

1 **Peninsula Community Planning Board Operating Procedures**
2 **Approved November 16th, 2023 (Administrative Approval)**

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4 **ARTICLE I Name**

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

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

9 Section 3 The community planning area boundaries for the Peninsula Community Planning
10 Board are shown on Exhibit “A” and are generally described as the coastline on the
11 east, Midway on the north and West Point Loma Blvd on the west to Froude Street,
12 Froude Street to Adair, Sunset Cliffs Coastline to Point Loma Nazarene University,
13 Point Loma Ave on the south and to include the Navy Installations to the south.
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15 Section 4. Meetings of the Peninsula Community Planning board shall be held within these
16 boundaries, except that when the Peninsula Community Planning Board does not have
17 a meeting facility within its boundary that is accessible to all members of the public,
18 they may meet at the closest meeting facility.
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20 Section 5. The official positions and opinions of the Peninsula Community Planning Board shall
21 not be established or determined by any organization other than the planning board,
22 nor by any individual member of the planning board other than one authorized to do so
23 by the planning board. A special emergency meeting of the PCPB may be held to act
24 on urgent matters and legislation when it is not possible for the full committee to meet
25 in person in time to act on the matter. Any member of the PCPB may call on the Chair
26 to convene a special emergency meeting.
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28 **ARTICLE II Purpose of Community Planning Board and General Provisions**

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30 Section 1. The Peninsula Community Planning Board has been formed and recognized by the
31 City Council to make recommendations to the City Council, Planning Commission,
32 City staff, and other governmental agencies on land use matters, specifically
33 concerning the preparation of, adoption of, implementation of, or amendment to, the
34 General Plan or a land use plan when a plan relates to the Peninsula Community
35 Planning Board community boundaries. The planning board also advises on other land
36 use matters as requested by the City or other governmental agency as detailed in
37 Council Policy 600-24.
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39 The PCPB may be called upon to advise on, or participate in, additional efforts such as
40 identifying Capital Improvement Project infrastructure needs, as discussed in Council
41 Policy 000-32. Pursuant to the provisions of Council Policy 600-33, the PCPB may be
42 asked to review a park general development plan or capital improvements within the
43 park if there is no City-recognized park advisory group. Nothing in this policy

44 precludes the PCPB from serving as the local advisory group for a Maintenance
45 Assessment District (MAD) nor from seeking to serve as the local manager of a new
46 MAD.
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48 Section 2. In reviewing individual development projects, the Peninsula Community Planning
49 Board should focus such review on conformance with the Land Development Code,
50 and the adopted community plan and the General Plan. Preliminary comments on
51 projects may be submitted to the City during the project review process. Whenever
52 possible, the formal planning board recommendation should be submitted no later than
53 the end of the public review period offered by the draft environmental document.
54 Upon receipt of the plans for projects with substantive revisions, updates,
55 strikeout/underline, and/or involving a reissued environmental document, the planning
56 board may choose to rehear the project, at a regular or special meeting, and may
57 choose to provide a subsequent formal recommendation to the City.
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59 The PCPB must submit its advisory recommendation on a development project, if any,
60 to the City, via the Development Services Department Project Managers, within seven
61 calendar days of the PCPB's approval of the recommendation. The City may decline
62 to review any advisory recommendation submitted to the City eight or more calendar
63 days after the recommendation was approved by the PCPB.
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65 In addition, the PCPB must follow a uniform process for recording and posting PCPB
66 project review recommendations. This process should either use a revised annual
67 report that includes all project recommendations, or a Bulletin 620 Distribution Form
68 revised to include the number of times the applicant presented to the PCPB per project
69 and any major conditions to the project proposed by the PCPB.
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71 For a development project that requires an Environmental Impact Report, the PCPB
72 must submit its comments before the public review period closes.
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74 Section 3. All activities of the Peninsula Community Planning Board shall be nonpartisan and
75 nonsectarian and shall not discriminate against any person or persons by reason of
76 race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation,
77 marital status, military or veteran status, genetic information, medical condition, or
78 physical or mental disability. In addition, meeting facilities must be accessible to
79 disabled persons.
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81 Section 4. The Peninsula Community Planning Board shall not take part in, officially or
82 unofficially, or lend its influence in, the election of any candidate for political office.
83 Elected members shall not identify affiliation with a planning group when endorsing
84 candidates for public office. The planning board may take a position on a ballot
85 measure.
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87 Section 5. The Peninsula Community Planning Board’s failure to respond to the City's request
88 for input on the preparation of, adoption of, implementation of, or amendment to, the
89 General Plan or a community, precise, or specific plan, or failure to review and reply
90 to the City in a timely manner on development projects shall result in the forfeiture of
91 rights to represent the Peninsula community for these purposes. Such a determination
92 resulting in the forfeiture of rights to represent the community for these purposes shall
93 be made only by the City Council upon the recommendation of the Mayor’s Office.
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95 Section 6. The Peninsula Community Planning Board operates under the authority of the Ralph
96 M. Brown Act which requires that meetings of the planning board be open and
97 accessible to the public. In addition, Council Policy 600-24 "Standard Operating
98 Procedures and Responsibilities of Recognized Community Planning Groups" and
99 these operating procedures govern the operations of the planning board. Several
100 provisions of these bylaws constitute Brown Act requirements as outlined in the
101 Policy. Amendments to Council Policy 600-24 will apply to the Peninsula
102 Community Planning Board, as well as to all other community planning boards, even
103 if the individual board’s operating procedures are not required to be amended with
104 parallel language.
105

106 In addition, Council Policy 600-24 provides explanations of the Policy's minimum
107 standard operating procedures and responsibilities of this planning board. The latest
108 version of *Robert's Rules of Order* is used when Council Policy 600-24 and these
109 bylaws do not address an area of concern or interest.
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111 Section 7. The Peninsula Community Planning Board may propose amendments to these
112 operating procedures by a two-thirds vote of the voting members of the planning
113 board. Proposed amendments shall be submitted to the offices of the Mayor and City
114 Attorney for review and approval. Any proposed amendments that are inconsistent
115 with Council Policy 600-24 shall not be approved by the Mayor and City Attorney
116 and shall be forwarded to the City Council President who shall docket the matter for
117 Council consideration. Bylaw amendments are not valid until approved by the City.
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119 Section 8. The CPG is an independent entity from the City and must be able to operate as such.
120 The City may provide assistance to CPGs at the discretion of the City Manager and
121 subject to the availability of City resources. In addition, CPGs may be allocated funds
122 by the City when such funding is approved by the City Council.
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124 **ARTICLE III Peninsula Community Planning Board Organization**
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126 Section 1. The Peninsula Community Planning Board shall consist of fifteen elected
127 members. These members of the planning board shall constitute the officially
128 recognized community planning board for the purpose of these bylaws and Council
129 Policy 600-24. Five additional, non-voting members may be added to represent
130 stakeholder groups. At no time may the board exceed twenty voting and non-voting
131 members.

