

**Rancho Bernardo Community Planning Board Bylaws**  
**February 1, 2016**  
**(Administrative Approval)**

**ARTICLE I: Name**

- Section 1. The official name of this organization is the Rancho Bernardo Community Planning Board.
- Section 2. All activities of the Rancho Bernardo Community Planning Board shall be conducted in the Board's official name.
- Section 3. The community planning area boundaries for the Rancho Bernardo Community Planning Board are the boundaries of the Rancho Bernardo community, as shown on attached Exhibit "A".
- Section 4. Meetings of the Rancho Bernardo Community Planning Board shall be held within its boundaries. When, however, the Planning Board does not have a meeting facility within its boundary that is accessible to all members of the public, the Board may meet at the closest meeting facility.
- Section 5. The official positions and opinions of the Rancho Bernardo Community Planning Board shall not be established or determined by any organization other than the Planning Board, nor by any individual member of the Planning Board other than one authorized to do so by the Planning Board.

**ARTICLE II: Purpose of the Rancho Bernardo Community Planning Board and General Provisions**

- Section 1. The Rancho Bernardo 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 Rancho Bernardo community land-use matters. These recommendations shall specifically address preparing, adopting, implementing, or amending the General Plan or a land use plan when it relates to the Rancho Bernardo 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 Rancho Bernardo Community Planning Board should focus such review on conformance with the Land Development Code, 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 Board recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of project plans with substantive revisions, the Planning Board may choose to rehear the project and choose to provide a subsequent formal recommendation to the City.
- Section 3. All activities of the Rancho Bernardo 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, national origin, sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to persons with disabilities.

Section 4. The Rancho Bernardo 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 the Rancho Bernardo Planning Board when endorsing candidates for public office. The Planning Board may take a position on a ballot measure.

Section 5. The Rancho Bernardo 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 Rancho Bernardo 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 Rancho Bernardo 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 600-224 will apply to the Rancho Bernardo 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 Rancho Bernardo Community Planning Board may propose amendments to these bylaws by a two-thirds vote of the voting members of the Planning Board. Proposed amendments shall be submitted to the offices of the Mayor and the 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. Bylaws amendments are not valid until approved by the City.

### **ARTICLE III: Rancho Bernardo Community Planning Board Organization**

Section 1. The Rancho Bernardo Community Planning Board shall consist of twenty-two members. Twenty (20) members will be elected to represent their respective community districts as shown on Exhibit B. Additionally, the Planning Board includes one appointed seat for a representative of the industrial property in the community and one appointed seat for a representative of the commercial property in the community.

Planning Board members shall constitute the officially recognized Rancho Bernardo Community Planning Board for the purpose of these bylaws and Council Policy 600-24.

Section 2.

All members of the Rancho Bernardo Community Planning Board shall, to the extent possible, be representative of the various geographic districts within the community and diversified community interests. Elected seats are distributed by population and geographic factors within and among neighborhoods and other geographic subdivisions. Appointed Commercial and Industrial members represent the commercial and industrial communities in the planning area that is served by the Rancho Bernardo Planning Board.

- (1) District A: Four (4) seats for the Westwood & Casa de las Campanas areas
- (2) District B: Two (2) seats for the Eastview & Greens West areas
- (3) District C: Two (2) seats for the Oaks North area
- (4) District D: Four (4) seats for the Alamedas, Gatewood, Greens, & Trails areas
- (5) District E: Two (2) seats for the Seven Oaks area
- (6) District F: Four (4) seats for the Bernardo Heights area
- (7) District G: Two (2) seats for the High Country West & Camino Bernardo areas

Please refer to Exhibit B for specific district boundaries.

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 eighteen (18) years of age and shall ~~also~~ 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. A property owner need not reside in the community to be an eligible candidate. Or,
- (2) Resident whose primary address of residence is located in the Rancho Bernardo community planning area but who does not necessarily own the property in which he or she lives. Or,
- (3) Local business person who is a local business owner, operator, or designee of a non-residential real property address in the Rancho Bernardo community planning area. Only one representative of a particular establishment may hold a seat on the Planning Board at one time.

An individual may become an eligible member of the community by means of documented attendance at no less than one entire scheduled meeting of the Rancho Bernardo Community Planning Board's last 12 meetings prior to the March election. Eligible community members and candidates for election to the Planning Board will also be required to demonstrate their qualifications and eligibility to the Election Subcommittee prior to the March election.

