

The Rancho Bernardo Community Planning Board

Operating Procedures

Bylaws

Amendment to City Council Policy 600-24

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THE RANCHO BERNARDO COMMUNITY PLANNING BOARD
OPERATING PROCEDURES
BYLAWS

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THE RANCHO BERNARDO COMMUNITY PLANNING BOARD
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BYLAWS

Terms and Conditions

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

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

The planning board will separately and independently maintain any legally required corporate documents, including articles of incorporation and corporate bylaws, or any other legally required documents related to the planning board’s founding, operation, or organization.

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

Article I Name and Geographical Boundaries

- §1.1 The name of this City recognized planning group shall be the Rancho Bernardo Community Planning Board.
- §1.2 All activities of the Rancho Bernardo Community Planning Board shall be conducted in the planning board's official name.
- §1.3 The community planning area boundaries for the Rancho Bernardo Community Planning Board are the boundaries of Rancho Bernardo, as shown on attached Exhibit "A".
- §1.4 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 an accessible facility nearby to the Rancho Bernardo community.
- §1.5 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 Responsibilities of the Rancho Bernardo Community Planning Board

- §2.1 Collaboration with City Staff: As a recognized independent body, the Rancho Bernardo Community Planning Board has been formed 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 board also advises on other land use matters as requested by the City or other governmental agency as detailed in Council Policy 600-24.
- §2.2 Timely Submittal of Recommendations to the City: 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. The formal planning board recommendation must be submitted to the City within seven calendar days of the planning board taking action 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.

The planning board shall submit its recommendation and any conditions to the project proposed by the planning board, using Bulletin 620 Distribution Form, or reasonable facsimile.

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.

The planning board will follow a uniform mandatory process for recording planning board project review recommendations through the use of an annual report that includes all project recommendations which shall be part of the planning board's official records.

- §2.3 Independent Entity: 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.

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 Community Planning Board when endorsing candidates for public office. The planning board may take a position on a ballot measure.

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

- §2.4 Adherence to Ralph M. Brown Act: The Rancho Bernardo Community Planning Board operates under the authority of the Ralph M. Brown Act, set forth at California Government Code 54950 through 54963 (Brown Act), which requires that meetings of the planning board are open and accessible to the public. In addition, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Boards" and these Terms and Conditions govern the operations of the Rancho Bernardo Community Planning Board. Several provisions of these Terms and Conditions 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 boards, even if individual groups' Terms and Conditions are not required to be amended with parallel language.

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

§2.5 Maintenance of Open Records: The planning board shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, evidence of completion of annual trainings, and meeting minutes, for a minimum of five (5) years (either on its website, in electronic files, or in hard copies) from the date each record is created and will make all official records available to the City and to any member of the public upon request.

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

§2.6 Amendments: The Rancho Bernardo Community Planning Board may propose amendments to these Operating Procedures by a two-thirds ($\frac{2}{3}$) 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. Operating Procedures amendments are not valid until approved by the City.

Article III Community Participation and Representation

§3.1 Membership: The Rancho Bernardo Community Planning Board will ensure that voting members, to the greatest extent possible, represent the entire community and community interests, including homeowners, renters, individuals with and without school age children, and diverse age groups.

§3.2 Community Outreach: The Rancho Bernardo Community Planning Board and its voting members shall routinely seek community participation in the planning and implementation process to serve the best long-term interest of the community at large.

§3.3 Collection of Membership Data: To measure community representation, the Rancho Bernardo Community Planning Board shall gather demographic data of existing and new planning board voting members at the time of elections or other regular periods to measure inclusion and diversity on the planning board. This data should be submitted to the City along with the annual rosters required by Section 2.5. Participation in this type of survey will be voluntary and will be conducted in a manner to ensure the privacy of responses and respondents.

Article IV Rancho Bernardo Community Planning Board Composition

§4.1 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.

There shall be no specific quota of seats on the basis of race, color, sex, age over eighteen (18), creed, national origin, sexual orientation, or physical or mental disability.

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

§4.2 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. The twenty (20) elected seats are distributed by population and geographic factors within and among neighborhoods and other geographic subdivisions, as presented in the table below.

District A:	Four	(4) seats for the Westwood and Casa de las Campanas areas
District B:	Two	(2) seats for the Eastview and Greens West areas
District C:	Two	(2) seats for the Oaks North area
District D:	Four	(4) seats for the Alamedas, Gatewood, Greens, and Trails
District E:	Two	(2) seats for the Seven Oaks area
District F:	Four	(4) seats for the Bernardo Heights area
District G:	Two	(2) seats for the High Country West, Camino Bernardo and any residential development located within the boundaries of the Rancho Bernardo Industrial Park

Please refer to Exhibit B for specific district boundaries.

The remaining two seats are designated for an appointed industrial and commercial member, each of whom would represent their respective industrial or commercial interests related to the community's industrial park or various commercial properties.

To be eligible to join the planning board, an individual must be at least eighteen (18) years of age and shall be affiliated with the community as a:

- §4.2.1 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,
- §4.2.2 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,
- §4.2.3 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. Note that only one representative of a particular business establishment may hold a seat on the planning board at one time. (See §6.8)

Community members and candidates for election to the planning board will be required to demonstrate their qualifications and eligibility to serve, as described in §4.2.1 through §4.2.3, 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.

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 (1) year. The results shall be announced immediately following the vote and all planning board member votes shall be recorded in the minutes.

§4.3 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 (8) consecutive years.

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

After a one (1) 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.

