

**THIRD AMENDED AND RESTATED
BYLAWS AND OPERATING RULES AND PROCEDURES OF
THE CARMEL VALLEY COMMUNITY PLANNING BOARD**

RECITALS

I.

- A. These Third Amended and Restated Bylaws and Operating Rules of the Carmel Valley Community Planning Board are hereby adopted this 14th day of September, 2004 and supersede all prior Bylaws and/or Operating Rules of the Carmel Valley Community Planning Board.

II.

NAME

- A. The name of this organization is the Carmel Valley Community Planning Board, to be referred to in the following as the "Planning Board" or the "Board."
- B. All activities of this Planning Board shall be conducted in the name of the Carmel Valley Community Planning Board.
- C. The community planning area boundaries that are applicable to this Board are as shown on Exhibit "A," attached hereto and by this reference made a part hereof and are on file in the offices of the City Clerk and the Planning Department of the City of San Diego, or its equivalent.
- D. The official positions and opinions of the Board shall not be established or determined by any organization other than the Board.

III.

PURPOSE OF THE PLANNING BOARD AND GENERAL PROVISIONS

- A. Purpose. The primary purpose of this Planning Board shall be to advise the City Council, Planning Commission, and other governmental agencies as may be appropriate in the initial preparation and adoption of a precise plan and implementation of, or amendment to the General, Community or Precise Plan as it pertains to the area or areas of concern to said Planning Board, hereinafter referred to as the “planning process.”

The Planning Board, in reviewing individual development projects pursuant to Council Policy 600-24, Article 11, Section 1, or any amendments thereto, shall focus such review on conformity with the adopted Precise Plan, Community Plan and/or the General Plan. Whenever possible, all review shall be completed and written comments submitted to the City during the public review period offered by the environmental review process. Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the Planning Board. This will provide staff and the project proponent the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.

- B. City Staff Assistance. Insofar as the efforts of the Planning Board are engaged in the diligent pursuit of the above purpose, professional planning staff assistance, if any, shall be provided from the Planning Department and/or as appropriate by staff under the direction of the City Manager.
- C. City Manager Assistance. Insofar as the efforts of the Planning Board are engaged in the diligent pursuit of nonplanning oriented implementation activities, professional staff assistance, if any, shall be provided by the City Manager from appropriate managerial departments.
- D. Nonpartisan Operation. All Planning Board activities shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, creed, or national origin, or sexual orientation, or physical handicap, nor shall the Planning Board take part, officially or unofficially, or lend its influence in the election of any candidate for political office. Planning Board members shall refrain from using their title as a member of this Planning Board when praising or vilifying a political candidate on political literature during campaigns.
- E. Forfeiture of Rights. Pursuant to the provisions of City Council Policy No. 600-5, failure of the Planning Board to diligently pursue the initial preparation, adoption, implementation or amendments to the planning process shall result in the forfeiture of rights to represent its community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Planning Department.

IV.**PLANNING BOARD ORGANIZATION**

- A. **Membership.** The Planning Board shall consist of fifteen (15) members. The members of the Board shall consist of the members selected in the manner prescribed by these Bylaws. It shall be the responsibility of the Board to maintain a current roster of Board members on file in the offices of the City Clerk and the Planning Department of the City of San Diego, or its equivalent.
- B. **Board Membership.** Members of the Board shall be elected to serve for fixed terms of two (2) years, staggered to provide continuity for the Board.
- C. **Diversity of Representation.** The Planning Board shall consist of:
1. Ten (10) residential members representing the voting districts as shown in Exhibit A. Voting districts are broadly defined by the neighborhood boundaries of Carmel Valley, but may span multiple neighborhoods in cases of sparse development or population. In no case shall more than one (1) member be elected from a voting district.
 2. Three (3) developer-investor representatives who own property within Carmel Valley. This shall include the one (1) major developer, two (2) other developer-investors.
 3. Two (2) business representatives, whose business is conducted within any of the fourteen (14) neighborhoods of Carmel Valley.

D. Eligibility.

To be eligible as a candidate for election to the Planning Board, a person shall be at least eighteen (18) years old and:

1. A residential candidate shall be a resident of the specific neighborhood and shall have been continuously resident in the neighborhood for at least 30 days. A residential candidate must attend at least two (2) entire meetings of the Planning Board in the twelve (12) months prior to the election.
2. A developer-investor candidate shall be an owner of at least two (2) acres of land within Carmel Valley, or the representative or employee of said owner. The major developer shall be the developer/property owner that controls the largest amount of undeveloped acreage in Carmel Valley.
3. A business candidate shall be an owner or employee of a professional, commercial, retail or industrial enterprise doing business within a commercial, agricultural or employment center designated area of Carmel Valley.