132 Section 2. Community Representation. Council Policy 600-24 requires that elected members
133 of the Peninsula Community Planning Board (PCPB) shall, to the extent possible,
134 be representative of the community's demography and interests, including
135 homeowners, renters, individuals with and without school age children, and diverse
136 age groups.

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

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

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

- 156 (1) property owner, who is an individual identified as the sole or partial owner of
157 record, or their designee, of a real property (either developed or undeveloped),
158 within the community planning area, or
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- 160 (2) resident, who is an individual whose primary address of residence is an
161 address in the community planning area, or
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- 163 (3) local businessperson, who is a local business or not-for-profit owner,
164 operator, or designee at a non-residential real property address in the
165 community planning area as evidenced by a business tax certificate or
166 other official document. Only one representative of a particular
167 establishment may hold a seat on the community planning board at one
168 time.
169

170 An eligible member of the community may become an Eligible Candidate by
171 submitting a completed application to the Elections subcommittee for validation. Once
172 eligibility to vote is established, an individual remains an eligible member of the
173 community until a determination is made that the individual does not meet the
174 planning board's criteria and formal action is taken by the planning board. However,

175 the Peninsula Community Planning Board shall require proof of eligibility during
176 elections.

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

180 No person may serve on the planning board for more than nine consecutive (three 3-
181 year terms) years. The nine-year limit refers to total consecutive years of service time,
182 not to individual seats held. After a one-year break in service as a planning board
183 member, an individual who previously served for nine consecutive years shall again be
184 eligible for election to the planning board.

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186 The planning board will actively seek new members to the extent feasible. If
187 insufficient numbers of new candidates are found to fill all vacant seats, the planning
188 board may retain members who have served for nine consecutive years to continue on
189 the planning board without a break in service. However, this member must be elected
190 to an open seat by at least a two-thirds of the ballots cast by eligible members of the
191 community participating in the regular election.

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

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

202
203 Appointed Seats. To ensure representation of unique stakeholder interests in the
204 community planning area, the PCPB may appoint up to five non-voting members, for a
205 total of no more than twenty members, to represent ethnicities, age groups, disabilities,
206 renters, and intergenerational households not otherwise represented by the elected
207 members. These non-voting members will be selected to represent the interests of their
208 segment of the community, add substantive knowledge to committee deliberation, and
209 inform discussion. As with board community members, appointed members will be
210 voting members of standing and ad hoc committees and subcommittees and will be
211 encouraged to stand for election.

212
213 (1) Ten percent of the electorate is sufficient to merit representation. Where more
214 than five stakeholder groups over ten percent of the electorate are not
215 represented, the top five shall be afforded representation by an appointed seat.
216

217 (2) Appointed seats shall be for a term of one (1) year, with members remaining
218 eligible for reappointment for a maximum of six sequential terms. Any break in
219 appointment of one year or greater will make the member eligible for
220 reappointment for another six years. Appointed membership shall not affect
221 eligibility for three full terms of three years as an elected, voting member,
222 except that no elected member deemed ineligible for reelection may become an
223 appointed member for at least one year after becoming ineligible for reelection.
224

225 (3) Process. Immediately following the election of new members in March, the
226 Executive Board shall determine if the PCPB remains representative of the
227 community demographically. One elected member from a stakeholder group is
228 sufficient to constitute representation. Should the Executive Board determine
229 that the elected membership no longer represents the community adequately,
230 the PCPB shall actively seek representatives from the impacted stakeholder
231 group. The Elections Committee shall validate any candidate for appointment
232 using the same process as an elected member. In the April PCPB meeting after
233 the Elections Committee presents and the PCPB seats the newly elected
234 members, the Executive Board shall present a slate of non-voting member
235 candidates for appointment. Should multiple candidates express interest in
236 appointment to represent a stakeholder group, the competing candidates shall
237 be presented to the full board for consideration and selection by a vote of the
238 full PCPB. The selected candidates shall be immediately seated before the
239 board proceeds with the agenda.
240

241 Section 4. A member of the Peninsula Community Planning Board must retain eligibility during
242 the entire term of service. The PCPB shall take attendance to ensure that each voting
243 member attends at least two-thirds of the PCPB's regularly scheduled meetings in any
244 twelve-month period throughout their term as a voting member. Failure to meet
245 minimum attendance shall be grounds for disqualification of the voting member.
246

247 Section 5. A member of the Peninsula Community Planning Board found to be out of compliance
248 with the provisions of Council Policy 600-24 or the planning board's adopted
249 operating procedures risks loss of defense and indemnification (legal protection and
250 representation) pursuant to Ordinance No. O-19883 NS, and any future amendments
251 thereto.
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253 Section 6. Several provisions of these bylaws constitute requirements under the Brown Act, as
254 outlined in Council Policy 600-24. A member of the Peninsula Community Planning
255 Board who participates in a meeting of the planning board where actions are alleged to
256 have been in violation of the Brown Act may be subject to civil or criminal
257 consequences.
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259 **ARTICLE IV Vacancies**

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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.

303 **ARTICLE V Elections**

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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.

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

347
348 Section 4. The Peninsula Community Planning Board election becomes final after announcing
349 the election results at the conclusion of the regular noticed planning board meeting.
350 The Chair is responsible for preparing, certifying, and forwarding the election report to
351 the City. New members shall be seated in April at the start of the regular meeting to
352 allow their full participation as elected members at the April planning board meeting.

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354 Any challenge to the election results must be filed with the chair of the Elections
355 Subcommittee in writing within 48 hours of the counting of the ballots to allow
356 enough time to resolve the issue.

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

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

365
366 Section 1. It is the duty of the Peninsula Community Planning Board to cooperatively work with
367 the City throughout the planning process, including but not limited to the formation of
368 long-range community goals, objectives and proposals or the revision thereto for
369 inclusion in a General or Community Plan.