§4.4 The planning board may waive the maximum time of service by vote of its voting members if the planning board cannot find sufficient new voting members to fill vacant open seats after a good faith effort to do so. Should the planning board choose to exercise this waiver, it will use the following guidelines:

- (1) Waivers of Maximum Time of Service shall not be granted unless necessary to ensure there are at least ten (10) voting members (see section 4.1).
- (2) Waiver of Maximum Time of Service to ensure there are at least ten (10) voting members shall be ratified by at least a two-thirds ($\frac{2}{3}$) majority of the votes cast by eligible community members participating in the regular election; and
- (3) The term of a voting member elected by a two-thirds ($\frac{2}{3}$) vote serving beyond the Maximum Time of Service should count as time served beyond the required break in service as required by this section.

§4.5 A member of the Rancho Bernardo Community Planning Board must retain eligibility during the entire term of service.

§4.6 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 Operating Procedures risks loss of defense and indemnification [legal protection and representation] pursuant to Ordinance No. O-19883 NS, and any future amendments thereto.

§4.7 Some provisions of these Operating Procedures 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 V Vacancies

§5.1 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 board's secretary reporting the third consecutive absence or fourth absence in the twelve (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 planning board as described in Article II, Section E of Council Policy 600-24 (September 21, 2022) related to ineligibility, or following conclusion of a member-removal process conducted under Article XI of these Operating Procedures.

§5.2 Vacancies that may occur on the Rancho Bernardo Community Planning Board should be filled not later than one-hundred twenty (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 seek to 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 one (1) documented attendance at a planning board meeting from the time the meeting is convened until it is adjourned during the previous twelve months.

§5.3 When the Rancho Bernardo Community Planning Board is unable to fill a vacancy within one-hundred twenty (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 ten (10) members.

If a vacancy remains for more than sixty (60) days from the time a vacancy is declared, and there are less than 10 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 sixty (60) additional days, the planning board membership has not reached ten (10) members, the planning board will be deemed inactive until it has attained at least ten (10) members in good standing.

Article VI Open and Public Elections

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 VI, Section 6.9.

The Rancho Bernardo Community Planning Board's general elections shall be held annually.

§6.1 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 planning board's website, Rancho Bernardo Community Council website and published in local newspapers, social media and other outlets at least thirty (30) days prior to the election.

§6.2 Members of the Election Ad Hoc Subcommittee

Each year the planning board will appoint either an Election Subcommittee Chairperson or Co-Chairpersons responsible for managing the election process and for ensuring that all policies and procedures as defined by the City of San Diego, Rancho Bernardo Community Planning Board's Operating Procedures along with any applicable rules and guidelines are adhered to. Any member who is a candidate for re-election may NOT serve on the Subcommittee. All other members of the planning board are eligible to participate in the election process. Any individual, eighteen (18) years of age or older, may request to serve on the election committee as a community representative.

The number of planning board members seated on the Election Subcommittee cannot exceed a quorum of the seated planning board membership. All individuals serving on the Subcommittee that are not members of the planning board must take the Community Orientation Workshop (COW) before they can participate. Volunteers working on election days are not required to take the COW.

§6.3 Ad Hoc Election Subcommittee

The Ad Hoc 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 board a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

§6.4 Candidate Eligibility

All applications must be received by the Election Subcommittee Chairperson(s) before the start of the February noticed regular meeting or a special meeting of the full planning board membership preceding the election meeting. Candidates must meet the requirements described in §4.2.

§6.5 Description of the Geographical Districts within the Community

- District A: All single-family homes, condominiums and apartments located in the Westwood, Westwood Valley, Village, Waterbridge, and Casa Bernardo developments, along with Casa de las Campanas, a full-service retirement facility.
- District B: All single-family homes, condominiums and apartments located in the Eastview, Greens West, Village Green, Bernardo Villas, Racquet Club, Bernardo Terrace, Playmor and Bernardo Point developments
- District C: Single-family homes, duplexes, condominiums and apartments, located in the Oaks North community.
- District D: Single-family homes, condominiums or apartments located in the Vista de Largo, Alamedas, Bernardo Hills, Bernardo Greens, Bernardo Villas, Campana Villas, Gatewood Hills, Montelena, Carlyle, The Trails, Moroda, and Vezelay developments
- District E: Single-family homes, condominiums or apartments located in the communities of Seven Oaks, along with the Remington Club, a full-service retirement facility.
- District F: Single-family homes, duplexes, condominiums and apartments located in the planned development community of Bernardo Heights, as well as Silvergate, a full-service retirement facility.
- District G: Single-family homes, condominiums and apartments located in the High Country West, Camino Bernardo, Deerwood, The Falls and The Villas developments, as well as the Tizon Affordable Senior Apartments and any residential development located within the boundaries of the Rancho Bernardo Industrial Park.

§6.6 Preparation of the Ballot

Once all candidate applications have been received and verified by the Election Committee (after the February Board meeting) the ballots will be prepared. Ballots must be ready for mailing to absentee voters no less than three (3) weeks prior to the published deadline for voting.

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 two-thirds ($\frac{2}{3}$) majority of the vote due to service beyond eight (8) consecutive years. Candidates' names shall be placed on the ballot in an order determined by random drawing

§6.7 Campaign Etiquette / Improprieties

§6.7.1 Planning board members are elected by eligible voters' within the district in which they live. Friendly campaigning, such as contacting friends and neighbors and introducing one's self through newsletters or flyers, is encouraged. All contacts must be conducted in a friendly and courteous manner.

§6.7.2 Soliciting votes through un-mailed materials in U.S. mailboxes is illegal, and electioneering (defined by California law as any kind of campaigning within one-hundred [100] feet of a voting location) at or near the polls during the election process and on Election Day is prohibited and will result in disqualification.

§6.7.3 Candidates cannot guide, coach or instruct a voter on how to complete a ballot. A candidate's instructions must be limited to information about their candidacy only. Any voter questions or instructions required to complete the ballot will be provided by a member of the election committee.

§6.7.4 No candidate shall influence a voter to vote for them by providing services or gratuities.

