

Chapter Five: Board of Supervisors Policies I-1 and I-1A

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

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Purpose

To establish policy and procedures for the establishment and operation of planning and sponsor groups. This policy shall also establish procedures for the groups' primary responsibilities of updating the County General Plan and reviewing discretionary regulatory projects.

Background

The County General Plan, adopted by the Board of Supervisors, meets the requirements of State law and provides broad guidelines for the proper development of the County. An accepted method for refining and updating the General Plan is to prepare, adopt and implement local plans for the various unincorporated communities in the County.

Local planning is more responsive to local needs if there is a high level of citizen participation in the planning process. The policies and procedures that follow are intended to encourage citizen participation and to provide a uniform process in the preparation, revision and implementation of community and subregional plans for unincorporated areas of the County and for the creation of planning and sponsor groups. These groups work closely with the local citizenry to help guide the course of growth in their respective planning areas.

Policy

It is the policy of the Board of Supervisors that:

Representative planning groups and sponsor groups be formed in the communities and subregions of the unincorporated area for the purpose of advising and assisting the Director of Planning, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the preparation, amendment and implementation of community and subregional plans.

The procedures set forth herein shall be followed in the establishment of community and subregional plan boundaries, the formation of planning and sponsor groups and in the preparation, amendment, and implementation of community and subregional plans. Further, the groups may advise the appropriate boards and commissions on discretionary projects as well as on planning and land use matters important to the community.

The procedures set forth herein shall also guide the operations of all planning and sponsor groups, including the consideration of planning business in public meetings and the

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administration of internal responsibilities that must be carried out by all planning and sponsor groups throughout the year.

COMMUNITY BOUNDARIES

The Department of Planning and Land Use shall maintain a map of the unincorporated area of the County of San Diego identifying the boundaries of all community and subregional plan areas, as well as sponsor group areas. The boundaries shall reflect commonality of interest, topography, access, and existing district boundaries to the greatest extent possible. If the boundaries of community and subregional plan areas are revised, voting precinct boundaries shall also be revised if necessary to conform to these new boundaries.

The boundaries of group areas shall be defined at the time a group is established by the Board. The map shall be reviewed periodically by LAFCo and SANDAG staff for consistency with planning efforts of the various incorporated cities.

Each planning area and subregion shall be identified by name. The boundary map shall be reviewed periodically by the Planning Commission and the Board. During such review, boundaries may be changed for good cause by the Board after notification and comment by affected planning or sponsor groups. The Registrar of Voters shall be notified within 30 days of the Board of Supervisors' actions. There shall be no boundary changes within 180 days prior to an election.

SPONSOR GROUP FORMATION

The principal function of a sponsor group is to be an information linkage between the community and County on matters dealing with planning and land use.

A sponsor group may be formed through two different approaches to the Board of Supervisors. Any community organization in an area where there is no elected planning group may seek designation by the Board of Supervisors as a sponsor group upon obtaining the recommendation of the Supervisor(s) for their district. Formation of a sponsor group may also be initiated upon the recommendation to the Supervisor of the district in which the need for a group has been indicated. Nominations for membership may be solicited from the community-at-large, by planning staff, and/or the staff of the Supervisor's office. Each member must be appointed by the Board of Supervisors and cannot function as a sponsor group member until such appointment has taken place. Subsequent vacancies shall be filled in the manner specified in Article II, Section IV of the Planning and Sponsor Group Bylaws contained in this Policy. The term of membership for sponsor groups is provided in Article II, Section III of said Bylaws.

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The members of a sponsor group may, upon the recommendation of the Supervisor of their district and authorization by the Board, stand for election as members of a planning group, thus bringing to an end their sponsor group status.

COMMUNITY PLANNING GROUP FORMATION

The formation of community planning groups is authorized by the Board of Supervisors and the members are elected by the registered voters in the community planning area.

Elections for planning groups that have been authorized by the Board of Supervisors will be conducted by the County Registrar of Voters the first Tuesday after the first Monday in November of each even-numbered year. Except as otherwise specifically provided herein, elections will be administered according to the California Elections Code. Sections 10500 through 10566 as they presently exist or may be amended in the future.

Members shall serve a four-year term, except as otherwise specified herein.