370
371 It is the duty of the Peninsula Community Planning Board to conduct official business
372 of the planning board in a public setting. It is recognized that the officers of the
373 planning board may oversee administrative business of the planning board, such as the
374 assembling of the draft agenda, in preparation for public discussions. However, all
375 substantive discussions about agenda items or possible board positions on agenda
376 items shall occur at the noticed planning board meetings.

377
378 It is the duty of a planning board as a whole, and of each individual member, to refrain
379 from conduct that is detrimental to the planning board or its purposes under Council
380 Policy 600-24. No member shall be permitted to disturb the public meeting to disrupt
381 the public process as set forth on the planning board's agenda.

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383 Section 2. Meetings

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

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388 (1) REGULAR AGENDA POSTING - At least 72 hours before a regular meeting,
389 the agenda containing a brief general description of each agenda item shall be
390 posted. The brief general description of each agenda item need not exceed
391 twenty words per item unless the item is complex. The agenda shall also
392 provide notice of the date, time, and location of the meeting. The agenda shall
393 be posted in a place freely accessible to the general public and shall include
394 information on how a request for accessible accommodation may be made.
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396 The listing of the agenda item shall include the intended action of the planning
397 board regarding that item [e.g., information item, action item].
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399 The agenda shall be offered to the City for posting on the City's website and
400 should be posted on the PCPB's website at least 72 hours in advance of the
401 meeting.
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403 (2) PUBLIC COMMENT- Any interested member of the public may comment on
404 agenda items during regular or special planning board meetings. In addition,
405 each agenda for a regular planning board meeting shall allow for a public
406 comment period at the beginning of the meeting for items not on the agenda
407 but are within the scope of authority of the planning board. Planning board
408 members may make brief announcements or reports to the planning board on
409 their own activities under the public comment section of the agenda. The
410 planning board may adopt time limits for public comment to ensure operational
411 efficiencies.
412

413 (3) ADJOURNMENTS AND CONTINUANCES – If the Peninsula Community
414 Planning Board does not convene a regularly scheduled meeting, there shall be
415 a copy of the "Notice of Adjournment" of the meeting posted on or near the
416 door of the place where the adjourned meeting was to be held within 24 hours
417 after the time the meeting was to be held.
418

419 If a meeting is adjourned because less than a quorum was present, a new
420 regular meeting agenda must be prepared. If a meeting is adjourned because no
421 members of the planning board were present, the subsequent meeting, if not a
422 regular meeting, must be noticed as if it was a special meeting.
423

424 (4) CONTINUED ITEMS - If an item is continued from a prior regular meeting to
425 a subsequent meeting more than 5 days from the original meeting, a new
426 agenda must be prepared as if it were a regular meeting; otherwise, the original
427 meeting agenda is adequate.
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429 (5) CONSENT AGENDA - For items to be considered for a "Consent Agenda" all
430 of the following are required:

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- 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.

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(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

518 direct or indirect communication, by personal intermediaries, by serial
519 meetings, or by technological devices, is prohibited, other than at a properly
520 noticed public meeting.

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522 (11) SPECIAL MEETINGS - The chair of the Peninsula Community Planning
523 Board, or a majority of planning board members, may call a special meeting.
524 Special meetings may be web-based provided all other requirements are met.
525 An agenda for a special meeting shall be specified as such and shall be
526 prepared and posted at least 24 hours before a special meeting. Each member
527 of the planning board shall receive written notice of the meeting at least 24
528 hours before the time of the meeting as specified in the notice. Written notice
529 shall be delivered to at least one local newspaper of general circulation and
530 radio or television station requesting notice in writing at least 24 hours before
531 the time of the meeting. The notice shall identify the business to be transacted
532 or discussed at the meeting. No other business shall be considered at this
533 meeting. Public testimony on agenda items must be allowed; however, the
534 non-agenda public comment period may be waived.

535
536 (12) EMERGENCY MEETINGS - Emergency meetings require no public notice
537 and are called for matters related to public health and safety. These matters are
538 outside of the purview of the Peninsula Community Planning Board and are
539 prohibited under these operating procedures.

540
541 (13) RIGHT TO RECORD - Any person attending a meeting of the Peninsula
542 Community Planning Board must be allowed to record or photograph the
543 proceedings in the absence of a reasonable finding by the planning board that
544 the recording cannot continue without noise, illumination, or obstruction of
545 view that constitutes, or would constitute, a persistent disruption of the
546 meeting.

547
548 (14) DISORDERLY CONDUCT - If any planning board meeting is willfully
549 interrupted by a person or board of persons, so as to make the orderly conduct
550 of the meeting infeasible, the planning board may first cause removal of the
551 individual or individuals. If that is unsuccessful then the planning board may
552 order the meeting room cleared and continue in session on scheduled agenda
553 items without an audience, except that representatives of the media shall be
554 allowed to remain. The planning board may also readmit an individual or
555 individuals who were not responsible for the disruption.

556
557 Subcommittees. The Peninsula Community Planning Board may establish or create as
558 needed standing and ad hoc subcommittees when their operation contributes to more
559 effective discussions at regular planning board meetings.

560

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

564
565 (1) STANDING SUBCOMMITTEES - Pursuant to the purpose of the Peninsula
566 Community Planning Board as identified in Article II, Section 1, has
567 established the following standing subcommittees: Airport, Long Range
568 Planning, Parks and Recreation, Traffic and Transportation, Environment, and
569 Project Review. Subcommittees will stand for the year and subcommittee
570 Chairs will be voted on by the Board.

571
572 (2) AD HOC SUBCOMMITTEES - Ad hoc subcommittees may be established for
573 a finite period to review more focused issue areas and shall be disbanded
574 following their review.

575
576 (3) SUBCOMMITTEE COMPOSITION – Subcommittees shall contain a majority
577 of members who are members of the planning board.

578
579 To prevent a subcommittee meeting becoming a meeting of the full Board, the
580 number of Board members on any subcommittee must be less than a majority
581 of the full Board. However, in accordance with the Brown Act, members of the
582 Board who are not members of the subcommittee may attend a subcommittee
583 meeting as a member of the audience to observe but may not participate
584 verbally, or through gestures or facial expressions.

