

Ocean Beach Planning Board - Bylaws and Operating Procedures

Approved by Ocean Beach Planning Board on November 1, 2023

Approved by City of San Diego on [DATE]

ARTICLE I

Introduction and Background

- Section 1. The official name of this City recognized Community Planning Group shall be Ocean Beach Planning Board (hereafter the “Board”).
- Section 2. All activities of the Board shall be conducted in its official name.
- Section 3. The community planning area boundaries for the Board are the boundaries of the Ocean Beach community, as shown on Exhibit “B”.
- Section 4. Meetings of the Board shall be held within these boundaries, except that when the Board does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest available and accessible meeting facility.
- Section 5. The official positions and opinions of the Board shall not be established or determined by any organization other than the Board, nor by any individual member of the Board.

ARTICLE II

Purpose of Board and General Provisions

- Section 1. The Board is formally recognized by the City of San Diego to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the Ocean Beach community boundaries. The Board provides advice on Capital Improvement Project infrastructure needs and other land use matters as requested by the City or other governmental agencies as detailed in Council Policy 600-24, Article IV: Scope of Advisory Recommendations. Additionally, the Board will advise the City on other matters of concern to the Ocean Beach Community whenever relevant.
- Section 2. In reviewing individual development projects, the Board should focus its review on assuring conformance with the Land Development Code and the adopted community plan and/or the General Plan. The formal Board recommendation shall be submitted no later than seven (7) calendar days after taking action, and no later than the end of the public review period offered by the environmental review process. The Board shall submit its recommendation and any conditions using Bulletin 620 Distribution Form, or reasonable facsimile. The Board shall record all project recommendations as part of its annual report.

For projects with substantial revisions after a Board recommendation, the Board may request submission of revised plans for purpose of rehearing project. The Board recognizes that City staff and development project applicants are not required by the City to present their project or application before the Board.

- Section 3. The Board shall not discriminate against any person or persons by reason of race, color, sex, gender, age, creed, national origin, ancestry, sexual orientation, marital status, military or veteran status, genetic information, medical condition, physical or mental disability, or any other protected characteristic. In addition, meeting facilities must be accessible to disabled persons.
- Section 4. Neither the Board nor voting members in their capacity as such may use their title from or position on the Board for political endorsements of individuals. The Board may, however, upon majority vote, take a position on pending legislation that is within the Board's purview. Neither the Board nor its voting members should accept donations on behalf of any individual running for office.
- Section 5. The Board and voting members shall comply with California's Open Meeting Law, the Ralph M. Brown Act, set forth at California Government Code sections 54950 through 54963 (Brown Act), by conducting meetings that are open and accessible to the public, properly noticed, and in compliance with each of the Brown Act provisions. Failure of the Board to conduct meetings in compliance with the Brown Act provisions shall constitute sufficient reason for the Board to lose its Council recognition and may subject the Board and voting members to a loss of indemnification by the City.

In addition, the Board and voting members shall comply with all requirements of Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" and requirements of the related Terms and Conditions document.

The Board adopts Robert's Rules of Order for rules of procedure when Policy 600-24 and these bylaws do not address an area of concern or interest.

- Section 6. The Board may propose amendments to these bylaws by a two-thirds vote of all voting members of the Board. Proposed amendments shall be submitted to the City for review and approval. Proposed amendments shall comply with Council Policy 600-24 and the related Terms and Conditions document. Bylaw amendments are not valid until approved by the City.

ARTICLE III

Board Composition

Section 1. The Board shall consist of twelve (12) voting members to represent the various community interests set forth in Council Policy 600-24 and Terms and Conditions. These members of the Board shall constitute the officially recognized Community Planning Group for the purpose of these bylaws and Council Policy 600-24.

Section 2. Council Policy 600-24 requires that voting members of the Board shall, 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.