§6.8 Equal Participation

All individuals of the public affiliated with the community within the geographical boundary of the planning board will be allowed to vote in planning board elections, so long as they meet minimum conditions for eligibility per Article VI, Section 6.4 of these Operating Procedures and comply with the following:

- Only one elected planning board voting member per business tax certificate
- Only one elected planning board voting member per property tax billing

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code or these Operating Procedures.

§6.9 Voting Procedure:

§6.9.1 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

§6.9.2 Voting by Absentee (Mail-in Ballot):

§6.9.2.1 The distribution of absentee ballots will be limited to one (1) per eligible voter. Distribution of multiple absentee ballots to a single member for distribution to a group of individuals is prohibited.

§6.9.2.2 Eligible members of the community as defined in the Operating Procedures may vote "by mail" by submitting a request for an absentee ballot. Absentee ballots will be made available no less than three (3) weeks prior to the published deadline for voting, and can be requested via first class mail, email, phone, or in person to the Chairperson(s) of the Election Committee. It is the option of the Election Committee to either hand deliver or mail the absentee ballot and a pre-addressed return envelope to the requesting voter. If the individual lives in a managed complex with a receptionist, the material may be given to the receptionist to pass along to the designated resident. Only the voter who made the request can use the absentee ballot to cast their vote.

- §6.9.2.3 Absentee ballots will not be available for pickup at any designated remote locations.
- §6.9.2.4 Once completed the ballot must be received by the Election Committee Chairperson(s) at least two (2) business days prior to the March Board meeting. All mail-in ballots, as received, will be marked with the date accepted.
- §6.9.2.5 The absentee ballot must be filled out following the printed instructions on the ballot. The completed ballot is then inserted into the pre-addressed first-class mailing envelope (postage required) and sealed. In the upper left-hand corner of the envelope, the name of the eligible absentee voter will be preprinted by an assigned Committee member. The voter must complete the required return address information by signing their name and printing their return address and District Number on the envelope. The voter's signature must be included just below the return address or the vote will not be counted. The ballot itself should not be signed by the voter. Should the voter inadvertently sign the ballot, it will not invalidate the ballot. The envelope must be mailed first class or delivered by hand to a polling location specified by the Election Committee Chairperson(s). An illegible or invalid address will invalidate the ballot.
- §6.9.2.6 If the absentee ballot is not returned by first class mail the absentee ballot may be placed in the signed pre-addressed envelope and dropped off in person at a polling location (valid ID may be required). A log of all distributed absentee ballots will be maintained. If voting at polling location the absentee ballot must be used and will not be replaced or substituted by any other ballot.
- §6.9.2.7 When the ballots are counted, all mail-in absentee ballots will be opened. The signature, name, address and District Number will be verified and the receiver will confirm that the voter is voting for a candidate(s) within their district. If the address as submitted is not within the District marked on the envelope the ballot will be disqualified. Once validated the ballot and the voter's envelope will be placed in separate containers. The envelopes and distribution log are retained along with the ballots.
- §6.9.3 Voting in Person (at a polling location):
- §6.9.3.1 Voter Identification: Eligible voters residing in Rancho Bernardo must present a valid picture ID. Consistent with state and federal law, proof of residency or identity, should consist of presenting an original or copy of any of the documents described below in Section 6.9.3.1.1. These requirements should be construed liberally by the planning board and any doubt resolved in favor of allowing a community member to vote in the election. Eligible voters that do not reside in Rancho Bernardo must present identification as detailed in Sections 6.9.3.2 through 6.9.3.4.

§6.9.3.1.1 Voter Identification for Resident Property Owners

- (A) Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents: (a) driver's license or identification card of any state; (b) passport; (c) employee identification card; (d) identification card provided by a commercial establishment; (e) credit or debit card; (f) military identification card; (g) student identification card; (h) health club identification card; (i) insurance plan identification card; or (j) public housing identification card.

- (B) Any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (a) utility bill; (b) bank statement; (c) government check; (d) government paycheck; (e) document issued by a governmental agency; (f) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity; (g) voter notification card issued by a governmental agency; (h) public housing identification card issued by a governmental agency; (i) lease or rental statement or agreement issued by a governmental agency; (j) student identification card issued by a governmental agency; (k) tuition statement or bill issued by a governmental agency; (l) insurance plan card or drug discount card issued by a governmental agency; (m) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (n) public transportation authority senior citizen and disabled discount cards issued by a governmental agency; (o) identification documents issued by governmental disability agencies; (p) identification documents issued by government homeless shelters and other government temporary or transitional facilities; (q) drug prescription issued by a government doctor or other governmental health care provider; (r) property tax statement issued by a governmental agency; (s) vehicle registration issued by a governmental agency; or (t) vehicle certificate of ownership issued by a governmental agency.

§6.9.3.1.2 Voter Identification for Community Non-Resident Property Owners

Non-residents who own property within the community should present documents similar to those described in §6.9.3.1.1 above, however at least one (1) of these documents should show the address of the property in the community owned by the non-resident and be sufficient to prove ownership. These requirements should be construed liberally by the planning board and any doubt resolved in favor of allowing a community member to vote in the election.

§6.9.3.1.3 Voter Identification for Community Business Owners

Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business address within the planning board boundaries. These requirements should be construed liberally by the planning board and any doubt resolved in favor of allowing a community business owner to vote in the election.

§6.9.3.1.4 Voter Identification for Community Non-Profits

Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated address within the planning board boundaries. These requirements should be construed liberally by the planning board and any doubt resolved in favor of allowing a community member to vote in the election.

§6.9.3.2 Once eligibility has been validated the voter will complete the registration for the appropriate District. For each District with a candidate running there will be a dedicated ballot box and voter registration form. Only districts with candidates running will have a ballot box.

§6.9.3.3 The voter will be reminded to read all instructions on the ballot and vote only for candidate(s) that are running in their District. Voting for candidates in the wrong district or for more than permitted will result in the ballot not being counted.