585
586 Non-members, who are duly appointed by a planning board to serve on a
587 subcommittee, may be indemnified by the City in accordance with Ordinance
588 No. O-19883 NS, and any future amendments thereto, provided they satisfy
589 any and all requirements of the Council Policy 600-24.

590
591 (4) RECOMMENDATIONS – Subcommittee recommendations must be
592 brought forth to the full planning board for formal vote at a noticed public
593 meeting. In no case may a committee or subcommittee recommendation be
594 forwarded directly to the City as the formal recommendation of the planning
595 board without a formal vote of the full planning board.

596
597 Abstentions and Recusals

598
599 (1) ABSTENTIONS – In limited circumstances, planning board members may
600 abstain from either voting on an action item, or from participating and voting
601 on an action item. PCPB voting members should voluntarily choose to abstain
602 from voting when that member has legitimate, non-economic, personal
603 interests in the outcome that would, at minimum, give the appearance of

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

611
612 (2) **RECUSALS** - Any member of the Peninsula Community Planning
613 Board with a direct economic interest in any project that comes before the
614 planning board, or its subcommittees must disclose to the planning board that
615 economic interest and must recuse from voting and not participate in any
616 manner as a member of the planning board for that item on the agenda.

617
618 (3) **CONFLICTS OF INTEREST** - PCPB voting members with a potential or
619 perceived conflict of interest should recuse themselves from a PCPB hearing
620 on matter for which they have a direct economic interest. A direct economic
621 interest includes, but is not limited to, investments in or positions with a
622 business entity, interest in real property, source of income, source of gifts, and
623 personal finances. Exceptions to conflicts of interest may be granted by the
624 PCPB to a voting member who can show that the decision will not have an
625 effect, positive or negative, on their economic interest.

626
627 Meeting Documents and Records

628
629 (1) **AGENDA BY MAIL** - Requests to mail copies of a regular agenda, and any
630 accompanying material, shall be granted. Such materials shall be mailed when
631 the agenda is posted, or upon distribution to a majority of the members of the
632 community planning board, whichever occurs first. A request to receive
633 agendas and materials may be made for each calendar year and such a request
634 is valid for that entire year but must be renewed by January 1 of the following
635 year. A cost- recovery fee may be charged for the cost of providing this
636 service.

637
638 (2) **AGENDA AT MEETING** - Any written documentation, prepared or provided
639 by City staff, applicants, or planning board members that is distributed at the
640 planning board meeting, shall be made available upon request for public
641 inspection without delay. If such material is distributed at the planning board
642 meeting, then it shall be made available upon request at the meeting. If such
643 material is prepared by someone other than City staff, applicants, or planning
644 board members, or is received from a member of the public during public
645 testimony on an agenda item, then the material shall be made available for
646 public inspection at the conclusion of the meeting. A cost-recovery fee may be

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

649
650 (3) MINUTES – For each planning board meeting, a report of Peninsula
651 Community Planning Board member attendance and a copy of approved
652 minutes shall be retained by the planning board and shall be available for
653 public inspection. A copy of the draft minutes should be made available for
654 public inspection as soon as possible but no later than the next regularly
655 scheduled PCPB meeting. The minutes of each planning board meeting shall
656 include the votes taken on each action item and reflect the names for, against
657 and abstaining when the vote is not unanimous. Recusals shall also be
658 recorded. Minutes should record speakers and public testimony, and whether
659 each project applicant (whose project was subject to planning board action)
660 appeared before the planning board. If an applicant did not appear before the
661 planning board, then the meeting minutes must indicate the date when and type
662 of notification (e.g., electronic, telephonic, facsimile) provided to the applicant
663 requesting his or her appearance at the planning board meeting. A copy of the
664 approved minutes shall be submitted to the City within 14 days after approval
665 by the planning board. The minutes shall also be posted to the PCPB website
666 within 14 days of approval.

667
668 The Peninsula Community Planning Board is not required to record audio or
669 video of meetings but, if recordings are made, they are subject to a public
670 request to inspect without charge. A cost-recovery fee may be charged for
671 copies of recordings.

672
673 (4) RECORDS RETENTION – Peninsula Community Planning Board records
674 must be retained for public review. Community planning board records are
675 meeting agendas and any other writings that are distributed to at least a
676 majority of the board members in connection with a matter subject to
677 consideration at an open meeting of the board. Community planning board
678 records do not include writings that are required to be submitted to the City in
679 accordance with Council Policy 600-24 to substantiate and document the
680 PCPB operation and compliance. The PCPB also receives materials that do not
681 qualify as records. Council Policy 600-24 discusses categories of material that
682 are City records, community planning board records, and non-records.

683
684 a. The PCPB shall maintain its official records, including its rosters, annual
685 reports, meeting agendas, applications to serve as voting members,
686 evidence of completion of annual trainings, and meeting minutes, for a
687 minimum of five years (either on its website, in electronic files, or in hard
688 copies) from the date each record is created, and will make all official

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

691
692 b. Written applications submitted to the PCPB by individuals wishing to
693 serve as voting members, and records of election results, are considered
694 official records and will be maintained by the CPG in accordance with
695 Policy 600-24. The PCPB will submit to the City the rosters of PCPB
696 voting members by May 1st of each year and will also submit to the City
697 any changes to rosters as a result of PCPB elections.

698
699 Professional Conduct. The PCPB and its voting members will conduct themselves
700 reasonably and professionally and refrain from disrupting the public process as set
701 forth on the board's agenda. PCPB members shall recuse themselves from board
702 business in which they have any personal interest or equity, to include abstention and
703 recusal as noted above. PCPB voting members should treat each other, applicants, city
704 staff, and the public with courtesy and respect at all times. Continued disreputable
705 conduct may be grounds for censure or other disciplinary proceedings.

706
707 Section 3. It shall be the duty of the Peninsula Community Planning Board and its members to
708 routinely seek community-wide understanding of and participation in the planning and
709 implementation process as specified in Article II, Section 1. The planning board shall
710 give due consideration to all responsible community attitudes insofar as these are
711 deemed to be in the best long-range interest of the community at large.

712
713 Section 4. It shall be the duty of the Peninsula Community Planning Board to maintain a current,
714 up-to-date roster of the names, terms, and category/qualifications of planning board
715 members in its possession, and to forward the current roster, as well as any updates, to
716 the City. The planning board must also submit to the City an annual report of
717 accomplishments for the past 12 months and anticipated objectives for the coming
718 year related to Article II, Section 1 above. Rosters and annual reports constitute
719 disclosable records under the Brown Act. The annual report shall be submitted to the
720 City within 14 days of the approval of the March minutes.