The Board shall be composed of a minimum of two (2) residential real property owners, two (2) renters (whose primary residence is the rental), and one (1) business owner or designee of the owner. The qualifying address must be within the Ocean Beach community planning area. A member may satisfy multiple criteria. If there are insufficient candidates in an election to fulfill these criteria, the Board may fill the open seat by appointing any other eligible member of the community.

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

- a) Property owner, who is an individual identified as the sole or partial owner of record, or their employee, of a real property (either developed or undeveloped), within the community planning area, or
- b) Resident, who is an individual whose primary address of residence is an address in the community planning area, or
- c) Local business person, who is a local business or non-profit owner, operator, or designee at a non-residential real property address in the community planning area as evidenced by a business tax certificate or other official document.

Non-residents qualifying based on a business or real property shall be limited to one seat per business or real property.

An individual may become an eligible member of the community by demonstrating these qualifications at the time of voting.

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

Section 3. Members of the Board shall be elected to serve for fixed terms of three (3) years with four (4) seats expiring each year to provide continuity.

No person may serve on the Board for more than nine (9) consecutive years. The nine (9) year limit refers to total maximum consecutive years of service time, not to individual seats held. After a one-year break in service as a Board member, an individual who had served for nine (9) consecutive years shall again be eligible for election to the Board.

The Board will make a good faith effort to fill all seats. If not enough new members are found to fill vacant seats, the Maximum Time of Service may be waived until at least ten (10) seats are filled. Waiver of Maximum Time of Service shall be ratified by at least a two-thirds majority of the eligible community members voting in the regular election. Under this waiver, no more than twenty five percent of the elected voting members may exceed the Maximum Time of Service. Also the term served in excess of the Maximum Time of Service shall count as time served after the required break.

Section 4. A member of the Board must retain eligibility as a member of the community during the entire term of service.

Section 5. Member eligibility and qualifying addresses will be determined in accordance with Article V, Section 2.

ARTICLE IV

Vacancies

Section 1. The Board shall find that a vacancy exists upon receipt of a resignation in writing from a member, or failure of a member to meet minimum attendance requirements. Minimum attendance shall be two-thirds of the Board's regularly scheduled meetings in any 12-month period throughout the member's term as a voting member.

A vacancy may also exist following the conclusion of a member-removal process compliant with Sections 8.3 through 8.6 of Council Policy 600-24 and Article IX of these bylaws.

Section 2. The Board shall make a good faith effort to fill vacancies at the time the promptly after vacancies are declared, except as described in this section. Vacancies shall not be filled by appointment during the 60-days preceding and following a general election unless necessary to maintain the minimum membership requirement of ten (10) members. Vacancies existing in the 60-days preceding a general election shall be included in the election. The term of office of any member filling a vacancy shall be for the balance of the vacated term. Candidates for vacancies shall meet the following criteria:

Candidates for appointment to vacancies shall meet the following criteria:

- a) demonstrate eligibility as a candidate in accordance with Article III, Section 2; and
- b) present to the Board a completed candidate application. which includes a nomination petition signed by at least 10 eligible members of the community.

Section 3. If after three (3) consecutive months, the Board is unable to meet quorum and attendance requirements, the City may place the Board in temporary inactive status, to allow the Board to work through its membership issues and return to active status. If the Board remains unable to meet quorum and attendance requirements for six (6) consecutive months, then the Mayor may recommend to the Council that the Board's recognition be revoked.

ARTICLE V

Elections

Section 1. General elections of Board members shall be held during the month of March in accordance with the adopted elections procedures set forth herein.

The Board's general elections shall be held annually for four (4) expiring seats plus any vacant seats.

To be included in the official ballot that will be publicized to the community, the deadline to apply and qualify for candidacy in the March general election shall be no later than the conclusion of the February regular or special meeting. The Board's Election Committee shall be established no later than January and shall begin soliciting eligible community members to become candidates. The Election Committee shall verify eligibility of candidates, and present to the Board in February a complete list of qualified candidates collected up to that point in time. Candidates may be added at the February meeting. The Election Committee shall present election dates and procedures for approval at the February meeting. Approved procedures shall be publicized and made available to the public

Write-in candidates may establish eligibility similar to those candidates who will be included in the official ballot, including documenting eligibility and submitting an application for candidacy. The deadline for a write-in candidate to submit an application and documentation is the conclusion of the voting period. Write-in candidates will not be included on the official ballot that is publicized to the community.

