A prospective subcommittee member from the community then shall be seated by a majority vote of the board.

The Chair of each subcommittee will be responsible for a mission statement and goals which will be added to the PCPB website. The Chair of each subcommittee will be responsible for conducting their specific mission, setting meetings, providing venues and for providing minutes of meetings all of which will be added to the PCPB website. The chairs of each subcommittee will keep the Peninsula Planning Board Chair noticed and apprised of all activities and the Chair will be an ex-officio member of all subcommittees.

The PCPB will endeavor to grant equal time for candidates or ballot measures if docketed on their agenda. Equal time does not apply to individuals speaking during non-agenda public comment.

Section 5. Member and Planning Board Responsibilities. The following are the Peninsula Community Planning Board's procedures regarding member and planning board responsibilities:

Planning Board positions may be represented to the City on planning issues that are not project review recommendations or are an appeal on a City decision by formal letter.

Operating procedure amendments can be recommended by the ad hoc subcommittee for the purpose of developing an amendment. An amendment to the Operating

procedures will require a two-thirds vote of the voting members of the PCPB prior to submission to the offices of the Mayor and City Attorney for review and approval. See Article II, Section 7.

Standard Operating Procedures may be developed by an ad hoc subcommittee and will be a stand-alone document attached to the Operating procedures when completed. Standard Operating Procedures will be subject to change as needed.

Voluntary financial contributions may be accepted for specific purposes by the community or Board members and will be acknowledged by letter from the Board.

The Peninsula Community Planning Board encourages engagement and regular participation with other organizations that may promote greater operational effectiveness and communication for the public good.

Section 6. Elections. Council Policy 600-24 provides general guidance for planning board elections. The following are procedures for conducting an election pursuant to these operating procedures:

- (1) **ELECTION SUBCOMMITTEE:** The Election Subcommittee shall consist of the First Vice-Chair and three other Board members who are elected by the board at the regularly scheduled October meeting. No member running for election shall serve as a member of the Election Subcommittee. If the First Vice Chair is running for re-election, the Board shall elect someone to replace her/him as the Chair of the Election Subcommittee.
- (2) **ELECTION MEETING:** The election meeting shall take place in March at the location of the regularly scheduled Board meeting or at a special election meeting in March at the Board's discretion. At the election meeting the First Vice Chair (or approved replacement if the First Vice Chair is running for re-election) shall conduct and manage the election with the assistance of the Election Subcommittee. Other Board members may assist in the process so long as they are not candidates in the election.
- (3) **PUBLICATION OF ELECTION:** A notice of election and solicitation of candidates shall be posted monthly in a community newspaper and multiple community forums no later than January preceding the March election.
- (4) **CANDIDATE ELIGIBILITY:** An individual is qualified to run for a seat on the Peninsula Community Planning Board if she/he is an eligible member of the community and an Eligible Candidate, both as described in Article III, Section 2.

The Peninsula Community Planning Board will allow write-in candidates. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate will be an invalid vote and will not be counted.

Determination of eligibility shall be the responsibility of the Election Subcommittee and a formal record of this eligibility shall be kept.

- (5) ELECTIONEERING: There shall be no electioneering (handing out election slate materials, soliciting votes by candidates, etc.) within one hundred feet of the voting premises.
- (6) VOTER ELIGIBILITY: An individual is eligible to vote in the Peninsula Planning Board Election if she/he is an eligible community member, as described in Article III, Section 2, and provides proof of such eligibility. Proof of eligibility shall consist of:
  - a. a valid CA driver's license or CA ID with an address located within the Planning Board area, or
  - b. a current utility bill (within the last two months) with the name and address within the Planning Board area (plus an acceptable form of picture identification), or
  - c. a property tax statement with the name and address within the Planning Board area (plus an acceptable form of picture identification), or
  - d. such other identification deemed acceptable by an Election Subcommittee member and, if present, a City of San Diego official.
  - e. Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents: (A) driver's license or identification card of any state; (B) passport; (C) employee identification card; (D) identification card provided by a commercial establishment; (E) credit or debit card; (F) military identification card; (G) student identification card; (H) health club identification card; (I) insurance plan identification card; or (J) public housing identification card.
  - f. Any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (A) utility bill;



(B) bank statement; (C) government check; (D) government paycheck; (E) document issued by a governmental agency; (F) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity; (G) voter notification card issued by a governmental agency; (H) public housing identification card issued by a governmental agency; (I) lease or rental statement or agreement issued by a governmental agency; (J) student identification card issued by a governmental agency; (K) tuition statement or bill issued by a governmental agency; (L) insurance plan card or drug discount card issued by a governmental agency; (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency; (O) identification documents issued by governmental disability agencies; (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities; (Q) drug prescription issued by a government doctor or other governmental health care provider; (R) property tax statement issued by a governmental agency; (S) vehicle registration issued by a governmental agency; or (T) vehicle certificate of ownership issued by a governmental agency.