721
722 Section 5. The Peninsula Community Planning Board may develop a policy for financial
723 contributions from the citizens of the community for the purposes of furthering the
724 efforts of the planning board to promote understanding and participation in the
725 planning process. However, no membership dues shall be required and no fee may be
726 charged as a condition of attendance at any planning board meeting. All contributions
727 must be voluntarily made, and no official planning board correspondence may be
728 withheld based on any individual's desire to not make a voluntary contribution.
729 Neither the CPG nor its voting members should accept donations on behalf of any
730 individual running for public office.

731

732 Section 6. Each elected Peninsula Community Planning Board member shall complete the formal
733 education, training program in-person or online administered by the City as part of
734 planning board and individual member indemnification pursuant to Ordinance No. O-
735 19883 NS, and any future amendments thereto. Voting members must complete the
736 training each year no later than June 1st of each succeeding year for as long as the
737 voting member is serving or re-elected.

738
739 Newly seated planning board members must complete a basic orientation training
740 session within 60 days of being elected or appointed to a planning board or the
741 member will be ineligible to serve. The basic orientation training session will be
742 scheduled within 60 days of the last day of March each year to meet this ordinance
743 requirement. If it is not possible for a new member to attend the training session as
744 required, or if a new member is seated through a special election or in a month other
745 than March, then the member shall successfully complete the online orientation
746 training.

747
748 **ARTICLE VII Planning Board Officers**

749
750 Section 1. The officers of the Peninsula Community Planning Board shall be elected from and by
751 the members of the planning board. Said officers shall consist of a Chairperson, First
752 Vice Chairperson, Second Vice Chairperson, Treasurer, and Secretary. The length of
753 an officer's term shall be one year, except no person may serve in the same planning
754 board office for more than nine consecutive years. After a period of one year in which
755 that person did not serve as an officer that person shall again be eligible to serve as an
756 officer.

757
758 Section 2. Chairperson: The Chairperson or Chair shall be the principal officer of a recognized
759 community planning board and shall preside over all planning board and
760 communitywide meetings organized by the planning board. The Chairperson will be
761 the contact person for other community boards regarding requested correspondence.
762 Example duties of the Chairperson include setting the agenda, responsibilities for
763 making appointments for applicants for review, and shall be the point of contact for
764 applicants and City Staff regarding review. The Chairperson shall organize and
765 delegate as appropriate. The Chairperson will be the primary spokesperson for local
766 news media and for press releases. Appeals of discretionary decisions to the City shall
767 be made by the Chairperson or, if necessary, because of direct economic interest or
768 absence, by a designee identified to appeal that particular action on behalf of the
769 planning board.

770
771 Section 3. First Vice Chairperson: In the absence of the Chairperson, the First Vice Chairperson
772 shall perform all the duties and responsibilities of the Chairperson. The First Vice
773 Chair will be the Chair of the Election Subcommittee unless the First Vice Chair is a

774 candidate for re-election and, if so, a Chair of the Election Subcommittee will be
775 appointed by the Board.

776

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

780

781 Section 5. Secretary. The Secretary shall be responsible for the planning board's correspondence,
782 attendance records, and minutes and actions (including identification of those planning
783 board members that constitute a quorum, who votes on an action item, and who may
784 abstain or recuse and the reasons) and shall assure that planning board members and
785 members of the public have access to this information. The Secretary may take on
786 these responsibilities or may identify individuals to assist in these duties.

787

788 Section 6. Treasurer: The Treasurer shall keep books of accounts showing details of the business
789 and the Board's accounts, and all receipts, and disbursements; amount of cash on hand,
790 and amount of accounts payable and accounts receivable. The Treasurer shall disburse
791 any of such money or incur indebtedness only as the result of an official action of the
792 Peninsula Community Planning Board. The Treasurer may pay small board expenses
793 less than \$30.00 without requesting permission beforehand but must report on such
794 action at the next regularly scheduled Board meeting.

795

796 Section 7. The Chairperson shall be a recognized community planning board's representative to
797 the Community Planners Committee (CPC). However, by vote of the planning board, a
798 planning board member may be assigned as an alternate for the official representative
799 to CPC with voting rights and same privileges as the Chair to attend in the absence of
800 the Chair. Designation of a member other than the Chair as the planning board's
801 alternate to CPC shall be forwarded in writing to the staff representative to CPC prior
802 to extension of voting rights and member attendance.

803

804 Section 8. The Peninsula Community Planning Board Chair or representative to the CPC shall
805 promptly disseminate to all elected planning board members pertinent information to
806 periodically seek community-wide understanding of and participation in the planning
807 and implementation process as specified in Article II, that is received by the planning
808 board regarding its official business.

809

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

811

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

815

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

818
819 Community Participation consists of notifying the Public of all meetings and inviting
820 attendance at said meetings. Community members will have an opportunity to speak at
821 all meetings on topics relevant to the purview of the Planning Board. Community
822 input will be sought regarding all matters coming to the Board's attention.

823
824 The planning board will access all community resources and utilize all available media
825 to promote community outreach programs to further education, awareness of its
826 purpose and community contributions. It will strive for inclusion of diverse
827 representation and input.

828
829 Section 3. Planning Board Composition. The following are the Peninsula Community Planning
830 Board's procedures pursuant to Article III, Section 2 regarding planning board
831 composition:

832
833 Composition of the planning board will be determined by general election. Members
834 who resign or seats that become available through other means will be elected by a
835 vote of the sitting planning board members to complete the term of the prior member.
836 See Article III, Section 2 for eligibility for consideration to fill vacated seats.

837
838 Non-voting members may be appointed by the board to represent stakeholder groups
839 in the community not otherwise represented in some capacity by the elected board
840 members as defined by Article III, Section 3.

841
842 Section 4. Conduct of Meetings. The following are the Peninsula Community Planning Board
843 procedures regarding conduct of planning board meetings:

844
845 All agendas to include Regular monthly meeting, Project Review meeting,
846 Subcommittee meetings, and Special meetings of the Peninsula Community Planning
847 Board will be noticed.