Planning group members will retain their membership until the first Monday after January 1 following the election, after which, if reelected, they will begin a new term. If not reelected, members may retain membership until replaced by the newly elected members of the planning group.

If by 5:00 p.m., on the 88th day prior to the election, the number of candidates does not exceed the number of positions to be filled, the Registrar of Voters shall not conduct an election of such planning group, but shall certify the qualified candidates to the Board of Supervisors for appointment. When the number of available positions equals or exceeds the number of qualified candidates, the Board of Supervisors shall, during a regular Board meeting, appoint qualified persons to the planning group as nominated by the Supervisor(s) of the applicable district(s). In either case, appointments shall become effective the first Monday after January 1 following the election date. Notwithstanding the foregoing, no person elected to membership on a planning group shall have, as against the County, the right to any specific term of membership and the County may call an election for any group whenever the Board of Supervisors deems appropriate.

Only registered voters living in the planning area are eligible to be candidates and to vote in the election of the planning group for that planning area. Candidates may obtain petition of nomination forms from the office of the Registrar of Voters beginning on the 113th day prior to the election. To be a qualified candidate, the completed forms must be filed with the Registrar of Voters office by 5:00 p.m., at least 88 days prior to the election. There shall be no 5-day extension for candidate filing if an incumbent fails to file by the 88th day before the election.

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The Registrar of Voters shall number each seat on the planning group 1 through 15. For the purpose of election and filing vacancies, each planning group member shall be designated as filling a numbered seat.

The even-numbered seats shall be up for election in 1986 and every 4 years after that. The odd-numbered seats shall be up for election in 1988 and every 4 years after that.

The specific number of seats up for re-election shall not appear on the ballot. Instead the ballot shall state "Vote for no more than Seven" or "Vote for no more than Eight" (with appropriate changes for subregional areas), depending on which terms are expiring. In cases where the Board of Supervisors makes appointments to the group due to an insufficient number of candidates, such appointments shall specify the seat number which the appointee is to fill.

In a newly authorized planning group, the 15 individuals receiving the highest number of votes shall become members of the planning group. The top eight will receive a 4-year term, and the remainder will receive a 2-year term. This rule will apply to the formation election only.

The successful individuals, as certified by the Registrar of Voters shall become members of the planning group beginning on the first Monday after January 1 following the election. The Registrar of Voters shall provide each newly elected individual with a copy of the certified election results. Any person who fails to comply with any of the requirements as outlined by the Registrar of Voters shall be ineligible for membership on a planning group.

The recall of a planning group member shall be governed by the provisions of Division 11 of the California Elections Code, as it presently exists or may be amended in the future, regarding the recall of local officers. A planning group member shall be regarded as a local officer solely for the purpose of implementing the recall provisions of Division 11. The terms "governing board" and "governing body" referenced in Division 11 mean, for the purpose of implementing the recall provisions of Division 11, the community planning group whose member is the subject of a recall petition. The Registrar of Voters shall determine the method of conducting a recall election for a planning group member.

When a vacancy occurs it shall be filled in the manner specified in Article II, Section IV of the bylaws.

Election of Planning Groups in Subregions

To ensure adequate neighborhood representation for each section in a subregion, the Board of Supervisors may identify sections of the subregion and determine the number of members and numbered seats to be filled from each section, at least 180 days in advance

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of the election, and direct the Registrar to so indicate on the ballot. Only registered voters living in a given section of a subregion are eligible to represent that section on the planning group. All registered voters in the subregion may vote to elect members for vacant seat(s) from each section. If the number of candidates does not exceed the number of vacancies in each section, the Registrar shall not conduct an election for that section but shall certify the qualified candidates to the Board of Supervisors for appointment.

If a planning group member changes his/her legal address to a different section of the subregion from that in which he/she was elected or appointed to represent, that group member shall immediately forfeit his/her position in the planning group. This vacancy may then be filled by a resident from that section of the subregional plan area where the vacancy occurred in accord with Article II of the bylaws.

FINANCIAL DISCLOSURE No person who is a candidate for membership on a community planning group shall accept or receive any campaign contribution which either: (1) is from a source other than a natural person; or (2) will cause the total amount contributed by the same person (other than the candidate himself or herself) with respect to a single election, including contributions to any agent or committee on behalf of the candidate, to exceed the sum of \$250.00.