In order to be a candidate in the March election, an eligible member of the community [see Article III, Section 2] must:

- a) demonstrate eligibility as a candidate in accordance with Article III, Section 2; and
- b) present to the Election Committee or Board a completed candidate application and a nomination petition signed by at least 20 eligible members of the community.

Nomination petition shall include name and address of residence or business of all signees.

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

In the election process, the Board shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for nine (9) consecutive years to leave the Board for at least one year.

The Board shall hold its election by secret ballot on the same day as the regular March meeting but it shall be separate from the meeting. Voting shall be allowed at the regular March meeting location for at least two (2) hours immediately prior to or concurrent with the meeting.

During the election processes if there are seats of varying term lengths available, the candidates with the most votes shall receive the seats with the longer term of service remaining.

All members of the public shall be allowed to vote in Board elections, so long as they meet eligibility requirements of Article III, Section 2.

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by California Elections Code or Section 5.1.1.

The Board will require proof of identity of those eligible community members who are seeking to vote in accordance with Section 5.1.1 through 5.1.4 of Council Policy 600-24 Terms and Conditions. Identifying information shall not be attached to ballots and shall be retained only as required to verify eligibility or resolve an election challenge.

The ballot presented to eligible community members to vote will clearly identify the names of all qualified candidates, excluding write-ins, which criteria they meet under Article III Section 2, how many candidates can be selected, and which candidates, if any, must receive votes on at least two-thirds of ballots due to service beyond nine (9) consecutive years of service.

The Board's policy is that write-in candidates are allowed. If it is determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Section 3. Voting to elect new Board members shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. The Board shall not develop or promote candidate slates

- Section 4. The election results will be announced within seven (7) days following the March meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the City. Except in the event of an election challenge, 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 Board meeting.
- Section 5. Tie-breaker procedure: In the event of a tie vote for a seat, candidates shall draw numbers from a hat to determine the winner.
- Section 6. Election Challenge Procedure: Any challenge to the election results must be filed with the Board Chair or the chair of the Elections Committee in writing within 24 hours of the announcement of the results in order to allow enough time to resolve the issue. The Election Committee may convene a special meeting if necessary to make a determination and recommendation to the Board. Regardless of an Election Committee recommendation, the Board shall attempt to resolve the challenge as the first action item on agenda at the regular April meeting prior to seating the new Board. The Board shall otherwise follow procedures in Council Policy 600-24 and Article IX of these bylaws.
- Section 7. The Board's additional election procedures are as follows:
- a) Election Committee – An Election Committee will be formed each year to facilitate all facets of the election process in accordance with these bylaws and Council Policy 600-24. This Committee will be formed of members not running for election and will be validated by a majority vote of the board not serving on the Committee.
 - b) The Election Committee's duties are as follows:
 - 1. Report to the Board who, on the current Board, is up for reelection and if any open seats exist.
 - 2. Establish dates, deadlines of election process and update any details, including location of in-person voting location and ballot drop box location.
 - 3. Promote the election and solicit eligible community candidates through multiple communication tools (social media, email, website, local community groups, media, etc)
 - 4. Create/update paper ballot, paper voter registration process and forms. If offering a digital voting process in conjunction to the paper and in person process, committee will create digital ballot and voter registration. Ballot will be published and available online no later than 10 days prior to election.
 - 5. Set time/date for a candidate forum, either at an upcoming regular or special Board meeting, or held at another location or community group meeting. Candidates absent from the forum may elect to have someone give a statement on their behalf.
 - 6. Administer the election process, including the following: Establish and staff an in person voting location; manage the polling area and safekeeping of ballots, ballot drop boxes, and eligibility documents; Validate eligibility of voters; Count votes from in person, drop box, and digital ballots; Report voting results no later than 7 days after conclusion of election to Chair, candidates, and community through

multiple communication tools (social media, email, website, local community groups, media, etc)

ARTICLE VI

Board and Board Member Duties

Section 1. It is the duty of the 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 Board members to conduct official business of the Board in a public setting. It is recognized that the officers of the Board may oversee administrative business of the Board, such as the assembling of the agenda, in preparation for public discussions. However, no communication by a quorum of members shall occur outside of a properly noticed meeting.