- g. Voter Identification for Community Business Owners - Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business address within the CPG boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community business owner to vote in the election.
- h. Voter Identification for Community Non-Profits - Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated address within the CPG boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.
- i. Voter Identification for Community Non-Resident Property Owners - Non-residents who own property within the community should present documents similar to those described in Section 6 (6) above, however at least one of these documents should show the address of the property in the community owned by the non-resident and be sufficient to prove ownership. These requirements should be construed liberally by CPGs and

any doubt resolved in favor of allowing a community member to vote in the election.

All prospective voters shall sign the voter log which requires name, address, and, if applicable, business name. This log shall be kept by the First Vice Chair (or in event the First Vice Chair is running for office by the Chair of the Peninsula Community Planning Board) as a permanent record of the election proceedings.

- (7) **COUNTING OF BALLOTS:** Counting shall be done by Election Subcommittee members and at least one City of San Diego official when available.
- (8) **ELECTION RESULTS:** Election results shall be determined by Plurality Vote, as when the candidates for available seats who receive the highest number of votes cast are elected irrespective of the percentage of votes received by any candidate. The election results shall be reported by the Chair of the Election Subcommittee to the Chair of the PCPB (or their designee if the Chair is running for re-election) so that the results may be announced at the Election Meeting.
- (9) **ELECTION MATERIAL RETENTION:** The First Vice Chair in her/his capacity as election Chair shall keep all election materials (ballots, voter log, etc. for at least (six) months. In the event the First Vice Chair is running for re-election, the Second Vice Chair will keep all election materials. At the end of that period the materials may be destroyed. In disputed elections, the City of San Diego's Planning Department, or other City agency may, at the Election Subcommittee's discretion, take responsibility for election materials.
- (10) **ELIGIBILITY CHALLENGES:** Challenges to the eligibility of a candidate to run for the Board should be brought to the attention of the Election Subcommittee. To facilitate these challenges, the Election Subcommittee will make the eligibility record (see four above) available to any member of the public (at his/her own expense) who requests it.
- (11) **ELECTION CHALLENGES:** Challenges to the election shall be made to the Elections Subcommittee chair within 48 hours of the election. With the exception of ballots, copies of all election materials shall be made available to the public at the expense of the party making the request.

## **ARTICLE IX Rights and Liabilities of the Peninsula Community Planning Board**

Section 1. Indemnification and Representation. The Peninsula Community Planning Board 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 III.A; their conduct was in conformance with the Policy and these operating procedures; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies. The Peninsula 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.

### **Alleged Violations by a Member of the Peninsula Community Planning Board:**

In cases of alleged violations of the Peninsula Community Planning Board operating procedures or Council Policy 600-24 by a planning board member, the planning board may conduct an investigation consistent with the Council Policy 600-24 and these operating procedures.

A complaint that an individual member of a planning board violated one or more provisions of the planning board's operating procedures 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 within 90 days of the alleged violation.

If, after a thorough investigation, the planning board determines that the individual member has violated a provision of these operating procedures 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 community planning board. The vote to remove the board member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Council Policy 600-24 and these operating procedures.

If the planning board member found to be out of compliance with the provisions of these operating procedures 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 Peninsula 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:

- (1) A complaint that a violation of operating procedures 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.
- (2) 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.
- (3) The complaint should provide a citation of the operating procedures 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.
- (4) 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.
- (5) 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.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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 Peninsula Community 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:

- (1) 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.
- (2) 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.

- (3) At the end of the discussion, the planning board may, by a two-thirds vote, choose to remove the member.

Recourse for expelled member:

- (1) There is no appeal available to an elected planning board member removed by a two-thirds vote of the voting members of their recognized community planning board.
- (2) The planning board member's seat shall be immediately declared vacant and subject to the provisions of Article IV.
- (3) The removal of a planning board member by a two-thirds 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.

Alleged Violations Against the Peninsula Community Planning Board as a Whole

In the case of an alleged violation of the planning board's operating procedures 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 Peninsula 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. A 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 operating procedures risks loss of indemnification pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

**EXHIBIT A: Peninsula Community Boundaries**