Financial disclosure statements shall be filed as follows:

At the time of filing the petition for nomination with the Registrar of Voters, planning group candidates shall file, and within 30 days of assuming office sponsor group and planning group members shall file, financial disclosure statements disclosing all financial interests in disclosure categories 1, 2, 3 and 7 below (investments, interests in real property and business positions). Thereafter, sponsor group and planning group members shall file annually (no later than March 31 covering the preceding calendar year), and within 30 days of leaving office, financial disclosure forms disclosing all financial interests in all disclosure categories below. All statements by candidates for and members of planning groups shall be filed with the Registrar of Voters. All statements by members of sponsor groups shall be filed with the Clerk of the Board of Supervisors.

Financial disclosure statements shall be made on forms prescribed by the Fair Political Practices Commission (FPPC) and supplied by the Department of Planning and Land Use. The jurisdiction to which the financial disclosure requirements relate shall be the sponsor or community planning group area served by the group member, and real property shall be deemed "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction. (See Gov. Code § 82035) The members shall provide all financial information in respect to investments, real property and income relating to the jurisdiction required on the FPPC disclosure forms in the following disclosure categories:

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1. Investments (other than those held by a business entity or trust).
2. Interests in Real Property (other than those held by a business entity or trust)
"Interests in Real Property" does not include the principal residence of the filer for purposes of disclosures.
3. Interest in Real Property and Investments Held by Business Entities and Trusts.
4. Income (other than loans and gifts)
5. Income - Loans
6. Income - Gifts
7. Business Positions
8. Commission Income, Income and Loans to Business Entities and Income From Rental Property

In addition, candidates for membership of a planning group shall file with the Registrar of Voters campaign disclosure statements in accordance with the requirements of Chapter 4 of the Political Reform Act of 1974 (Gov. Code Section 84100 et. seq.).

OPERATION OF PLANNING GROUPS AND SPONSOR GROUPS

Conduct and operation of the planning and sponsor groups is governed by this policy, Board Policy I-1A and the Brown Act, as well as by Standing Rules that may be adopted by the groups. Standing Rules may supplement this policy but may not supersede it in any manner.

Planning and sponsor group members are not County officials. They act in an advisory capacity to the Director of Planning, the Zoning Administrator, the Planning Commission, the Board of Supervisors, and others involved in the County planning process. Such planning and sponsor groups are not empowered by ordinance or policy to render decisions of any kind on behalf of the County of San Diego or its appointed or elected officials. These groups are recognized as having a working relationship with the County on planning and land use matters. Community issues not related to planning or land use are not within the purview of these groups.

No planning or sponsor group member shall request any project proponent to make any contribution of money, goods, services or any other things of value to the community or

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to any person or organization within the community as a condition of or for receiving the favorable vote of the group or any of its members. This shall not prohibit the members from recommending conditions for approval of the development proposal which are authorized by State law or County ordinance.

Disqualification

No planning or sponsor group member shall make, participate in making, or in any way attempt to use his or her position on the planning or sponsor group to influence the making of any decision which he or she knows or has reason to know will have a reasonable foreseeable material financial effect, distinguishable from its effect on the public generally, on:

- (a) Any business entity in which the member has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (b) Any real property in which the member has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the member within twelve months prior to the time when the decision is made;
- (d) Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position of management; or
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.

Manner of Disqualification

When a planning or sponsor group member determines that he or she should not make a decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. This determination and

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disclosure shall be made part of the group's official records. (See County Counsel companion letter to Policy I-1.)

"Representation of Personal Interests

A member who is disqualified above may appear before the Group in the same manner as any other member of the general public solely to represent himself or herself on a matter which is related to his or her personal interests. 'Personal interests' include:

- (a) An interest in real property wholly owned by the member or the member's immediate family; or
- (b) A business entity which is either wholly owned by the member or the member's immediate family, or is under the member's sole direction and control or the sole direction and control of the member and the member's spouse jointly."

Planning and Sponsor Group Meetings

All meetings shall be open to the public and shall be held in a public place which is a place known to the community as a facility used for public assembly. Notices of all meetings except subcommittee meetings shall be placed in community newspapers, if available, or posted in a public place in the community if there is no community newspaper. Such notice shall be made at least five days prior to the meeting date and the agenda must be posted 72 hours before the meeting convenes. In addition, preliminary notices will be sent by the County to any one requesting them. A fee may be charged for sending such notices.