It is the duty of a Board as a whole, and of each individual member, to refrain from conduct that is detrimental to the 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 Board's agenda.

The Board shall collaborate with City staff on an ongoing basis and as requested by the City to increase its members' understanding of the role and responsibilities of the Board.

Section 2. Meeting Procedures

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

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

b) PUBLIC COMMENT- Any interested member of the public may comment on agenda items during regular or special Board meetings. In addition, each agenda for a regular Board meeting or regular standing committee meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but are within the scope of authority of the Board. Board members may make brief

announcements or reports to the Board on their own activities under the public comment section of the agenda. The Chair may establish time limits for public comment to ensure operational efficiencies.

- c) AGENDA ITEMS - Agenda items will be introduced/opened by the Chair and may include a presentation by a member of the public, and a report by the Chair of the appropriate committee responsible for making any recommendations to the Board. Agenda items shall include a public comment period; a discussion and question/answer portion for the elected board; and for action items, may include a motion and vote of the board.
- d) ADJOURNMENTS AND CONTINUANCES – If the Board does not convene a regularly scheduled meeting, there shall be a copy of the "Notice of Adjournment" of the meeting posted on the website and/or at the meeting location.
- e) CONTINUED ITEMS - If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.
- f) CONSENT AGENDA - For items to be considered for a “Consent Agenda” all of the following are required:
 - 1. A committee of the Board has discussed the item at a noticed committee meeting,
 - 2. All interested members of the public were given an opportunity to address the committee, and
 - 3. The item has not substantially changed since the committee’s consideration.

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

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

No member of the public shall be required, as a condition of attendance at any meeting of the 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.

- (c) DEVELOPMENT PROJECT REVIEW - The 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 Board shall allow participation of affected property owners, residents and business establishments within proximity to the proposed development.

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

- (d) **EQUAL TIME FOR CANDIDATES OR BALLOT MEASURES** – The Board will endeavor to grant equal time for candidates or ballot measures if docketed on agenda. Equal time does not apply to individuals speaking during non-agenda public comment.
- (e) **VOTING PROCEDURES** – An item not noticed on the agenda may be added if either two-thirds of all voting members of the Board, or every member if less than two-thirds of all voting members of the 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 Board subsequent to the agenda being posted.

A two-thirds vote of all voting members of the Board is required to remove a Board member in accordance with Article IX.

Removing a member requires a two-thirds vote of all voting members of the Board

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

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

All other Board actions, and committee votes, only require a simple majority of the voting members of the Board or committee in attendance when a quorum is present.

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

The 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.

Votes taken on agenda items shall reflect the positions taken by each member.

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

- (j) SPECIAL MEETINGS - The Chair, or a majority of Board members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the Board shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the 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 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.
- (k) EMERGENCY MEETINGS - Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside of the purview of the Board and are prohibited under these bylaws.
- (l) RIGHT TO RECORD - Any person attending a meeting of the Board must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the Chair that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
- (m) DISORDERLY CONDUCT - In the event that any Board meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the Chair may first cause removal of the individual or individuals. If that is unsuccessful then the Chair may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The Chair may also readmit an individual or individuals who were not responsible for the disruption.