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 if necessary. However, the Rancho Bernardo Community Planning Board shall require proof of eligibility during elections.

To be eligible as a representative of industrial or commercial interests, a person shall be at least eighteen years old and an employee or owner of an industrial or commercial enterprise with a business address in Rancho Bernardo at which employees or operators of the business are located.

The commercial and industrial seats will be appointed by a majority vote of the voting members of the Planning Board. These members shall have the same voting rights as all other members and shall serve a term of one year. The results shall be announced immediately following the vote and all Planning Board member votes shall be recorded in the minutes.

Section 3. Members of the Rancho Bernardo Community Planning Board shall be elected to serve for fixed terms of two (2) years with expiration dates during alternate years to provide continuity.

No person may serve on the Planning Board for more than eight consecutive years.

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

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

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 eight 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 Rancho Bernardo Community Planning Board must retain eligibility during the entire term of service.

Section 5. A member of the Rancho Bernardo Community Planning Board who is found to be out of compliance with the provisions of Council Policy 600-24 or with the Planning Board 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 Rancho Bernardo 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 Rancho Bernardo 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 a community planning group 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 Rancho Bernardo Community Planning Board should be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

The Planning Board shall fill vacancies at the time the vacancies are declared. A vacancy shall be immediately noticed and shall include a request from interested candidates to identify themselves for consideration at the next scheduled Planning Board meeting. A vacancy shall be filled by a majority vote of the voting members of the Planning Board in attendance. In addition, eligible candidates must have at least (1) one documented attendance at a Planning Board meeting from the time the meeting is convened until it is adjourned during the previous twelve months.

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

Section 3. When the Rancho Bernardo 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 Rancho Bernardo Community Planning Board members shall be held during the month of March in accordance with the elections procedures in Article VIII, Section 1(e) of these bylaws.

The Rancho Bernardo 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 entire meeting of the Rancho Bernardo Community Planning Board's last 12 meetings prior to the February regular meeting preceding the election.

Section 2. The Rancho Bernardo 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 eight consecutive years to leave the group for at least one year.

The Rancho Bernardo Community Planning Board holds its election utilizing a combination of mail-in ballots and voting immediately preceding and concurrent with the regular March meeting.

The Rancho Bernardo 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 consecutive years of service.

The Rancho Bernardo Community Planning Board's policy related to write-in candidates is that write-in candidates are not allowed.

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

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

Section 5. Article VIII, Section 1(e) contains all voting procedures, including: Election Ad Hoc Subcommittee, eligibility for candidates and voters; promotion of elections; conduct of the election, voting by mail-in ballot, ballots, and counting ballots.

## **ARTICLE VI: Rancho Bernardo Community Planning Board and Member Duties**

Section 1. It is the duty of the Rancho Bernardo 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 Rancho Bernardo Community Planning Board member to attend all Planning Board meetings.

(i) **REGULAR AGENDA POSTING:** At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall be posted in a place freely accessible to the general public and shall include information 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 Rancho Bernardo Community Planning Board agenda shall be offered to the City for posting on the City's website and agenda items should be posted on the Planning Board website at least 72 hours in advance of the meeting.

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

(iii) **ADJOURNMENTS AND CONTINUANCES:** If the Rancho Bernardo 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 location 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 is a special meeting.

(iv) CONTINUED ITEMS: If an item is continued from a prior regular meeting to a subsequent meeting more than five (5) days from the date of the original meeting, a new agenda must be prepared in the same manner as for a regular meeting; otherwise the original meeting agenda is adequate.

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

1. A subcommittee of the Planning Board has discussed the item at a noticed subcommittee meeting.
2. All interested members of the public were given an opportunity to address the subcommittee.
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 or take the item off the consent agenda by request.

(vi) QUORUM AND PUBLIC ATTENDANCE: A quorum, defined as a majority of non-vacant seats of the Planning Board, must be present to conduct business, vote on projects, and 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.

(vii) DEVELOPMENT PROJECT REVIEW: The Rancho Bernardo 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 review will take place, and shall also 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 a community planning group, or every member if less than two-thirds of the voting members of the community planning group 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 community planning group is required to remove an elected or appointed 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 Planning Board for the purpose of ratifying the findings presented by the Secretary to the Board

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

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

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

The Rancho Bernardo Planning Board Chair fully participates in Planning Board discussions and votes on all action items.

The Rancho Bernardo Planning Board shall not engage in, or allow secret ballots or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or email, are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed members of 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 Rancho Bernardo Planning Board as to action to be taken on an item by the voting members, 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 Rancho Bernardo Community Planning Board, or a majority vote of Planning Board members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting.