The Chair shall appoint the chair of all subcommittees (except the nominating subcommittee) and all its members with the concurrence of a majority of the group. There may be standing as well as ad hoc subcommittees. Chairs of subcommittees must be members of the group. Membership on the subcommittee is open to all interested citizens, but requires nomination by the Chair and appointment by the group. All members of a subcommittee may vote on subcommittee matters. However, at group meetings, only authorized group members may vote.

Election of Officers

Officers shall be elected annually for the positions of Chair, Vice-Chair, Secretary and other offices as may be provided for by the group. The Chair is the presiding officer, oversees all the activities of the group and its subcommittees, and is responsible for all

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appointments. The duties of the Vice-Chair shall be determined by the Chair. The Vice-Chair also presides over group meetings in the absence of the Chair. The Secretary maintains the records of the group's proceedings and correspondence.

Political Activity

The group will not endorse or support any political activity or candidate for elective office. The group may, however, provide a public forum for the discussion of planning issues which are important to the community.

Legal Defense and Indemnification

Planning group members may receive legal defense and indemnification through the Office of County Counsel if the criteria in Board Policy I-1A are met. To be eligible to receive County Counsel assistance, a group member must make a written request to County Counsel for defense and indemnification within 5 working days of having been served with legal papers. The County of San Diego may decline to defend a Group member under the circumstances specified in Board Policy I-1A.

Planning and Sponsor Group Assistance

County staff is available to assist the planning and sponsor groups. The Department of Planning and Land Use shall coordinate staff support for the groups. Assistance may be requested for periodic training regarding areas of concern and for staff attendance at meetings to give additional information on selected projects.

The Department shall also provide an orientation for new members of the groups, interpret and recommend revisions of Policy I-1, recommend changes in planning area boundaries, recommend creation of new groups and provide general resolution of problems that may arise in the course of group activities. The Department shall coordinate the appointments and confirmation of new planning group and sponsor group members with the Board of Supervisors, the Registrar of Voters, and the Director of the Community Involvement Office as necessary. The Department shall administer a budget which may be used by the groups to cover authorized expenses incurred by the group while doing group business. The allocation of the budget among the groups shall be reviewed annually and shall reflect the workload of the group, and the status of the group as either a sponsor or planning group.

PLAN PREPARATION

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During the preparation or update of a community or subregional plan, the role of the planning or sponsor group is to advise and provide recommendations to the Planning Commission and Board of Supervisors on the proposed plans. The group shall be assisted by County staff in preparing the plan and related documents pursuant to this policy.

Research and Analysis

During the research phase, staff may gather data on existing and needed public services, population, environmental constraints and other information related to the potential for development within the community or subregional plan area. A community conference may be sponsored by the planning or sponsor group to identify community needs, aspirations and issues.

During this stage of the program, the group should become familiar with the adopted County-wide General Plan, and the existing Community Plan and Text. The needs of the community should be assessed, and the data prepared by staff should be reviewed by the group.

Goals and Policies

Based on the community conference, the adopted County-wide General Plan, and other relevant planning policies, staff shall prepare draft goals and policies for the consideration of the group. The purpose of the draft goals and policies shall be to give direction to the subsequent more specific detailed planning that will be done to complete a preliminary plan. The draft goals and policies may address community preference with respect to the appropriate timing for annexation or incorporation of areas within the community or subregional plan area.

The planning or sponsor group shall review and revise the staff prepared goals and policies with staff assistance and approve a draft set of goals and policies for publication. Any conflicts between the preliminary goals and existing County policy or planning principles will be resolved at this time. The draft goals and policies shall be well publicized throughout the community and the group shall hold an open community meeting to discuss the draft. Subsequent to the meeting, acceptance of the final draft goals and policies will be by a majority vote of the authorized group membership.

Plan Formulation

Based on the accepted community goals and policies, staff will prepare a preliminary plan consisting of a land use map, proposed zoning and a text setting forth goals, policies,

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and standards. In the course of scheduled public meetings, staff proposals will be revised by the planning group. With the help of community input during these meetings, a revised preliminary plan, hereafter referred to as the proposed plan, will be prepared and approved by the group.