848
849 Meeting agendas will be noticed at least 72 hours prior to the meeting by public notice
850 posted at a place freely accessible to members of the public and on the PCPB website.
851 All meetings will allow for non-agenda and agenda public comment on topics relevant
852 to the purview of the business of the Board. Public comment, normally three minutes
853 per speaker, may be limited in respect of a full agenda, and may be reduced to no less
854 than two minutes provided each speaker receives the same amount of time. It is to be
855 expected that order and civil discourse will always be maintained. Persons who are
856 disruptive, fail to follow the agenda and interrupt meeting progress will be asked to
857 leave the room. If further disruption occurs Chair may declare the meeting adjourned.
858 See Article VI, Section 2 (14) Disorderly Conduct. The audience and public will have

859 an opportunity for input in all matters affecting community or projects that are
860 presented. Projects brought by applicants will be considered in the Action Items
861 immediately following Parliamentary Items and after Non-Agenda Public Comment in
862 as much as possible.

863
864 Subcommittee Chairs and members will be recommended and appointed by vote of the
865 Board. The majority of subcommittee members will be board members. Board
866 membership on subcommittees is limited to less than a majority of non-vacant seats on
867 the board to assure Brown Act compliance. Community members, especially those
868 with expertise may be added to a subcommittee if there is a demonstrated need and
869 when their participation contributes to a more effective subcommittee. The community
870 member will provide a resume and be presented to the board for a vote. A prospective
871 subcommittee member from the community then shall be seated by a majority vote of
872 the board.

873
874 The Chair of each subcommittee will be responsible for a mission statement and goals
875 which will be added to the PCPB website. The Chair of each subcommittee will be
876 responsible for conducting their specific mission, setting meetings, providing venues
877 and for providing minutes of meetings all of which will be added to the PCPB website.
878 The chairs of each subcommittee will keep the Peninsula Planning Board Chair
879 noticed and apprised of all activities and the Chair will be an ex-officio member of all
880 subcommittees.

881
882 The PCPB will endeavor to grant equal time for candidates or ballot measures if
883 docketed on their agenda. Equal time does not apply to individuals speaking during
884 non-agenda public comment.

885
886 Section 5. Member and Planning Board Responsibilities. The following are the Peninsula
887 Community Planning Board's procedures regarding member and planning board
888 responsibilities:

889
890 Planning Board positions may be represented to the City on planning issues that are
891 not project review recommendations or are an appeal on a City decision by formal
892 letter.

893
894 Operating procedure amendments can be recommended by the ad hoc subcommittee
895 for the purpose of developing an amendment. An amendment to the Operating
896 procedures will require a two-thirds vote of the voting members of the PCPB prior to
897 submission to the offices of the Mayor and City Attorney for review and approval. See
898 Article II, Section 7.

899

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

903
904 Voluntary financial contributions may be accepted for specific purposes by the
905 community or Board members and will be acknowledged by letter from the Board.

906
907 The Peninsula Community Planning Board encourages engagement and regular
908 participation with other organizations that may promote greater operational
909 effectiveness and communication for the public good.

910
911 Section 6. Elections. Council Policy 600-24 provides general guidance for planning board
912 elections. The following are procedures for conducting an election pursuant to these
913 operating procedures:

914
915 (1) ELECTION SUBCOMMITTEE: The Election Subcommittee shall consist of
916 the First Vice-Chair and three other Board members who are elected by the
917 board at the regularly scheduled October meeting. No member running for
918 election shall serve as a member of the Election Subcommittee. If the First
919 Vice Chair is running for re-election, the Board shall elect someone to replace
920 her/him as the Chair of the Election Subcommittee.

921
922 (2) ELECTION MEETING: The election meeting shall take place in March at the
923 location of the regularly scheduled Board meeting or at a special election
924 meeting in March at the Board's discretion. At the election meeting the First
925 Vice Chair (or approved replacement if the First Vice Chair is running for re-
926 election) shall conduct and manage the election with the assistance of the
927 Election Subcommittee. Other Board members may assist in the process so
928 long as they are not candidates in the election.

929
930 (3) PUBLICATION OF ELECTION: A notice of election and solicitation of
931 candidates shall be posted monthly in a community newspaper and multiple
932 community forums no later than January preceding the March election.

933
934 (4) CANDIDATE ELIGIBILITY: An individual is qualified to run for a seat on
935 the Peninsula Community Planning Board if she/he is an eligible member of
936 the community and an Eligible Candidate, both as described in Article III,
937 Section 2.

938
939 The Peninsula Community Planning Board will allow write-in candidates. If it
940 is later determined that the write-in candidate is ineligible, any vote cast for an
941 ineligible write-in candidate will be an invalid vote and will not be counted.
942

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

945
946 (5) ELECTIONEERING: There shall be no electioneering (handing out election
947 slate materials, soliciting votes by candidates, etc.) within one hundred feet of
948 the voting premises.

949
950 (6) VOTER ELIGIBILITY: An individual is eligible to vote in the Peninsula
951 Planning Board Election if she/he is an eligible community member, as
952 described in Article III, Section 2, and provides proof of such eligibility. Proof
953 of eligibility shall consist of:

- 954
- 955 a. a valid CA driver's license or CA ID with an address located within the
956 Planning Board area, or
 - 957
 - 958 b. a current utility bill (within the last two months) with the name and
959 address within the Planning Board area (plus an acceptable form of picture
960 identification), or
 - 961
 - 962 c. a property tax statement with the name and address within the Planning
963 Board area (plus an acceptable form of picture identification), or
 - 964
 - 965 d. such other identification deemed acceptable by an Election Subcommittee
966 member and, if present, a City of San Diego official.
 - 967
 - 968 e. Current and valid photo identification provided by a third party in the
969 ordinary course of business that includes the name and photograph of the
970 individual presenting it. Examples of photo identification include, but are
971 not limited to, the following documents: (A) driver's license or
972 identification card of any state; (B) passport; (C) employee identification
973 card; (D) identification card provided by a commercial establishment; (E)
974 credit or debit card; (F) military identification card; (G) student
975 identification card; (H) health club identification card; (I) insurance plan
976 identification card; or (J) public housing identification card.
 - 977
 - 978 f. Any of the following documents, provided that the document includes the
979 name and address of the individual presenting it, and is dated since the
980 date of the last election, unless the document is intended to be of a
981 permanent nature such as a pardon or discharge, including: (A) utility bill;
982 (B) bank statement; (C) government check; (D) government paycheck; (E)
983 document issued by a governmental agency; (F) sample ballot or other
984 official elections document issued by a governmental, agency dated for the
985 election in which the individual is providing it as proof, of residency or