E. Term of Membership.

No person may serve on the Board for more than eight consecutive years, commencing from 1976, the original date of adoption of Council Policy 600-24. After a one-year break in service as a Board member, an individual who had served for eight consecutive years shall again be eligible for election to the Board.

A Board member may serve in excess of eight consecutive years if that person is reelected to a new term provided that they receive a two-thirds majority of the votes cast by eligible community members participating in a regular election. The number of individuals on the Board serving more than eight consecutive years shall in no case exceed twenty-five percent (25%) of the voting Board membership. At all times, and to the fullest extent possible, prospective members shall be representative of the various geographic sections of the community and/or diversified community interests as determined by the City Council.

V.VACANCIES

- A. Vacancies; Excused Absences. The Planning Board shall find a vacancy exists upon receipt of a resignation in writing from one of its members, or when a member moves out of the neighborhood from which elected or a business member ceases to conduct business in Carmel Valley or upon receipt of a written report from its secretary reporting the third consecutive unexcused absence of a member(s) from regular meetings as established under Article VII, Section B.
- B. Filling Vacancies. The Planning Board shall fill such vacancies as may occur in the Planning Board by appointment within One-Hundred Twenty (120) days following the date of the determination of the vacancy. Three appointments may be suggested by the chairperson to be followed by a public vote by the Planning Board. Vacancies so filled shall be for the remainder of the unexpired term. In selecting members to fill vacancies after adoption of the General or Community Plan by City Council, the same attention shall be given to as broad based representation of property owners, non-property owners, professionals, business persons, industrialists, and developers as was utilized in the original selection process. The Planning Board shall report, in writing, actions taken in filling vacancies to the City Council in accordance with Article VII, Section D. If the Board is unable to fill a vacancy within the One-Hundred Twenty (120) day period, as specified above, and the Board has more than twelve members, the Board shall either amend its Bylaws to permit decreased membership to a minimum of twelve members, or report in writing the actions taken in filling vacancies to and request assistance from the City Council. If a vacancy remains for more than One-Hundred Twenty (120) days from the time a vacancy is declared and the Board has less than twelve (12) members in good standing, the Planning Department shall request that the City Council place the Board on inactive status until the Board has at least twelve (12) members in good standing.

VI.**PROCEDURES FOR NOMINATIONS AND ELECTIONS**

- A. Election of Members. The members of the Planning Board shall be elected every two years by the general election annually scheduled for March or vacancies shall be filled as otherwise provided in Article V. Elections shall be by ballot at a public facility within the community, such as the Library or Community Center.
- B. Nominating Committee. The Chairperson of the Planning Board shall appoint a nominating committee of at least three (3) Board members (“Elections/Nominating Committee”) at least two months prior to the general election. The Elections/Nominating Committee shall prepare a slate of candidates for membership on the Planning Board and shall submit it, with the candidates biographies, at the next Board meeting for the Board’s consideration. Nominations shall also be taken from the floor.

The Elections/Nominating Committee shall also submit a slate of candidates for the officers of the Board. This list of candidates shall be prepared immediately after the election of the new members of the Planning Board.

- C. Eligibility. Candidates for each seat on the Planning Board shall be elected by individuals who meet the eligibility requirements to be a candidate for that seat with the exception that there is no meeting attendance requirement for voters. The qualifications for voting shall be verified by street indices, canceled letter addresses, utility bills, business licenses, driver’s licenses or any means deemed appropriate by the Planning Board. Voters shall sign a roster with qualifying address to cross check voting eligibility.
1. For residential seats, voting shall be calculated on the basis of one vote per resident. Voters shall only be eligible to vote for candidates which represent the neighborhood in which they live.
 2. For developer-investor seats, voting shall be calculated on the basis of one vote per acre. The Major Developer shall not vote for the other developer seats.
 3. For business seats, voting shall be calculated on the basis of one vote per business.
- D. Notice of Election. The Board shall make a good faith effort to contact community newspapers and utilize other means appropriate to advertise the elections.

VII.**PLANNING BOARD DUTIES AND RESPONSIBILITIES**

- A. General Planning Work. It shall be the duty of the Planning Board to cooperatively work with the Planning Department and, as appropriate, the City Manager, 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. The Board shall take such actions as it deems to be in the best interests of the community regarding Planning and Plan implementation.
- B. Meeting Attendance. It shall be the duty of each Board member to attend all Board meetings. Regular meetings shall be periodically held by the Planning Board to meet with the Planning Department at a mutually agreed upon time and location during appropriate periods in the planning process. A quorum, defined as a majority of non-vacant seats of the Planning Board, must be present in order to conduct business and/or vote on projects or actions at such a regular meeting. A report of attendance and a copy of Board approved minutes for each meeting shall be available for public distribution and shall be submitted to the Planning Department within Fourteen (14) days upon approval by the Board. Board resolutions on specific projects should indicate whether or not a quorum was present, whether or not the applicant appeared before the planning group, and when and what type of notification the applicant received requesting his/her appearance at the planning group meeting.