Each member of the planning 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 the purview of the Rancho Bernardo Planning Board and are prohibited under these bylaws.

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

(xiii) **DISORDERLY CONDUCT:** In the event a Planning Board meeting is willfully interrupted by a person or group 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 the individual refuses to leave, the Planning Board may order the meeting room be cleared and may 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 re-admit an individual or individuals who were not responsible for the disruption.

**(b) Subcommittees**

The Rancho Bernardo Community Planning Board may establish standing and ad hoc subcommittees when its operation contributes to more effective discussions at regular Planning Board meetings. Planning Board standing subcommittees are ongoing committees tasked with reviewing specific issue areas.

(i) **STANDING SUBCOMMITTEES:** The Rancho Bernardo Community Planning Board, as identified in Article II, Section 1, has established the following standing subcommittees:

1. **Development Review and Community Plan Subcommittee:** The subcommittee reviews and comments on project development applications and reports Planning Board findings and recommendations to the City. Reviews and recommends updates and amendments to the Community Plan.

2. **Regional Issues and Planning Subcommittee:** The subcommittee addresses issues outside the Rancho Bernardo boundaries that might have a direct effect on the Rancho Bernardo community.

3. **Traffic & Transportation Subcommittee:** The subcommittee examines and comments to the City on issues regarding traffic flow, speed limits, and safety and works with residents to address their concerns and recommendations for improvements.

4. **Administrative Subcommittee:** The Planning Board Administrative Subcommittee, comprised of the Planning Board Chair, Vice Chair, Secretary, and Treasurer, as well as the Standing Subcommittee Chairs, oversees general administrative business such as assembling the draft agenda in preparation for public discussion. Any substantive discussion about agenda items or a possible Planning Board position on an item shall occur at a publicly noticed Planning Board meeting.

All subcommittee durations are for the period of one (1) year *from the end of the April meeting until the beginning of the next April meeting*. Subcommittee Chairs will be appointed by the Rancho Bernardo Community Planning Board Chairperson and confirmed by a majority vote of the voting members of the Planning Board.

(ii) **AD HOC SUBCOMMITTEES:** Ad hoc subcommittees are established for finite period of time to review more focused issue areas and are disbanded following their review.

(iii) **SUBCOMMITTEE COMPOSITION:** Subcommittees will be composed of Planning Board members and other eligible members of the community as defined in Article 3, Section 2. They will be appointed by the subcommittee chairperson. Standing subcommittees, with the exception of the Administrative Subcommittee, shall consist of eight (8) members and less than a majority of the voting members of the Planning Board. The majority of subcommittee members must be voting members of the Planning Board.

Non-members, who are duly appointed by the Planning Board to serve on a subcommittee, shall 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 which includes completion of formal training by the City on the duties and responsibilities of the Planning Board.

(iv) **RECOMMENDATIONS:** Subcommittee recommendations must be brought forth to the full Planning Board for a formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the official recommendation of the Planning Board without a formal vote of the full Planning Board.

**(c) Abstentions and Recusals.**

(i) **RECUSALS:** Any member of the Rancho Bernardo Community Planning Board or standing subcommittee member 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 participating in any manner as a member of the Planning Board for that item on the agenda.

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

**(d) Meeting Documents and Records.**

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

(ii) **AGENDA AT A 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 of any materials requested by an individual or individuals.

(iii) MINUTES: For each Rancho Bernardo Community Planning Board meeting, a report of member attendance and a copy of approved minutes shall be retained by the Planning Board and made available for public inspection. A copy of the draft minutes should also be made available for public inspection as soon as possible, but not later than the Planning Board's next scheduled 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, the meeting minutes must indicate the date and type of notification (e.g. electronic, telephonic, and 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 and posted on the Planning Board website within 14 days following a majority vote approval by the voting members of the Planning Board in attendance.

The Rancho Bernardo Community Planning Board is not required to audio record 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 Rancho Bernardo 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 Rancho Bernardo Community Planning Board's operation and compliance. The Rancho Bernardo Community Planning Board 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 Rancho Bernardo Community Planning Board and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The Planning Board shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long range interest of the community at large.