Section 3. Committees

- (a) GENERAL - The Board may establish standing and ad-hoc committees when their operation contributes to more effective discussions at regular Board meetings.
- (b) COMMITTEE ELIGIBILITY - To serve on a committee, an eligible community member must be appointed by majority vote of the Board. Youth community members (under age 18) may be appointed to a committee with written permission to serve from their legal guardian. Appointments to serve on committees should be validated and confirmed yearly during the April meeting of Board.
- (c) STANDING COMMITTEES – Pursuant to the purpose of the Board as identified in Article II, Section 1, the Board has established the following standing committees:
 - 1. Election Committee - as specified in Article V, Section 7.

2. Project Review Committee – reviews projects submitted to the Board by applicants or the City and makes recommendations to the Board
 3. Transportation Committee – reviews transportation and mobility issues affecting the community and makes recommendations to the Board
- (d) AD HOC COMMITTEES - Ad hoc committees may be established for finite period of time to review more focused issue areas and shall be disbanded following their review.
 - (e) COMMITTEE COMPOSITION – Committees shall contain a majority of members who are members of the Board. Non-members, who are duly appointed by the Board to serve on a committee, may be indemnified by the City in accordance with Ordinance No. O-19883 NS, and any future amendments thereto, provided they satisfy any and all requirements of Council Policy 600-24.
 - (f) RECOMMENDATIONS – Committee recommendations must be brought forth to the Board for formal vote at a noticed public meeting. In no case may a committee or committee recommendation be forwarded directly to the City as the formal recommendation of the Board without a formal vote of the Board.

Section 4. Abstentions and Recusals

- (a) RECUSALS - Any member of the Board with a direct economic interest in any project that comes before the Board or its committees must disclose to the Board that economic interest, and must recuse from voting and not participate in any manner as a member of the Board for that item on the agenda. A recusing member will not be reflected in the quorum or vote for that item.
- (b) ABSTENTIONS – 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 where that voting member lacks sufficient information upon which to cast a vote. The member must state, for the record, the reason for the abstention. The Board’s record of the vote on the item will reflect the abstaining member in the vote, and they will count towards the quorum and vote for that item.

Section 5. Meeting Documents and Records

- a) 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 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.

- b) AGENDA AT MEETING - Any written documentation, prepared or provided by City staff, applicants, or Board members that is distributed at the Board meeting shall be made available upon request for public inspection without delay. If such material is distributed at the 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 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 charge for the cost of reproducing any the materials requested by an individual or individuals.
- c) MINUTES – For each Board meeting, a report of Board member attendance and a copy of approved minutes shall be retained by the Board, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the Board’s next regularly scheduled meeting. The minutes of each 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 Board action) appeared before the Board. If an applicant did not appear before the Board then the meeting minutes must indicate the date when and type of notification (e.g. electronic, telephonic, facsimile) provided to the applicant requesting his or her appearance at the Board meeting. A copy of the approved minutes shall be submitted to the City upon request. A copy of the Board’s approved minutes shall be posted to the Board’s website within 14 days of approval.
- d) Maintenance of Open Records - The Board shall maintain its official records, including its rosters, annual reports, meeting agendas, applications to serve as voting members, ballots, evidence of completion of annual trainings, and meeting minutes, for a minimum of five years (either on its website, in electronic files, or in hard copies) from the date each record is created, and will make all official records available to the City and to any member of the public upon request.
- e) Written applications submitted to the Board by individuals wishing to serve as voting members, and records of election results, are considered official records and will be maintained by the Board in accordance with Policy 600-24. The Board will submit to the City the rosters of Board voting members by May 1st of each year and will also submit to the City any changes to rosters as a result of Board elections.

Section 6. The Board and its members should routinely seek robust community participation in the Board planning and implementation process to serve the best long-term interest of the community at large.

Board members are expected to research and educate themselves on all items that come before the Board where one must take an action or position, and seek community wide understanding of the issues at hand. Each member shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range

interest of the community at large.