§6.9.3.4 Voter to place their completed ballot in the District ballot box for which they registered.

§6.9.3.5 Once the election has closed and the ballot box is opened, confirm that ballots are for that district only – If not the ballot will be removed and disqualified.

§6.10 Polling Locations and Hours

§6.10.1 There will be a minimum of two (2) calendar days scheduled for voting in person at a polling location. Multiple polling days at multiple locations, per Council Policy 600-24, will require the Board to submit the voting procedure at least forty-five (45) days in advance of the first day that voting is proposed to occur, to the office of the Mayor and to the City Attorney for review and approval.

§6.10.1.1 First polling day is the Saturday prior to the regularly scheduled March meeting of the planning board. Polling hours will be 9:00 AM to noon at a location to be determined (e.g., Rancho Bernardo Library, Ed Brown Center, Recreation Center, Community Center). The location will be published at least thirty (30) days prior to the election

§6.10.1.2 Second polling day is the day of the regularly scheduled March meeting of the planning board. Polling will be at the same location as the planning board meeting. Hours will be 10:00 AM to 5:30 PM.

§6.10.2 Each polling location will be staffed by election volunteers. Each shift will be made up of a minimum of two (2) volunteers. Each shift will be three (3) hours long. Volunteers will be comprised of committee members that are not candidates along with any other individuals eighteen (18) years of age or older (e.g., friends, neighbors, relatives, and high school/college students). The Chair(s) shall be present at all times while the poll is open to monitor or provide support as required.

§6.10.3 There will be a volunteer present to monitor the counting of the ballots and to certify results. This volunteer must be eighteen (18) years of age or older and not a member of the planning board.

§6.11 Counting Ballots

All ballots will be gathered and counted after the last polling location closes and prior to the regularly scheduled March meeting of the planning board. There will be an eligible volunteer (not a member of the planning board) from the community present at all times to observe the ballot handling and the tally process. This volunteer will certify and sign off on the results when completed. The chairperson will adopt a procedure for counting that will ensure that all tallies taken are verified with a second count by an alternate volunteer.

Any ballot with votes for a candidate(s) from an incorrect district 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 will fill the vacant positions. In the case of a tie the winner is declared by a coin toss during the regularly scheduled April meeting of the planning board. Should there be a three-way or more tie for a District the winner will be determined by the single roll of a die (highest numbers wins).

The results of the election will be documented, signed by the Election Committee Chair(s) and the volunteer. The Election Committee Chairperson is responsible for preparing, certifying and forwarding the election report to the City. The election becomes final after announcing the results at the conclusion of the noticed, regular March monthly planning board meeting. The Election Committee Chairperson(s) is responsible for forwarding the election results (less ballot counts) to the local newspaper. Any challenge to the election results must be filed with the Chair of the Elections Subcommittee in writing within twenty-four (24) hours of the counting of the ballots in order to allow enough time to resolve the issue.

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.

§6.12 Election by Acclamation

As of the deadline for submitting nominations, the number of qualified candidates within a District is not more than the number of vacancies to be elected in that District (non-contested election), as determined by the Chairperson of the Election Committee, the Committee may, but is not required to, consider the qualified candidates elected by acclamation without balloting.

§6.13 Retention of Voting Material

After the election has been certified by the planning board, the Election Committee Chairperson(s) will retain all ballots, voter registration sheets and mail-in envelopes until the regularly scheduled planning board meeting during the month of May. The material may be shredded and disposed of any time after the May meeting.

Article VII Rancho Bernardo Community Planning Board and Member Duties

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

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

§7.2 Meeting Procedures

It shall be the duty of each Rancho Bernardo Community Planning Board member to attend all planning board meetings.

§7.2.1 Meeting Format: The Rancho Bernardo Community Planning Board enables teleconference meetings pursuant to Sections 54953(b)(1) and (2) of the Brown Act and will carefully consider the unique needs of the Rancho Bernardo community and the planning group's capacity for reliable and robust technology in deciding whether to hold in-person meetings, hybrid meetings, or fully teleconferenced meetings. However, annual elections must have an in-person voting option.

§7.2.2 Regular Agenda Posting: At least seventy-two (72) hours before a regular meeting, the agenda containing date, time and location of the meeting along with a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed twenty (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 on how a request for accessible accommodation may be made.

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

The 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 seventy-two (72) hours in advance of the meeting.

§7.2.3 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 Community Planning Board. Planning board members may make brief announcement or reports 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.

§7.2.4 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, as well as the Rancho Bernardo Branch Library, within twenty-four (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.

§7.2.5 Continued Item: 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.

§7.2.6 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.

§7.2.7 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.

§7.2.8 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.

§7.2.9 Action On Agenda Items: An item not noticed on the agenda may be added if either two-thirds ($\frac{2}{3}$) of the voting members of a community planning board, or every member if less than two-thirds ($\frac{2}{3}$) of the voting members of the community planning board are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the planning board subsequent to the agenda being posted.

A two-thirds ($\frac{2}{3}$) vote of the voting members of the planning board is required to remove an elected or appointed community planning board member in accordance with Article XI Section 5.

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 Operating Procedures require a two-thirds ($\frac{2}{3}$) vote of the Rancho Bernardo Community 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 Community Planning Board.

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

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

The Rancho Bernardo Community 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 board identified in Council Policy 600-24.

§7.2.10 Collective Concurrence: Any attempt to develop a collective concurrence of the members of the Rancho Bernardo Community 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.

§7.2.11 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 twenty-four (24) hours before a special meeting.

Each member of the planning board shall receive the written notice of the meeting at least twenty-four (24) hours before the time of the meeting as specified in the notice unless the member files with the planning board secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least twenty-four (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.