Staff will identify for the group, the Planning Commission and the Board of Supervisors any differences between the proposed plan and existing County policy, fundamental planning principles, or the accepted community goals and policies. Differences thus identified would result in a recommendation to either change County policy or the proposed plan.

There may be instances where staff and the group disagree on parts of the proposed plan in which case both proposals should be brought forward to the Planning Commission and the Board of Supervisors.

The expenditure of County funds is authorized to pay for the printing and distribution of a preliminary goals report and preliminary plan map and report for a community which has been duly authorized by the Board to prepare or update a community or subregional plan, subject to the existence of sufficient funds in the Department budget for such publication and distribution.

The preparation of a community or subregional plan or its update shall be completed within two years from the date of Board authorization, unless specifically modified or extended by action of the Board of Supervisors. The proposed plan shall then be processed with all due speed in compliance with applicable environmental review, public hearing notification and general plan amendment scheduling as determined by the Board of Supervisors.

PLAN ADOPTION

Planning Commission Hearing

Staff will prepare the necessary notice of public hearing and other documents as required by law. If feasible, the Planning Commission may hold its hearing in the planning area. It is the responsibility of the group to assist staff in presenting the proposed plan at the hearing.

The purpose of the public hearing is to assure everyone an opportunity to present testimony on the proposed plan and proposed zone reclassifications. Since every citizen of the County will be affected either directly or indirectly by the plan, the hearing is an important part of the democratic process. Upon completion of the hearing, the Planning

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Commission may approve the plan and recommend its adoption to the Board of Supervisors or may recommend revisions to the plan.

Board of Supervisors Hearing

The Board of Supervisors must also conduct an advertised public hearing. After closing the hearing, the Board may adopt the plan or direct that the plan be revised. In the latter case, the plan must be returned to the Planning Commission for a recommendation on any substantial proposed revisions not previously considered by the Planning Commission, prior to the final adoption of the plan by the Board of Supervisors.

PLAN IMPLEMENTATION

Proponents of development should be encouraged to submit their development proposals to the planning groups for a preliminary review prior to formal application to the County. This procedure could be more cost effective to the applicant and could result in earlier resolution of local concerns. Preliminary review does not eliminate or replace the group's formal review and/or appeal rights as a part of the normal application process.

The planning or sponsor group shall advise the Planning and Environmental Review Board, the Zoning Administrator, the Planning Commission and the Board of Supervisors in the implementation of the adopted community or subregional plan. In carrying out this responsibility, the group shall advise on development proposals, rezones, general plan amendments, and similar matters which would impact their planning area. Planning and sponsor group comments on these proposals are strictly advisory. Groups may determine which projects they will review and have the responsibility of securing information from the County regarding proposed projects. Group recommendations must be in writing, and must represent a majority of the planning or sponsor group's authorized membership. Minority opinions shall be accompanied by a statement identifying what portion of the group endorses the statement.

The group shall forward its recommendation to the appropriate County hearing body or the department. It is the responsibility of the group to submit its recommendations within the normal processing schedule, allowing for inclusion of the recommendation in transmittal documents to the Zoning Administrator, the Planning Commission and the Board of Supervisors. The staff report to the hearing body or official shall indicate if the County has received an official recommendation and/or a minority report from the affected planning or sponsor group. If no recommendation is provided, the hearing body or official may request one.

Proposed Publicly-Initiated Planning and Land Use Actions

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The planning or sponsor group may make recommendations on proposed publicly-initiated planning and land use actions based on their consistency with the adopted community or subregional plan.

County staff shall inform the group of all proposed publicly-initiated planning and land use actions, including zoning, proposed plan amendments, and text revisions. Such proposals shall be presented to the group for review prior to being presented to the Planning Commission and Board of Supervisors.