It shall be the policy of this Planning Board that an excused absence be defined as one where a member is unable to be present due to illness, either personal or a member of his or her family, restricting him or her from attending the meeting, business responsibilities prohibiting his attendance, or vacation, but only if the member has notified an officer of the Planning Board prior to the meeting of his or her inability to be present and his or her reasons therefor. Failing these requirements, any other absence shall be determined as an unexcused absence for the purpose of maintaining attendance records relative to the declaration of a vacancy.

The Planning Board may hold special meetings other than regular meetings when determined necessary by a majority of the Board members. The time and location of the special meeting shall be announced at the regularly scheduled Board meeting. If a special meeting is required and cannot be announced at a regularly scheduled Board meeting, the Chairperson shall be permitted to contact all Board members by phone, e-mail or fax and if a majority of the Board approves, a special meeting can be set. Notice of such special meetings shall be posted in at least three public locations in Carmel Valley, to be determined by the Board. Attendance and minutes shall be kept at all special Board meetings. All meetings of the Board and subcommittees shall be open to the public. Executive sessions shall be prohibited.

- C. Community Input. It shall be the duty of the Board to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article III, Section A. The 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. It shall also be the duty of the Board, when reviewing development projects, to involve affected property owners, residents and business establishments within proximity to the proposed development. The Board shall inform the project applicant or representative each time that such review will take place and provide the applicant with an opportunity to present the project.
- D. Board Roster. It shall be the duty of the Board to maintain a current, up-to-date roster of Board members to be kept on file in the offices of the City Clerk and the Planning Department and to submit to the offices of the City Clerk and the Planning Department by February 15 of each year a written summary of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article III, Section A.
- E. Acceptance of Donations. It shall be the permissive duty of the Board to develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the Board and to promote understanding and participation in the planning process. However, no membership dues shall be required.
- F. Orientation Training Session. It shall be the duty of each Planning Board member to attend an orientation training session administered by the Planning Department.
- G. Non-Voting and Financial Interest. It shall be the duty of each Planning Board member with a direct economic interest in any project that comes before the Board to disclose to the Board that economic interest and to abstain from voting or participating in any manner as a member of the Board.

VIII.**PLANNING BOARD OFFICERS**

- A. Designation and Election of Officers. The officers of the Board shall be selected from and by the members of the Board. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary and by policy may include such other officers as the Board may deem necessary. The length of an officer's term shall be one (1) year. No person may serve as an officer for more than eight (8) 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.
- B. Chairperson. The Chairperson shall be the principal officer of the Board and shall preside over all Board and community-wide meetings.
- C. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the principal officer.
- D. Secretary. The Secretary shall prepare all correspondence and record and maintain minutes of the action of the Board meetings and provide said information to the Board and general public as required. The Secretary shall maintain an attendance record and provide a report of same at each Board meeting pursuant to Article VII, Section B.
- E. CPC Representative. The Chairperson shall be the Board's representative to the Community Planning Committee ("CPC"). However, by specific action, some other Board member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson.

IX.**SUBCOMMITTEES**

- A. Committee Appointments. The Chairperson shall have the power to appoint as many subcommittees as necessary to carry on the business and duties of the Planning Board. All subcommittee meetings shall be opened to the public.
- B. The Chairperson of each subcommittee and a majority of the members shall be appointed from the Planning Board. Additional members may be any person meeting the requirements of a Planning Board member. Notwithstanding the above, if a majority of the Board approves, any person who meets the requirements above may serve as a Chairperson of any subcommittee.
- C. Subcommittee Meetings. All subcommittee meetings shall be announced at the regularly scheduled Board meeting preceding such subcommittee meeting, including the time and place of such meeting and shall be recorded in the minutes.

X.

GENERAL POLICIES

- A. Except with respect to altering the basic requirements of these “Bylaws and Operating Rules and Procedures,” the Planning Board’s subcommittee on bylaws may propose such additional policies as it deems necessary to the Planning Board for its consideration and/or adoption.
- B. Any additional policies established in accordance with Article X, Section A must be presented to the Planning Department and City Attorney for approval.

Exhibit A - Neighborhood Map of Carmel Valley