- §7.2.12 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 Community Planning Board and are prohibited under these Operating Procedures.
- §7.2.13 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.
- §7.2.14 Disorderly Conduct: In the event a planning board meeting is willfully interrupted by a person or board of persons, so as to make the orderly conduct of the meeting infeasible, the planning board may first cause removal of the individual or individuals. If 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.

§7.3 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.

- §7.3.1 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 findings and recommendations to the City. The subcommittee also reviews and recommends updates and amendments to the Community Plan.
 2. Regional Issues Subcommittee: The subcommittee addresses issues of regional significance that have the potential to affect areas both within and beyond the boundaries of Rancho Bernardo.
 3. Traffic and Transportation Subcommittee: The subcommittee examines and provides comments to the City on issues including, but not limited to, traffic flow, speed limits, parking and traffic safety issues. The subcommittee also works with residents to address their concerns and recommendations for traffic and transportation 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.

§7.3.2 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.

§7.3.3 Subcommittee Composition: Subcommittees will be composed of planning board members and other eligible members of the community as defined in Article 4, Section 2. Eligible members will be appointed by the subcommittee chairperson. Standing subcommittees, with the exception of the Administrative Subcommittee, shall consist of no more than 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 Council Policy 600-24 which includes completion of formal training by the City on the duties and responsibilities of the planning board.

§7.3.4 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.

§7.4 Abstentions and Recusals

§7.4.1 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.

§7.4.2 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.

§7.5 Meeting Documents and Records.

§7.5.1 Agenda by Mail: Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the 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.

§7.5.2 Agenda by 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.

§7.5.3 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's website within fourteen (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.

§7.6 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.

- §7.7 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 Council Policy 600-24 and the adopted Operating Procedures. Rosters and annual reports constitute disclosable records under the Brown Act.
- §7.8 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.
- §7.9 Each 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 San Diego Ordinance 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 sixty (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 sixty (60) days of the last day of March each year to meet this ordinance requirement.

§7.10 Violations and Remedies:

§7.10.1 Alleged Violations by a Member of the Rancho Bernardo Community Planning Board:

In cases of alleged violations of the Operating Procedures or Council Policy 600-24 by a planning board member, the planning board may conduct an investigation consistent with the 600-24 and these Operating Procedures.

A complaint that an individual member of the planning board violated one or more provisions of the planning board's Operating Procedures or Council Policy 600-24 may be submitted to the planning board Chair by any individual, including another planning board member. The complaint shall be filed within ninety (90) days of the alleged violation and shall reference specific Articles and their subsequent sections of the Operating Procedure and/or Council Policy 600-24.

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

If corrective action or measures are not feasible, the Rancho Bernardo Community Planning Board may remove a member by a two-thirds ($\frac{2}{3}$) vote of the voting members. The vote to remove the planning board member shall occur at a regularly scheduled public meeting subject to the procedures outlined in Council Policy 600-24 and these Operating Procedures.

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

Investigation procedures for 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:

§7.10.1.1 Documenting a Violation:

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

§7.10.1.2 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.

1. Once the information about an alleged violation is completed in writing, the Chair, with assistance from the planning board officers, will meet and talk with the planning board member against whom the violation is alleged. The allegations will be presented and the planning board member shall be given the opportunity for rebuttal.
2. If the Chair, with assistance from the planning board officers, determines that no violation has actually occurred, the Chair may record this information in the written record of the complaint.
3. If the Chair, with assistance from the planning board officers, determines that a violation has occurred but the situation can be remedied either by action of the planning board or by the planning board member, the Chair will outline the necessary actions to achieve the remedy.
4. If the Chair, with assistance from the planning board officers, determines that the situation cannot be remedied and that the interests of the community and 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 board member who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a planning board discussion.

§7.10.1.3 Presenting a Violation to the Planning Board:

1. The matter of removing a seated planning board member will be placed on the planning board's agenda as a potential action item. Supporting materials from the chair or from the offending planning board member will be made available to the elected planning board members prior to the meeting.
2. The matter will be discussed at the planning board's regular meeting with 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.
3. At the end of the discussion, the planning board may, by a two-thirds ($\frac{2}{3}$) vote of the voting members of the planning board choose to remove the member.

§7.10.1.4 Recourse for an Expelled Member:

1. There is no appeal available to an elected Rancho Bernardo Community Planning Board member removed by a two-thirds ($\frac{2}{3}$) vote of the voting members of the Rancho Bernardo Community Planning Board.
2. The planning board member's seat shall be immediately declared vacant and subject to provisions of Article IV.
3. The removal of a planning board member by a two-thirds ($\frac{2}{3}$) 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.

Article VIII Rancho Bernardo Community Planning Board Officers

§8.1 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.

§8.2 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.

§8.3 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.

§8.4 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.

- §8.5 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 Planning Board; maintain records of the annual Planning 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 (2) planning board officers. The Treasurer may be asked to prepare and submit a budget for the Board's approval.
- §8.6 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.
- §8.7 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.
- §8.8 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 member to serve in the vacated position until the conclusion of the officer's term.

Article IX Rancho Bernardo Community Planning Board Policies and Procedures

§9.1 The Rancho Bernardo Community Planning Board has included policies and procedures in its Operating Procedures that are found necessary for the planning board's effective operation under Council Policy 600-24. The planning board Operating Procedures may also incorporate additional information found in Exhibits that can be attached to these Operating Procedures. Such exhibits are considered part of these Operating Procedures and have the same effect as if they were incorporated directly into Articles I through XIII.

§9.1.1 Conduct of Meetings by the Rancho Bernardo Community 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 publicly accessible area no later than seventy-two (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 ($\frac{2}{3}$) vote of the voting members of the planning board. If two-thirds ($\frac{2}{3}$) of planning board members are not in attendance, these actions require a unanimous vote by those voting members 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's Slip'. Public comments as to time and duration are determined by the Chair.