Proposed Privately-Initiated Actions

The planning and sponsor groups may make recommendations on proposed privately-initiated planning and land use actions based on their consistency with the adopted community or subregional plan. Each group may review and make recommendations on private development applications according to the following process:

1. The Department of Planning and Land Use shall provide each group with timely notice of private development or land use proposals that are filed with the County.
2. The Department of Planning and Land Use shall be responsible for providing each group with a copy of maps and other support documents associated with each project.
3. The mailed public notices, mailed by County staff, shall include a statement providing the following information: Name of the responsible planning/sponsor group, where and when the group meets, where posting of final agenda occurs.
4. Each group shall be responsible for selecting those projects which it deems sufficiently significant for review. The project's proponents should be notified by the group of the meeting at which the group expects to make a recommendation.
5. Each group shall conduct its meetings in accordance with all legal requirements necessary to assure the project's proponents and opponents receive a fair opportunity to be heard.
6. Each group shall be responsible for completing its review, writing its recommendation and forwarding it to the Department of Planning and Land Use in a timely manner so that the recommendation can be included in transmittal of the project to the applicable hearing body or officer.

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7. The staff report on private development proposals shall include the official advisory group recommendation. If such a recommendation is not provided by the group, the staff report shall indicate that no statement was filed by the planning group.

APPEAL PRIVILEGES

The planning and sponsor groups are authorized free appeal privileges on all discretionary land use matters.

The decision to file an appeal must be approved by a majority of the group's authorized membership. If no group meeting is scheduled prior to the end of the appeal period, the chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal shall require the group to withdraw the appeal.

PLAN AMENDMENTS

It is the role of the planning and sponsor groups to review and make recommendations on proposed amendments to the adopted community or subregional plan. Staff shall present such proposals to the group for review prior to their being transmitted to the Planning Commission and the Board of Supervisors.

PLAN REVISION

Upon authorization of the Board of Supervisors, a comprehensive revision to an existing community plan may be undertaken and the provisions of this policy will apply as in the case of the original plan preparation. Staff is not authorized to work on comprehensive plan revisions without specific Board authorization.

GROUP BYLAWS AND STANDING RULES

Authority for the establishment and operation of all planning and sponsor groups lies in the Board of Supervisors Policy I-1. The bylaws included herein describe the purpose, functions and operating procedures for all groups. An individual group may supplement these bylaws with additional rules, if deemed necessary by the group. However, those rules shall be viewed as ancillary to the Policy's bylaws and shall not contradict or supersede them. Standing rules that relate to the details of the administration of the group rather than to parliamentary procedure may be adopted by a majority vote of the authorized membership.

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PLANNING AND SPONSOR GROUP BYLAWS

ARTICLE I - PURPOSE AND AUTHORITY

Section I The authority for the establishment of a planning or sponsor group (group) is in the Board of Supervisors Policy I-1 entitled, "Planning and Sponsor Group Policies and Procedures." Policy I-1 also governs the group's operations.

Section II The purpose of the group is to advise the Department of Planning and Land Use, the Zoning Administrator, the Planning Commission and the Board of Supervisors on matters of planning and land use affecting the group's area.

Section III The group is a non-partisan, non-sectarian, non-profit-making organization. It does not take part officially in, nor does it lend its influence to, any political issues.

Section IV Planning group members are not County officials. They are advisors to the Director of Planning, the Zoning Administrator, the Planning Commission and the Board of Supervisors only. Such groups are not empowered by ordinance or policy to render a decision of any kind on behalf of the County of San Diego or its appointed or elected officials.

Section V These bylaws may be amended only by action of the Board of Supervisors of San Diego County.

ARTICLE II - MEMBERSHIP

Section I Planning group membership shall be limited to adults (18 years of age or older) who are registered voters living in the pertinent planning area. Sponsor group members appointed after June 3, 1998 shall be limited to adults who are registered voters that either reside within the sponsor group boundaries or own property located within the sponsor group boundaries.

Section II The group is limited to 15 members. Groups shall consist of an odd number of members, determined by the Board of Supervisors, ranging from a minimum of 5 members to a maximum of 15 authorized members. Neighborhood representation by a specific number of members is permitted. Elected and appointed members shall reflect that prescribed ratio of representation.

Section III Membership on planning and sponsor groups shall be for four (4) years. Numbers shall be assigned to all seats. For sponsor groups, the four year term shall expire on the first Monday after January 1, in the following years:

- a. for even numbered seats: 2003, and each fourth year thereafter;
- b. for odd numbered seats: 2001, and each fourth year thereafter.

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Appointees to vacancies shall serve out the full unexpired term of the vacant seat.