Section 4. It shall be the duty of the Rancho Bernardo Community Planning Board to maintain a current, up-to-date roster of names, terms, and category/qualifications of all Planning Board members, and to forward the current roster, as well as any updates, to the City. The Planning Board must also submit to the City each year an annual report of accomplishments for the past twelve (12) months and anticipated objectives for the coming year related to the duties enumerated in Article II, Section I of Council Policy 600-24 and the Planning Board's

adopted bylaws. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. The Rancho Bernardo Community Planning Board may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the Planning Board to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any Planning Board meeting. All contributions must be voluntarily made, and no official Planning Board correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. Each newly elected or appointed Planning Board member is required to attend an orientation training session administered by the City as part of Planning Board and individual member indemnification pursuant to Ordinance No.O-19883 NS, and any future amendments thereto. If it is not possible for the 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, the member shall successfully complete the online orientation training.

As required by Ordinance No.O-19883 NS, newly seated Planning Board members must complete basic orientation training within 60 days of their election or appointment to the Planning Board or the member will be ineligible to serve. Basic orientation training will be scheduled within 60 days of the last day of March each year to meet this ordinance requirement.

## **ARTICLE VII Rancho Bernardo Community Planning Board Officers**

Section 1. The officers of the Rancho Bernardo Community Planning Board shall be elected from and by the members of the Planning Board at the regularly scheduled April meeting immediately following the seating of new members. The April meeting is convened by the Chair of the Election Subcommittee for the election of the Chairperson and then yields the chair to the newly elected Chairperson. Officers shall consist of a Chairperson, Vice Chairperson, Secretary, and Treasurer. The length of an officer's term shall be for the duration of one (1) year, except that no person may serve in the same Planning Board office for more than eight consecutive years. After a period of one year in which that person did not serve as an officer, the individual shall again be eligible to serve in an officer capacity.

Section 2. Chairperson: The Chairperson shall be the principal officer of the Rancho Bernardo Community Planning Board and shall preside over all Planning Board and communitywide meetings organized by the Planning Board. The Chairperson is the point of contact for all Planning Board actions and will assign project review responsibilities to the appropriate subcommittees.

Appeals of discretionary decisions to the City shall be made by the Chairperson or, if necessary due to direct economic interest or absence, by another Planning Board officer who is identified to appeal that particular action on behalf of the Planning Board.

Section 3. Vice Chairperson: In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson. In addition, the Vice Chair shall conduct the Administrative Subcommittee meetings at which the agenda for the next regularly scheduled Planning Board meeting is established. The Vice Chairperson may serve

in other capacities as determined by the Planning Board Chair and confirmed by Planning Board members.

- Section 4. Secretary: The Secretary shall be responsible for the Planning Board's correspondence, attendance records, and minutes and actions [including identification of Planning Board members who constitute a quorum, who vote on an action item, and who abstain or recuse, with their reasons]. The Secretary shall assure that Planning Board members and members of the public have access to this information. When necessary, the Secretary may ask another Planning Board member to assist with certain duties.
- Section 5. Treasurer. The Treasurer is responsible for receiving and disbursing the Planning Board's funds. The Treasurer shall provide a report of the Board's financial activity with the current balance at each scheduled Planning Board meeting and shall deposit all funds payable to the Planning Board; pay invoices owed and approved by the Board; maintain records of the annual Board's financial activities; and balance and reconcile the Board's checking account on a monthly basis. All checks drafted by the Treasurer shall be signed by two Planning Board officers. The Treasurer may be asked to prepare and submit a budget for the Board's approval.
- Section 6. The Chairperson shall be the Rancho Bernardo Community Planning Board's representative to the Community Planners Committee (CPC). However, by a specific action vote by the Planning Board, a Planning Board member other than the Chairperson may be selected as the official representative to CPC, with the same voting rights and privileges as the Chair. Designation of a Planning Board member other than the Chair shall be forwarded, in writing, to the appropriate staff representative to CPC prior to extension of voting rights and member attendance.
- Section 7. It is the duty of the officers and CPC representative(s) of the Rancho Bernardo Community Planning Board to promptly disseminate pertinent information received by the Planning Board regarding its official business to all Planning Board members.
- Section 8. Should the Board Chairperson, Vice Chairperson, Secretary, or Treasurer resign from office and/or from membership on the Rancho Bernardo Community Planning Board, the Planning Board shall, by majority vote of the voting members, elect a ~~non-interim~~ member to serve in the vacated position until the conclusion of the officer's term.