Once speakers have completed their presentation(s), the planning board Chair will ask 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.

§9.1.2 Member and Planning Board Responsibilities:

All Rancho Bernardo Community Planning Board members are expected to serve on at least one planning board standing subcommittee.

In addition to responsibilities outlined in Article VII of the planning board Operating Procedures, 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) Community Recreation Board
- (2) San Dieguito River Park
- (3) San Pasqual / Lake Hodges Planning Group
- (4) Community Planners Committee (CPC)
- (5) SANDAG Task Force

Article X Additional Planning Board Responsibilities

§10.1 Commitment to Non-Discriminatory Practices: In conducting its responsibilities, the planning board will not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, or physical or mental disability.

§10.2 Records Retention: The planning board will maintain its official records, including its rosters, annual reports, meeting agendas, and meeting minutes, for a minimum of five (5) years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.

§10.3 Ethical Standards: The planning board will outline and adopt ethical standards for all planning board voting members to guard against potential conflicts of interest and undue influence on any recommendation. These standards should include how planning board voting members can recuse themselves or abstain from voting on decisions when such a conflict exists. The following are examples of acceptable planning board ethical standards:

§10.3.1 Direct Economic Interest: Planning board voting members with a potential conflict of interest should recuse from participation in a recommendation if they have a direct economic interest. A direct economic interest includes, but is not limited to, investments in or positions with a business entity, interest in real property, source of income, source of gifts, and personal finances.

§10.3.2 Exceptions to Conflicts of Interest: Exceptions to conflicts of interest may be granted by a planning board to other planning board voting members who can show that the decision will not have an effect on their economic interest.

§10.3.3 Abstentions for Potential Conflicts of Interest: Planning board voting members may voluntarily choose to abstain from voting when that member has legitimate, non-economic, personal interests in the outcome that would, at minimum, give the appearance of impropriety, cast doubt on that member's ability to make a fair decision, or a where that voting member lacks sufficient information upon which to cast a vote. The planning board's record of the vote on the item will reflect an abstaining voting member in the vote and they are still counted in a planning board quorum for that item, regardless of the point in time they declare their abstention.

Discomfort in publicly disclosing their position on a matter is not sufficient reason to abstain. At the time of the vote, a member shall disclose their reason for abstaining.

§10.3.4 Political Actions: Neither the planning board nor voting members in their capacity as such may use their title from or position on a planning board for political endorsements of individuals. The planning board may, however, upon majority vote, take a position on pending legislation that is within the planning board's purview.

§10.3.5 Donations: Neither the planning board nor its voting members should accept donations on behalf of any individual running for office.

§10.3.6 Equal Time for Candidates or Ballot Measures: The planning board will endeavor to grant equal time for candidates or ballot measures if docketed on the planning board agenda. Equal time does not apply to individuals speaking during non-agenda public comment.

§10.3.7 Professional Conduct: The planning board voting members shall treat each other, applicants, city staff and the public with courtesy and respect at all times

§10.4 Voting Member Training: The planning board will require all planning board voting members to complete the formal education program in-person or on-line offered by the City.

The planning board will require voting members to complete the training each year within sixty (60) days of being initially elected or appointed to the planning board, and by no later than June 1st of each succeeding year for as long as the voting member is serving or re-elected.

Evidence of completion of annual training shall be part of the planning board's official records. Failure of voting members to complete the specified training each year will make the member ineligible to serve.

§10.5 Collaboration with City Staff: Voting members of the Planning Board will collaborate with the City on an ongoing basis and as requested by the City to increase its voting members' understanding of their role and responsibilities.

Article XI Rights and Liabilities of the Rancho Bernardo Community Planning Board

§11.1 Indemnification: Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the planning board or its individual voting members, acting in their capacity to the City, under the specified terms set forth in San Diego Ordinance No. O-19883 NS, adopted July 28, 2009, titled “An Ordinance Providing for Defense and Indemnification of Community planning boards,” (Ordinance), which may be amended from time to time. Defense and indemnification cover any claim or action of civil wrongdoing against the planning board or its duly elected or appointed voting members resulting from their obligations to advise and assist the City and its agencies with land use matters as specified herein, so long as their conduct was in conformance with Council Policy 600-24 and these Operating Procedures, all of the findings specified in the Ordinance can be made, and the rights to defense and indemnification are consistent with state law. The right to defense and indemnification do not apply to allegations of criminal wrongdoing, including alleged criminal violation of the Brown Act.

When the planning board or one of its individual voting members is found to be out of compliance with the provisions of Council Policy 600-24, or with these Operating Procedures, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.

§11.2 Violations and Remedies Related to Provisions Citing the Brown Act: Pursuant to provisions required by the Brown Act, including civil remedies (California Government Code sections 54960 through 54960.5) and criminal penalties (Government Code section 54959) for violation of the provisions, the planning board will ensure good faith, voluntary compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void planning board actions. Individual voting members of the recognized planning board, as well as the board as a whole, could be subject to civil remedies. Civil remedies may include relief to prevent or stop future or ongoing violations of the Brown Act, or to void past actions of the planning board, and may in some cases include payment of court costs and attorney’s fees.

Individual voting members of the planning board may also potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, if the voting member intended to deprive the public of information to which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions. The planning board, or any of its individual voting members, may seek assistance, as well as training, from the City to better understand, implement, and comply with the Brown Act.

Any member of the public may refer alleged violations of the Brown Act by the planning board to appropriate law enforcement agencies, including the California Attorney General, San Diego County District Attorney, or San Diego City Attorney’s Criminal Division. The planning board, or any of its individual voting members, accused of criminal violations of the Brown Act does not have the right to legal protection or representation under these Operating Procedures or San Diego Ordinance O-19883.

§11.3 Violations of Membership Eligibility: Any planning board voting member who violates membership eligibility as defined in Section 6.4, may be removed by the remaining planning board voting members as outlined in Section 7.10.