- Section 7. It shall be the duty of the Board to maintain a current, up-to-date roster of the names, terms, and category/qualifications of Board members in its possession, and to forward the current roster, as well as any updates, to the City. The Board may also submit to the City an annual report of accomplishments for the previous 12 months and anticipated objectives for the coming year related to Article II, Section 1 above. Rosters and annual reports constitute records which can be disclosed under the Brown Act.
- Section 8. To measure community representation, the Board shall gather demographic data of existing and new Board voting members at the time of elections or other regular periods to measure inclusion and diversity on the Board. This data should be submitted to the City along with annual rosters required by Section 7 of this article. Participation in this type of survey will be voluntary and will be conducted in a manner to ensure the privacy of responses and respondents.
- Section 9. The Board may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the 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 Board meeting. All contributions must be voluntarily made, and no official Board correspondence may be withheld based on any individual's desire to not make a voluntary contribution.
- Section 10. Each Board member is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. O-19883 NS, and any future amendments thereto. All Board members must complete the orientation training session within 60 days of being elected or appointed to the Board, and by no later than June 1st of each succeeding year of their service, or the member will be ineligible to serve.

ARTICLE VII

Board Officers

- Section 1. The officers of the Board shall be elected from and by the members of the Board. Said officers shall consist of a Chairperson "Chair", Vice Chairperson "Vice Chair", Treasurer and Secretary. The length of an officer's term shall be one year except that no person may serve in the same Board office for more than nine (9) consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer. At the end of each officer's one-year term, the Board shall either re-elect that officer or nominate and vote to elect a replacement officer.
- Section 2. Chair. The Chair shall be the principal officer of a recognized community Board and shall preside over all Board and communitywide meetings organized by the Board. The Chair

shall be responsible for drafting and posting the Board agenda and shall serve as the point of contact for development applicants.

Appeals of discretionary decisions to the City shall be made by the Chair or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the Board.

The Chair shall maintain a current, up-to-date roster of the names of Board members to be kept on file in the office of the Planning Department, and to submit the Board's Annual Report to the City.

- Section 3. Vice Chair. In the absence of the Chair, the Vice Chair shall perform all the duties and responsibilities of the Chair.
- Section 4. Treasurer. The Treasurer shall be responsible for the Board's finances.
- Section 5. Secretary. The Secretary shall be responsible for the Board's correspondence, attendance records, and minutes and actions [including identification of those Board members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that Board members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 6. The Chair shall be the Board's representative to the Community Planners Committee (CPC). However, by vote of the Board, a Board member other than the Chair may be selected as the official representative to CPC with the same voting rights and privileges as the Chair. Designation of a member other than the Chair for either representative, as well as for the Board's alternate to CPC shall be forwarded in writing to the staff representative to CPC prior to extension of voting rights and member attendance.
- Section 7. The Board officers and representatives to the CPC shall promptly disseminate to all elected Board members pertinent information that is received by the Board regarding its official business.

ARTICLE VIII

[Reserved]

ARTICLE IX

Rights and Liabilities of the Board

Section 1. Indemnification. Pursuant to the policy of the City Council, the City will indemnify, and the City Attorney will defend, the 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 Groups,” (Ordinance), which may be amended from time to time. Defense and indemnification cover any claim or action of civil wrongdoing against the 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 Terms and Conditions, 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 Board or one of its individual voting members is found to be out of compliance with the provisions of Policy 600-24, they acknowledge they risk loss of defense and indemnification pursuant to the Ordinance, and any future amendments.

Section 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 Board will ensure good faith, voluntary compliance with the Brown Act and proactively cure violations themselves, to prevent legal actions that would void Board actions. Individual voting members of the 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 Board, and may in some cases include payment of court costs and attorney’s fees.

Individual voting members of the 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 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 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 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 Council Policy 600-24 or San Diego Ordinance O-19883.

Section 3. Violations of Membership Eligibility. Any Board voting member who violates membership eligibility as defined in Article III, Section 2, may be removed by the remaining Board voting

members per these bylaws.

- Section 4. Violations and Remedies. If the Board violates Council Policy 600-24, it may forfeit its status as a recognized Community Planning Group and lose its right to indemnification and defense by the City. A Board voting member and the 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 Council Policy 600-24 or these bylaws by a Board member, the Board will conduct an investigation consistent with Policy 600-24 and these bylaws.