#### **ARTICLE VIII Rancho Bernardo Community Planning Board Policies and Procedures**

- Section 1. The Rancho Bernardo Community Planning Board has included policies and procedures in its bylaws that are found necessary for the Planning Board's effective operation under Council Policy 600-24. The Planning Board bylaws may also incorporate additional information found in Exhibits that can be attached to these bylaws. Such exhibits are considered part of these bylaws and have the same effect as if they were incorporated directly into Articles I through IX.
- (a) **Community Participation:** The following are the Rancho Bernardo Community Planning Board procedures regarding community participation: community outreach to area residents and organizations. The Planning Board Chair will address activities of the Board and its subcommittees; encourage community involvement with Planning Board decisions regarding land development, transportation,

commercial and industrial interests; and work to establish Planning Board candidates for election to assure diverse representation among the community. The Planning Board Chair may appoint liaison positions that can be designated to interface with Rancho Bernardo or City organizations that directly impact the community.

- (b) **Planning Group Composition:** Planning Board composition includes twenty (20) elected seats to represent the seven (7) geographic districts within the community boundaries and two (2) appointed seats representing commercial and industrial interests.
- (c) **Conduct of Meetings by the Planning Board shall include:**
- 1) Agenda: Planning Board meeting agendas are established and posted on the Planning Board website, the City website, and in a publically accessible area no later than 72 hours in advance of a scheduled monthly or special meeting.
  - 2) Non-Agenda Public Comment: Time will be allotted at Planning Board meetings for the public to be heard. If the subject is on the agenda, public comments will be heard during discussion of the agenda item. If the matter is not on the agenda, residents' comments will be heard during the non-agenda portion of the meeting. No discussion or action by members will be taken other than to refer the matter to the appropriate individuals or subcommittee(s).
  - 3) Agenda Items: These items are designated for action or for information only by the Planning Board on projects and other matters that impact Rancho Bernardo residents. If there is a need to take immediate action, an item may be added to the agenda, the sequence of agenda items may be changed, or an information item may be changed to an action item with a two-thirds vote of the voting members of the Planning Board. If two-thirds of Planning Board members are not in attendance, these actions require a unanimous vote by voting members of the Planning Board who are present.
  - 4) Non-voting/liaison Items: The Planning Board agenda provides an allotted time to receive liaison reports by locally elected officials and/or their representatives when appropriate. Liaison reports may also be heard as 'Non-Agenda Public Comment'. A quorum of the Planning Board must continue to be present for these items to be heard.
  - 5) Financial Interests: Any Planning Board member or standing subcommittee member who has a direct economic interest in a project presented for information or action by the Planning Board, which could be perceived by other members as prejudicial toward the project, shall not participate in the discussion, ask or answer questions, or vote on the project as a Planning Board member.

The member must remove him or herself from the Planning Board seat but may participate as part of a project applicant team. The member may not otherwise speak, make statements, and answer questions from a place in the audience.

- 6) Obtaining the Floor: Board members wishing to speak must be recognized by the Chair. The Chair will give priority to those who have not yet spoken to the motion. Non-Board members wishing to speak on a subject must provide a completed Speaker's Slip to the Chair prior to the discussion and *may* identify themselves by name, address, organization, if any, and if they are a part of an organized presentation or if speaking as an individual.
- 7) Procedure on Agenda - Voting on Projects/Issues: When a development project or proposal has been presented to the Board, the Chair will ask for a report from the standing subcommittee Chair whose subcommittee has reviewed the project or issue. Following the report(s), Planning Board members may ask questions for clarification. The Chair then takes comments from the public, who completed a 'Speaker Slip'. Public comments as to time and duration are determined by the Chair.

Once speakers have completed their presentation(s), the Planning Board Chair asks for a motion, usually made by the appropriate subcommittee Chair. Once the motion is made and seconded, the Chair reads the motion, followed by limited discussion. This procedure is followed for all presentations with the exception if a proposal was only presented to the Planning Board and not a subcommittee, then any Planning Board member may make the motion.

(d) **Member and Planning Board Responsibilities:**

In addition to responsibilities outlined in Article VI of the Planning Board bylaws, the Chair may appoint eligible Planning Board members, with the majority vote of Planning Board members in attendance, to serve as a liaison to the following community groups such as, but not limited to:

- (1) Rancho Bernardo Community Council
- (2) San Dieguito River Valley Park
- (3) San Pasqual/Lake Hodges Planning Board
- (4) COMPACT
- (5) SANDAG Task Force

All Rancho Bernardo Planning Board members ~~must~~ are expected to serve on at least one Planning Board standing subcommittee.