986 identity; (G) voter notification card issued by a governmental agency; (H)
987 public housing identification card issued by a governmental agency; (I)
988 lease or rental statement or agreement issued by a governmental agency;
989 (J) student identification card issued by a governmental agency; (K)
990 tuition statement or bill issued by a governmental agency; (L) insurance
991 plan card or drug discount card issued by a governmental agency; (M)
992 discharge certificates, pardons, or other official documents issued to the
993 individual by a governmental agency in connection with the resolution of
994 a criminal case, indictment, sentence, or other matter; (N) public
995 transportation authority senior citizen and disabled discount cards issued
996 by a governmental agency; (O) identification documents issued by
997 governmental disability agencies; (P) identification documents issued by
998 government homeless shelters and other government temporary or
999 transitional facilities; (Q) drug prescription issued by a government doctor
1000 or other governmental health care provider; (R) property tax statement
1001 issued by a governmental agency; (S) vehicle registration issued by a
1002 governmental agency; or (T) vehicle certificate of ownership issued by a
1003 governmental agency.
1004

1005 g. Voter Identification for Community Business Owners - Business Owners
1006 within the community should present an original or copy of a Business
1007 Tax Certificate or equivalent document showing a business address within
1008 the CPG boundaries. These requirements should be construed liberally by
1009 CPGs and any doubt resolved in favor of allowing a community business
1010 owner to vote in the election.
1011

1012 h. Voter Identification for Community Non-Profits - Employees of non-
1013 profits within the community should present an original or copy of their
1014 founding documents or a related document showing an associated address
1015 within the CPG boundaries. These requirements should be construed
1016 liberally by CPGs and any doubt resolved in favor of allowing a
1017 community member to vote in the election.
1018

1019 i. Voter Identification for Community Non-Resident Property Owners -
1020 Non-residents who own property within the community should present
1021 documents similar to those described in Section 6 (6) above, however at
1022 least one of these documents should show the address of the property in
1023 the community owned by the non-resident and be sufficient to prove
1024 ownership. These requirements should be construed liberally by CPGs and
1025 any doubt resolved in favor of allowing a community member to vote in
1026 the election.
1027

1028 All prospective voters shall sign the voter log which requires name, address,
1029 and, if applicable, business name. This log shall be kept by the First Vice Chair
1030 (or in event the First Vice Chair is running for office by the Chair of the
1031 Peninsula Community Planning Board) as a permanent record of the election
1032 proceedings.

1033
1034 (7) COUNTING OF BALLOTS: Counting shall be done by Election
1035 Subcommittee members and at least one City of San Diego official when
1036 available.

1037
1038 (8) ELECTION RESULTS: Election results shall be determined by Plurality
1039 Vote, as when the candidates for available seats who receive the highest
1040 number of votes cast are elected irrespective of the percentage of votes
1041 received by any candidate. The election results shall be reported by the Chair
1042 of the Election Subcommittee to the Chair of the PCPB (or their designee if the
1043 Chair is running for re-election) so that the results may be announced at the
1044 Election Meeting.

1045
1046 (9) ELECTION MATERIAL RETENTION: The First Vice Chair in her/his
1047 capacity as election Chair shall keep all election materials (ballots, voter log,
1048 etc. for at least (six) months. In the event the First Vice Chair is running for re-
1049 election, the Second Vice Chair will keep all election materials. At the end of
1050 that period the materials may be destroyed. In disputed elections, the City of
1051 San Diego's Planning Department, or other City agency may, at the Election
1052 Subcommittee's discretion, take responsibility for election materials.

1053
1054 (10) ELIGIBILITY CHALLENGES: Challenges to the eligibility of a candidate to
1055 run for the Board should be brought to the attention of the Election
1056 Subcommittee. To facilitate these challenges, the Election Subcommittee will
1057 make the eligibility record (see four above) available to any member of the
1058 public (at his/her own expense) who requests it.

1059
1060 (11) ELECTION CHALLENGES: Challenges to the election shall be made to the
1061 Elections Subcommittee chair within 48 hours of the election. With the
1062 exception of ballots, copies of all election materials shall be made available to
1063 the public at the expense of the party making the request.

1064
1065 **ARTICLE IX Rights and Liabilities of the Peninsula Community Planning Board**

1066
1067 Section 1. Indemnification and Representation. The Peninsula Community Planning Board
1068 members have a right to representation by the City Attorney and a right to
1069 indemnification by the City under Ordinance O-19883 NS, and any future
1070 amendments thereto, if the claim or action against them resulted from their obligation

1071 to advise and assist the City and its agencies with land use matters as specified in
1072 Council Policy 600-24, Article III.A; their conduct was in conformance with the
1073 Policy and these operating procedures; and all findings specified in the ordinance can
1074 be made.

1075
1076 Section 2. Brown Act Remedies. The Peninsula Community Planning Board and its duly elected
1077 members may be subject to both Council Policy 600-24 violations as described in
1078 Section 3 below and penalties provided for in the Brown Act. The Brown Act includes
1079 criminal penalties and civil remedies. Both individual members of the planning board,
1080 as well as the planning board itself, may be subject to civil remedies.

1081
1082 Under certain circumstances, individual planning board members may face criminal
1083 misdemeanor charges for attending a meeting where action is taken in violation of the
1084 Brown Act, and where the member intended to deprive the public of information to
1085 which the member knows or has reason to know the public is entitled. Alleged
1086 violations will be reviewed and evaluated on a case-by-case basis.

1087
1088 Section 3. Council Policy 600-24 Violations and Remedies.

1089
1090 Alleged Violations by a Member of the Peninsula Community Planning Board:

1091
1092 In cases of alleged violations of the Peninsula Community Planning Board operating
1093 procedures or Council Policy 600-24 by a planning board member, the planning board
1094 may conduct an investigation consistent with the Council Policy 600-24 and these
1095 operating procedures.

1096
1097 A complaint that an individual member of a planning board violated one or more
1098 provisions of the planning board's operating procedures or Council Policy 600-24 may
1099 be submitted to the planning board chair by any individual, including another planning
1100 board member. The complaint should be filed within 90 days of the alleged violation.