§11.4 Violations and Remedies: If the planning board violates these Operating Procedures, it may forfeit its status as a recognized planning board and lose its right to indemnification and defense by the City. A planning board voting member and the planning board itself risks loss of defense and indemnification pursuant to current San Diego ordinances and any future amendments.

In the case of an alleged violation of these Operating Procedures by a planning board voting member, the planning board will conduct an investigation consistent with Council Policy 600-24.

In the case of an alleged violation of Council Policy 600-24, the violation will be forwarded in writing to the City for review by the Mayor or their Designee. The planning board will respond to the City in a dialogue to determine the validity of the complaint and to seek resolution of the issue or dispute.

The planning board acknowledges that if the Mayor or their Designee is unable to resolve a dispute or determines that there has been a violation, the Mayor or their Designee may seek to resolve the dispute or violation informally, with the cooperation of the planning board, or may recommend to the City Council that the planning board's recognition be revoked.

The planning board acknowledges that if the City Council determines through a recommendation from the Mayor or their Designee that a planning board has violated their Operating Procedures or Council Policy 600-24 and the planning board has failed to take corrective action deemed adequate in the sole discretion of the City Council, the City Council may revoke the planning board's recognition under this Policy. The City Council may also prescribe conditions under which official recognition may be reinstated.

§11.5 Disciplinary Actions of Individual Voting Members in Violation of Operating Procedures: The planning board acknowledges that any of its voting members found to be in violation of these Operating Procedures shall only be disciplined or removed by the planning board at a scheduled planning board meeting. This discipline or removal will be advertised on the agenda as an action item and the investigation or complaint will be reported to the City within sixty (60) days of the allegation so as to ensure a fair and public process.

§11.6 Potential Conflicts of Interest: Planning board voting members found to have a conflict of interest who did not recuse from a vote may be subject to disciplinary action by the officers of the planning board, which may include expulsion from the planning board. The planning board will report in writing instances of disciplinary action to the City within sixty (60) days of any allegation.

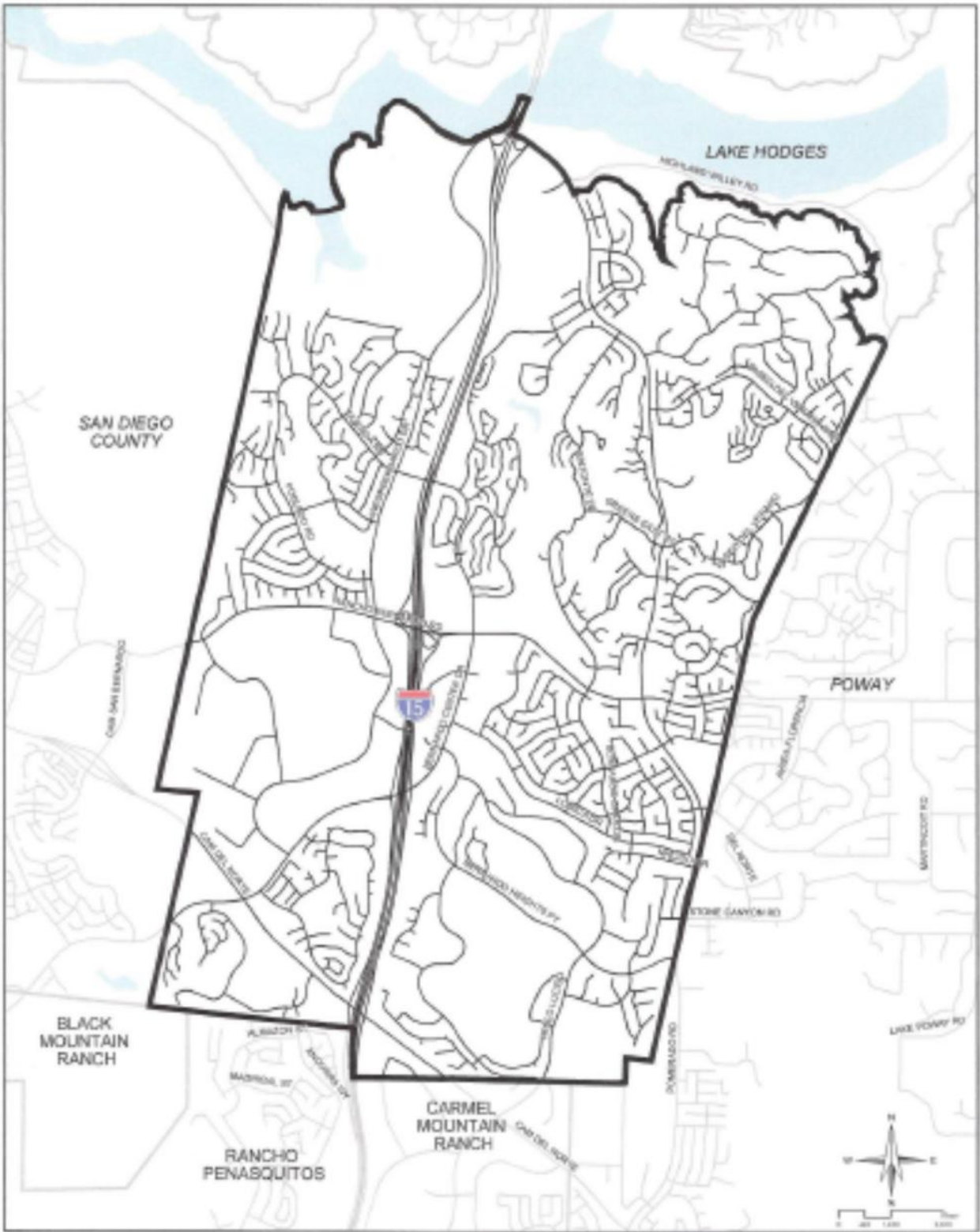
- §11.7 Violations and Remedies for Quorum and Attendance Requirements: If the Rancho Bernardo Community Planning Board is unable to meet quorum and attendance requirements for three consecutive months, then City may place the planning board in a temporary inactive status, to allow the planning board to work through its membership issues to return to active status. If the planning board remains unable to meet quorum and attendance requirements for six consecutive months, then the Mayor or their Designee may recommend to the City Council that the Rancho Bernardo Community Planning Board's recognition be revoked.
- §11.8 Violations of City Requests for Input: The Rancho Bernardo Community Planning Board acknowledges that a consistent 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 plans may result in revocation of recognition as referenced in Council Policy 600-24. Consistent failure to provide input on private development applications or public infrastructure projects may result in revocation of recognition. Further, that such a determination resulting in the forfeiture of rights to represent its community for these purposes will be made by the Council upon the recommendation of the Mayor or his/her Designee.