(e) **Election Procedures:**

- 1) Election Ad Hoc Subcommittee. The procedure for the establishment of the ad hoc Election Subcommittee is contained in Article V, Section 1 and Article VI, Section 2. (b). No member who is a candidate for re-election may serve on the Election ad hoc Subcommittee. The responsibilities of the Subcommittee are listed in Article V and below.
- 2) Eligibility for Candidates and Voters. All candidates for membership on the Rancho Bernardo Community Planning Board and all voters in the election



of these members shall be “eligible community members” as defined in Article III, Section 2. All voters will be required to sign certifying their eligibility and the address and Planning Board District of their residence or business. The boundaries of Planning Board Districts are shown in Exhibit B.

- 3) Promotion of Elections. Notice of the election including the time and place that balloting will take place and the procedure for obtaining mail-in ballots shall be posted on community center bulletin boards, included on the Board’s website, and published in local newspapers at least 30 days prior to the election.
- 4) Conduct of the Election. The election shall take place immediately preceding and concurrent with the regularly scheduled March meeting of the Rancho Bernardo Community Planning Board. Members of the Election Subcommittee and, if necessary with the assistance of eligible members of the community who are not candidates in the election, will conduct the election and count the ballots.
- 5) Voting by Mail-in Ballot. Eligible members of the community may vote “by mail” by submitting a request for a ballot by mail, email, or in person to the Chairperson of the Election Subcommittee at least two weeks before the date of the election. The completed ballot must be received by the Election Subcommittee Chairperson at least two days before the election. The ballot must be accompanied by the certification outlined above.
- 6) Ballots. Voting is by secret, paper ballot. Candidates will be listed on the ballot by District and voters will be instructed to vote only for candidates from their District. The ballot will clearly identify which seats individual candidates are running for, how many candidates can be selected, and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight consecutive years of service. Candidates’ names shall be placed on the ballot in an order determined by random drawing.
- 7) Counting Ballots. Ballots will be counted prior to and at during the regularly scheduled March meeting of the Planning Board. Any ballot with votes for candidate(s) from incorrect districts or with more than the indicated number of candidates selected will be disqualified and not counted. When there are more candidates than vacancies in a district, the candidates with the most votes fill the vacant positions. In case of a tie the winner is declared by a coin toss at the regularly scheduled April meeting of the Planning Board.

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

Section 1. Indemnification and Representation: The Rancho Bernardo Community Planning Board and its duly elected and 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 Article II,

Section 1 of Council Policy 600-24; if their conduct was in conformance with Council Policy 600-24 and these bylaws; and if all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies: The Rancho Bernardo Community Planning Board and its duly elected and appointed 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. Individual members of the Planning Board, as well as the Planning Board itself, may be subject to civil remedies.

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

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

**(a) Alleged Violations by a Member of the Rancho Bernardo Planning Board**

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

A complaint that an individual member of the Planning Board violated one or more provisions of the Planning Board's bylaws or Council Policy 600-24 may be submitted to the Planning Board Chair by any individual, including another Planning Board member. The complaint shall be filed within 90 days of the alleged violation and shall reference specific Articles and their subsequent sections of the Planning Board bylaws and Council Policy 600-24.

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

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

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

Investigation procedures for member violations are outlined below:

Any action by the Rancho Bernardo Community Planning Board to discipline or remove a member must occur at a scheduled Planning Board meeting and shall be noticed 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 by a member are:

#### Documenting a violation:

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

#### Procedures for administering and acting on investigating a violation:

While the authority for this process rests with the Planning Board, City staff may be contacted for assistance at any point in the process.

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

- The matter of removing a seated Planning Board member will be placed on the Planning Board's agenda as a potential action item. Supporting materials from the Chair or from

the offending Planning Board member will be made available to the—elected and appointed Planning Board members prior to the meeting.

- The matter will be discussed at the Planning Board’s regular meeting with the opportunity given to the Planning Board member who committed the violation to present his or her 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 until the next scheduled Planning Board meeting to gather more information to present to the Planning Board.
- At the end of the discussion, the Planning Board may, by a two-thirds vote of the voting members of the planning board choose to remove the member.

Recourse for an Expelled Member:

- There is no appeal available to an elected Rancho Bernardo Planning Board member removed by a two-thirds vote of the voting members of the Rancho Bernardo Planning Board.
- The Planning Board member’s seat shall be immediately declared vacant and subject to provisions of Article IV.
- The removal of a Planning Board member by a two-thirds vote of the voting members of the Planning Board will not prohibit the member from running for a Planning Board seat in future scheduled elections.