1101
1102 If, after a thorough investigation, the planning board determines that the individual
1103 member has violated a provision of these operating procedures or Council Policy 600-
1104 24, the planning board shall, where feasible, seek a remedy that corrects the violation
1105 and allows the member to remain as a member of the planning board.

1106
1107 If corrective action or measures are not feasible, the planning board may remove a
1108 member by a two-thirds vote of the voting members of the community planning board.
1109 The vote to remove the board member shall occur at a regularly scheduled public
1110 meeting subject to the procedures outlined in the Council Policy 600-24 and these
1111 operating procedures.

1112

1113 If the planning board member found to be out of compliance with the provisions of
1114 these operating procedures or Council Policy 600-24, the planning board risks loss of
1115 indemnification (legal protection and representation) pursuant to Ordinance No. O-
1116 19883 NS, and any future amendments thereto.

1117
1118 Investigation procedures for elected member violations are outlined below:

1119
1120 Any action by the Peninsula Community Planning Board to discipline or remove a
1121 member must occur at a scheduled planning board meeting and be advertised on the
1122 agenda as an action item. Due to the significant nature of removing an elected
1123 member, and to ensure a fair and public process, the procedures for investigating a
1124 violation of a member are listed below:

1125
1126 Documenting a violation:

- 1127
- 1128 (1) A complaint that a violation of operating procedures of Council Policy 600-24
1129 has occurred will be presented to the planning board chair. If the complaint is
1130 about the chair, it may be presented to any other officer of the planning board.
1131
 - 1132 (2) The complaint should be detailed enough to provide a description of, and
1133 timeframe within which, the alleged violation was committed and who was
1134 responsible for the violation.
1135
 - 1136 (3) The complaint should provide a citation of the operating procedures or Council
1137 Policy 600-24 provisions of which the action is claimed to violate. If the
1138 complaint is from someone other than another planning board member, the
1139 chair (or other officer) may assist in providing appropriate citations to assist
1140 the complainant.
1141
 - 1142 (4) The chair will confer with the planning board officers (exception: if an officer
1143 is the subject of the grievance or has a business or personal relationship with
1144 the alleged violator) regarding the complaint.
1145
 - 1146 (5) The chair shall create a written record of the complaint and alleged violation to
1147 share with the alleged violator.
1148

1149 Procedures for administering and acting on investigating a violation: While the
1150 authority for this process rests with this planning board, City staff may be contacted
1151 for assistance at any point in the process.

- 1152
- 1153 (1) Once the information about an alleged violation is completed in writing, the
1154 chair, with assistance from the planning board officers, will meet, and talk with
1155 the planning board member against whom the violation is alleged. The

1156 allegations will be presented and the planning board member shall be given
1157 opportunity for rebuttal.

- 1158
- 1159 (2) If the chair, with assistance from the planning board officers, determines that
1160 no violation has actually occurred, the chair may record this in the written
1161 record of the complaint.
- 1162
- 1163 (3) If the chair, with assistance from the planning board officers, determines that a
1164 violation has occurred, but the situation can be remedied either by action of the
1165 planning board or by the planning board member, then the chair will outline
1166 the necessary actions to achieve the remedy.
- 1167
- 1168 (4) If the chair, with assistance from the planning board officers, determines that
1169 the situation cannot be remedied and that the interests of the community and
1170 Peninsula Community Planning Board would best be served by the removal of
1171 the planning board member, then the chair shall set the matter for discussion at
1172 the next planning board meeting. The planning board member who committed
1173 the violation shall be given adequate notice about the meeting discussion and
1174 will be given the opportunity to resign prior to docketing the matter for a
1175 planning board discussion.
- 1176

1177 Presenting a violation to the planning board:

1178

- 1179 (1) The matter of removing a seated planning board member will be placed on the
1180 planning board's agenda as a potential action item. Supporting materials from
1181 the chair or from the offending planning board member will be made available
1182 to the elected planning board members prior to the meeting.
- 1183
- 1184 (2) The matter will be discussed at the planning board's regular meeting with
1185 opportunity given to the planning board member who committed the violation
1186 to present their case and/or rebut documentation gathered by the chair with the
1187 assistance of the planning board officers. The member may also request a
1188 continuance of the item to gather more information to present to the planning
1189 board.
- 1190
- 1191 (3) At the end of the discussion, the planning board may, by a two-thirds vote,
1192 choose to remove the member.
- 1193

1194 Recourse for expelled member:

1195

- 1196 (1) There is no appeal available to an elected planning board member removed by
1197 a two-thirds vote of the voting members of their recognized community

1198 planning board.

1199

1200 (2) The planning board member's seat shall be immediately declared vacant and
1201 subject to the provisions of Article IV.

1202

1203 (3) The removal of a planning board member by a two-thirds vote of the voting
1204 members of their recognized community planning board will not prohibit the
1205 member from running for a planning board seat in future scheduled elections.

1206

1207 Alleged Violations Against the Peninsula Community Planning Board as a Whole

1208

1209 In the case of an alleged violation of the planning board's operating procedures or of
1210 Council Policy 600-24 by the planning board as a whole or multiple members of the
1211 planning board, the violation shall be forwarded in writing to the City. The Mayor's
1212 Office will engage in a dialogue with the planning board, determining the validity of
1213 the complaint, and seeking resolution of the issue or dispute. The Peninsula
1214 Community Planning Board will work with the City toward a solution and the
1215 planning board recognizes that, in accordance with Council Policy 600-24, the City
1216 may consult with the Community Planners Committee.

1217

1218 If a violation against the planning board as a whole is proven and there is a failure of
1219 the planning board to take corrective action, the planning board will forfeit its rights to
1220 represent its community as a community planning board recognized under Council
1221 Policy 600-24. Such a determination resulting in the forfeiture of a seated board's
1222 rights to represent its community shall be based on a recommendation by the Mayor's
1223 Office to the City Council. A planning board shall not forfeit its recognized status until
1224 there is an action by the City Council to remove the status. The City Council may also
1225 prescribe conditions under which official recognition will be reinstated.

1226

1227 If the planning board is found to be out of compliance with the provisions of this
1228 Policy not subject to the Brown Act or its adopted operating procedures risks loss of
1229 indemnification pursuant to Ordinance No. O-19883 NS, and any future amendments
1230 thereto.

1231

1232

1233

1234

1235 EXHIBIT A: Peninsula Community Boundaries