Article XII Collective Action of the Rancho Bernardo Community Planning Board

The official positions and opinions of the Rancho Bernardo Community Planning Board will not be established or determined by any organization other than the recognized planning board, nor by any individual voting member or subcommittee of the planning board.

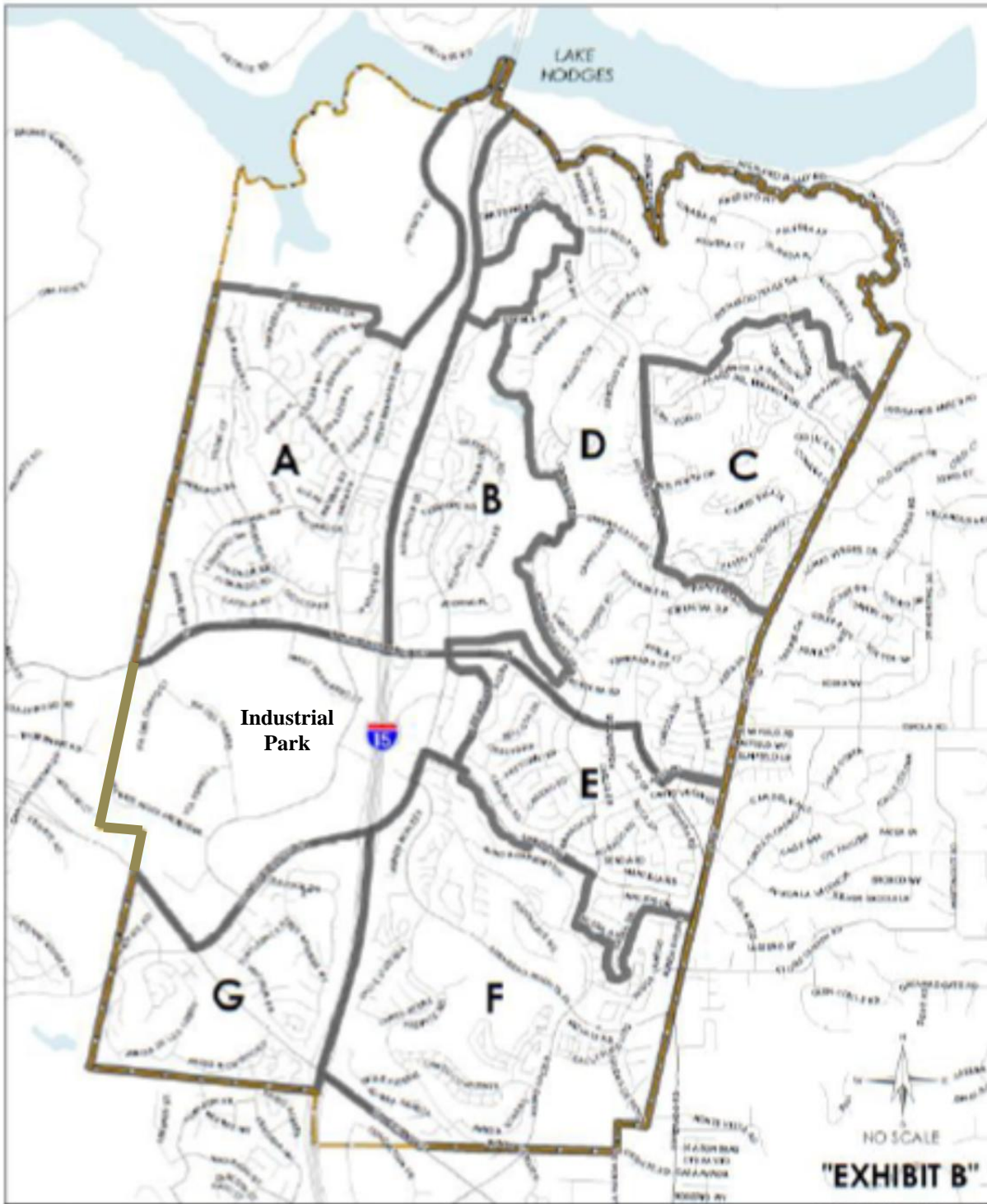
Article XIII Term of the Operating Procedures

These Operating Procedures will be effective in perpetuity of the life of the Rancho Bernardo Community Planning Board unless recognition of the planning board is revoked by the City as described in Section 8.4 or the Operating Procedures are updated to be consistent with Council Policy 600-24 as it may be amended. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Amendments to the Operating Procedures are not valid until approved by the City.



Rancho Bernardo "EXHIBIT A"
 CITY OF SAN DIEGO • PLANNING DEPARTMENT





Rancho Bernardo Districts
CITY OF SAN DIEGO



City of San Diego
Department of Planning and Economic Development
2024

NOTE: All properties zoned for residential within the Industrial Park are considered to be included as part of District G.