**(b) Alleged Violations Against the Rancho Bernardo Planning Board as a Whole**

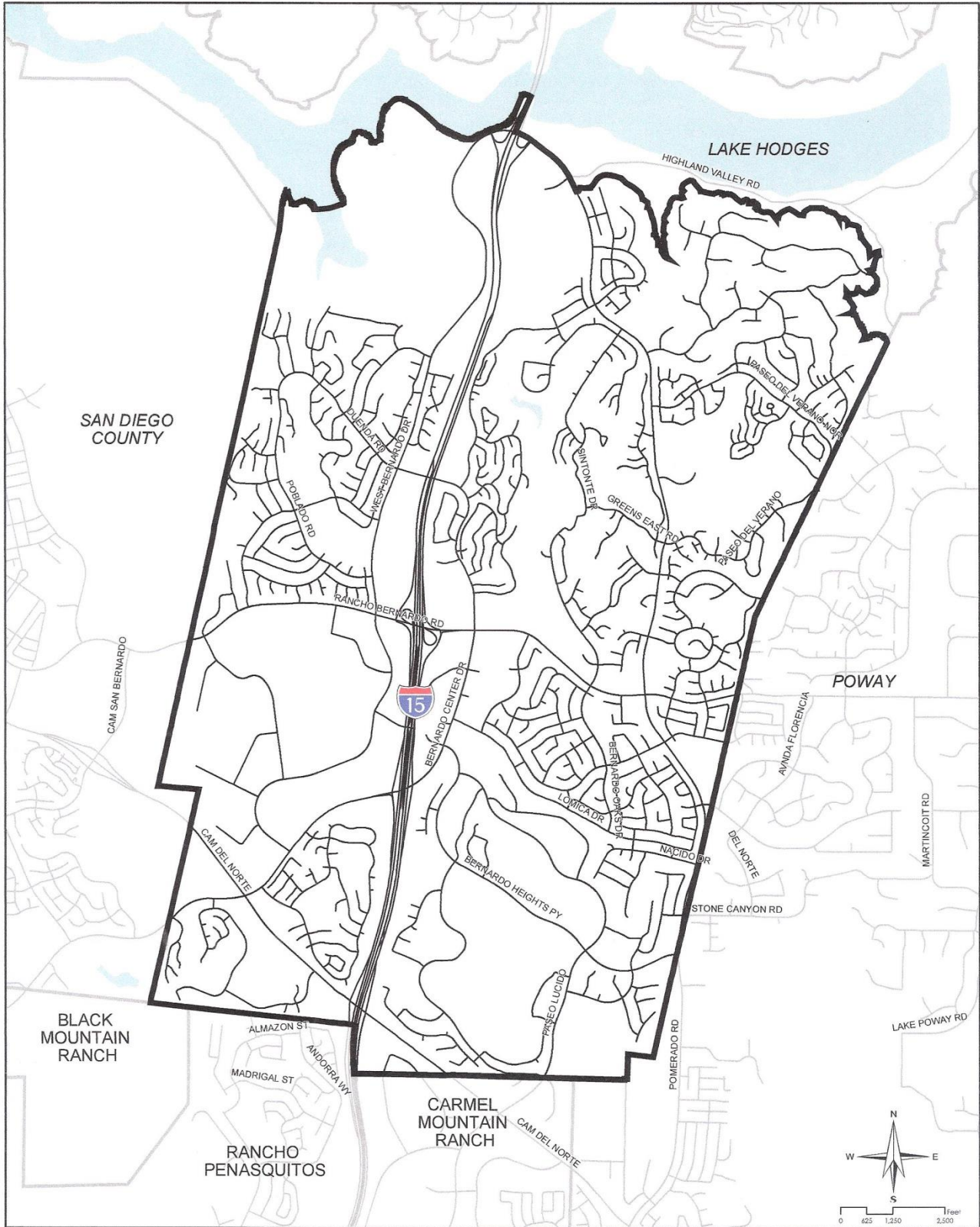
In the case of an alleged violation of the Planning Board’s bylaws or of Council Policy 600-24 by the Planning Board as a whole or multiple members of the Planning Board, the violation shall be forwarded in writing to the City. The Mayor’s Office will engage in a dialogue with the Planning Board, determining the validity of the complaint, and seeking resolution of the issue or dispute. The Rancho Bernardo 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 Planning Board recognized under Council Policy 600-24. Such a determination which results in the forfeiture of the seated Planning Board’s rights to represent its community shall be based on a recommendation by the Mayor’s Office to the City Council. The Planning Board shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