In the case of an alleged violation of Policy 600-24, the violation shall be forwarded in writing to the City for review by the Mayor or their Designee. The 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.

- Section 5. Disciplinary Actions of Individual Members
Board members found to be in violation of the bylaws or Council Policy 600-24 shall only be disciplined or removed by the Board at a scheduled 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 60 days of the allegation so as to ensure a fair and public process.

- Section 6. Potential Conflicts of Interest
Board members found to have a conflict of interest who did not recuse from a vote may be subject to disciplinary action by the Board, which may include expulsion from the board. The Board will report in writing instances of disciplinary action to the City within 60 days of any allegation.

- Section 7. Procedure for Investigation and Removal of Members

- a) Investigation procedures for Board member violations are outlined below. For purposes of this section, if an officer is the subject of the complaint, they shall be recused from administering this process. Officer duties in this section shall be assumed in the following order of succession: Chair, Vice-Chair, Treasurer, Secretary, most-tenured member.
- b) Documenting a violation:
 1. A complaint that a violation of bylaws or Council Policy 600-24 has occurred must be presented to the Chair.
 2. The complaint shall 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 shall provide a citation of the bylaws or Council Policy 600-24 provisions of which the action is claimed to violate. If the complaint is from

someone other than another Board member, the Chair [or other officer] may assist in providing appropriate citations to assist the complainant.

4. The Chair will confer with the Board officers regarding the complaint. The Chair shall create a written record of the complaint and alleged violation and immediately provide it to the alleged violator.
- c) Procedures for administering and acting on investigating a violation: While the authority for this process rests with the 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 Board officers, will meet and talk with the Board member against whom the violation is alleged. The allegations will be presented and the Board member shall be given opportunity for rebuttal.
 2. If the Chair, with assistance from the Board officers, determines that no violation has actually occurred, the Chair may record this in the written record of the complaint and notify the complainant.
 3. If the Chair, with assistance from the Board officers, determines that a violation has occurred but the situation can be remedied either by action of the Board or by the Board member, then the Chair will outline the necessary actions to achieve the remedy and notify the complainant.
 4. If the above procedure does not remedy the situation to the satisfaction of the Chair, officers, and complainant, then the Chair shall set the matter for discussion at the next Board meeting, including the possible removal of the member. The Board member accused of the violation shall be given immediate written notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for a Board discussion.
- d) Presenting a violation to the Board, and removal of a member:
1. The matter of removing a seated Board member will be placed on the Board's agenda as a potential action item. Supporting materials from the Chair and from the accused Board member will be made available to the Board members upon posting notice of the meeting, or immediately when available thereafter.
 2. The matter will be discussed at the Board's regular meeting with opportunity given to the Board member who allegedly committed the violation to present their case and/or rebut documentation gathered by the Chair with the assistance of the Board officers. The member may also request a continuance of the item to gather more information to present to the Board.

3. At the end of the discussion, the Board may, by a two-thirds vote of all voting members, choose to remove the member.

e) Recourse for expelled member:

1. There is no appeal available to a Board member removed by a two-thirds vote of all voting members of the Board.
2. The Board member's seat shall be immediately declared vacant and subject to provisions of Article IV.
3. The removal of a Board member by a two-thirds vote of all voting members of the Board will not prohibit the member from seeking re-appointment or running for a Board seat in future scheduled elections.

Section 8. Violations and Remedies for Quorum and Attendance Requirements

If the Board is unable to meet quorum and attendance requirements for three consecutive months, then City may place the Board in a temporary inactive status, to allow the Board to work through its membership issues to return to active status. If the 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 Board's recognition be revoked.

Section 9. Violations of City Requests for Input

The 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 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.

Attachments:

EXHIBIT A: Community Participation and Representation Plan

EXHIBIT B: Ocean Beach Planning Board Boundaries. The Ocean Beach Planning Board will represent the community of Ocean Beach.