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

Exhibit “A”: Rancho Bernardo Community Planning Board Boundary Map

Exhibit “B”: Rancho Bernardo Community Planning Board District Boundary Map



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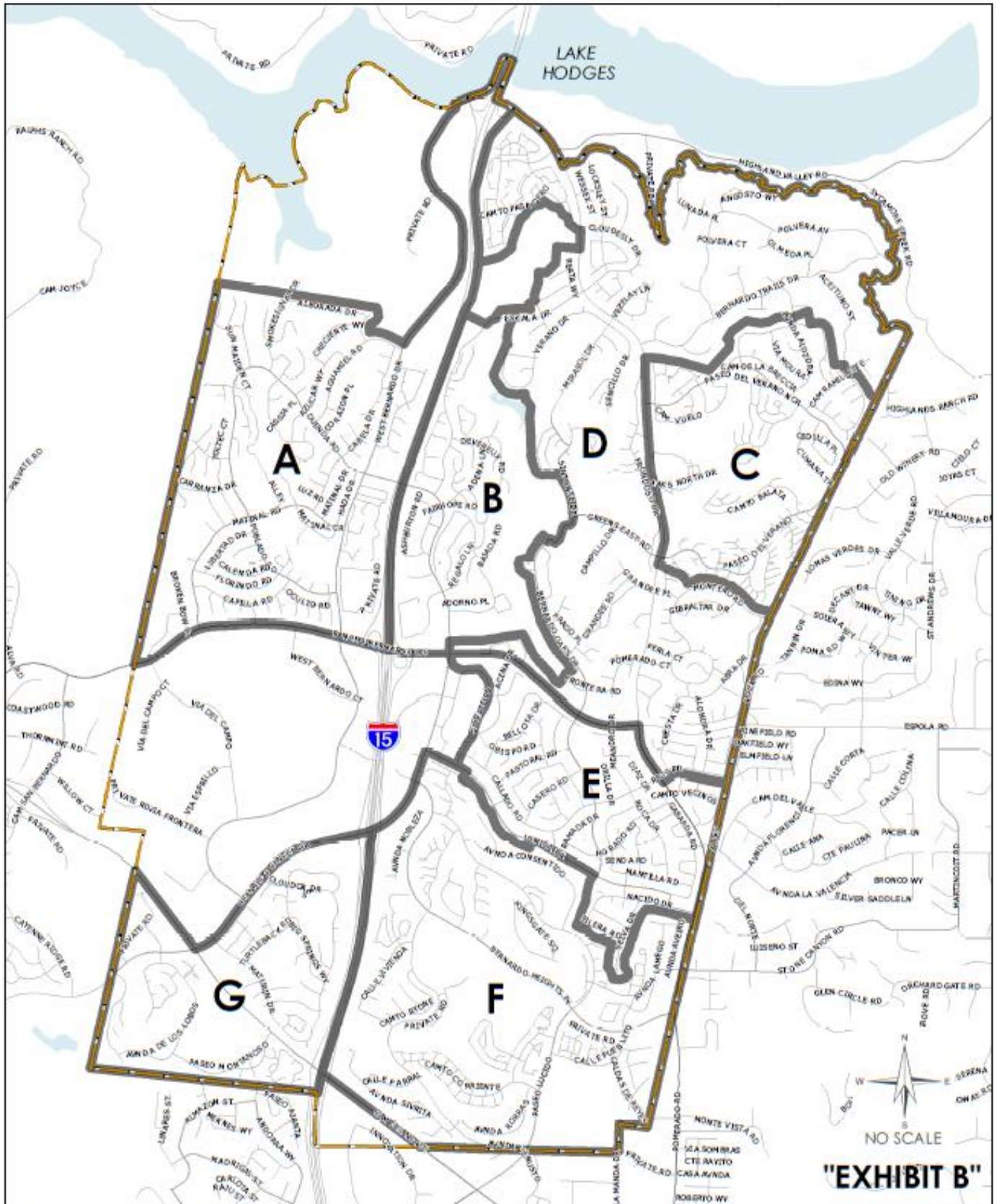


# Rancho Bernardo "EXHIBIT A"

CITY OF SAN DIEGO • PLANNING DEPARTMENT



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## Rancho Bernardo Districts

CITY OF SAN DIEGO



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