Section IV Candidates for vacancies occurring in the membership of the group must meet all the requirements for membership, as set forth elsewhere in this Policy. Vacancies are filled in accordance with the group's Standing Rules. If there are no applicable Standing Rules, vacancies are filled from the list of candidates in the election in order of the number of votes they received; and if no list exists, volunteers may be accepted. Confirmation of the candidate from an Election list or of a volunteer shall be by majority vote of the remaining members of the group. Only upon appointment by the Board of Supervisors can the new candidate assume the responsibilities of membership. The process of filling vacancies shall maintain neighborhood representation if applicable. In addition, appointments to planning groups and sponsor must be made to a specifically numbered seat.

Solicitation for candidates to fill vacancies may be made in the notices of meetings published in a local paper.

ARTICLE III - DUTIES

Section I The group conducts such business and takes such actions as are necessary to accomplish its purpose as defined in Article I, Section II, of these bylaws.

Section II The group solicits comments from all citizens regarding all aspects of their planning duties. Project proponents must always be advised in advance when their project is an agenda item for discussion and possible action.

Section III Group chairs are encouraged to meet collectively from time to time with the Chair of the County Planning Commission to discuss community planning and regional planning issues and to advise the Planning Commission on planning matters.

Section IV Annually each member must attend at least one session of the training workshops normally conducted yearly. These workshops usually consist of three sessions each.

ARTICLE IV - OFFICERS

Section I The election of officers is a responsibility of group membership and is governed in accordance with the Group's Standing Rules. If there are no applicable Standing Rules, the following Sections II through VI apply.

Section II The group elects from its members the following officers: Chair, Vice-Chair and Secretary. Officers shall be elected annually upon nomination by members of the group or by a slate of nominees prepared by a nominating committee. A majority vote of the authorized membership is required to elect officers. Newly elected officers shall take office at the end of the meeting during which they were elected.

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Section III If an office is vacated, the Chair will temporarily appoint a member of the group to fill the vacancy until a new officer is elected. Such election shall be held within 30 days of the vacancy.

Section IV The Chair provides general supervisory guidance to the group and presides over all its meetings. The Chair assigns coordinating duties to the Vice-Chair as necessary. The Chair is the sole official spokesperson for the group unless this responsibility is delegated in writing or otherwise established by majority vote of the group. The Chair may vote on every motion put before the members.

Section V In the absence of the Chair, the Vice-Chair assumes the duties and responsibilities of the Chair. The Chair may create a file of correspondence during his or her tenure. At the end of the Chair's term, this file shall be added to the correspondence file maintained by the secretary.

Section VI One person may be elected secretary or the responsibilities may be rotated among the group's membership. However, regardless of the number of people who serve as secretary, the following functions must be carried out. The Secretary records the minutes of all group meetings and maintains a file of all group correspondence. The Secretary keeps the roll, certifies the presence of a quorum, and keeps a record of actions as they occur at each meeting. If the group meets regularly once a month, minutes and agendas shall be sent to the Department of Planning and Land Use at least two weeks in advance of the next meeting; if the Group meets regularly twice a month, minutes and agendas must reach the mail out clerk of the Department of Planning and Land Use eight days prior to the next meeting. Minutes shall record the motions and the names of those who make and second motions if seconds are required. Likewise, the minutes shall indicate which members voted against, or abstained from voting on a motion. (All planning/sponsor group agendas and minutes are kept on file in the Office of the Clerk of the Board of Supervisors as required by the Public Information Act.) It will be the responsibility of County staff to place published legal advertisements for groups who are involved in Plan Updates. Groups not involved in an Update shall be responsible for placing legal advertisements for group meetings. County staff shall reproduce and distribute the group's meeting notices and minutes to interested parties for a nominal fee.

ARTICLE V - SUBCOMMITTEES

Section I The conduct and membership of subcommittees is a responsibility of the group's membership and is governed in accordance with the Group's Standing Rules. If there are no applicable Standing Rules, the following Sections II through V apply. However, no subcommittee shall include a quorum of the planning or sponsor group.

Section II The Chair shall appoint the chair of all subcommittees (except the nominating subcommittee) and all its members with the concurrence of a majority of the

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group. There may be standing as well as ad hoc subcommittees. Chairs of subcommittees must be members of the planning and sponsor group. Membership on the subcommittee is open to all interested citizens, but requires nomination by the Chair and appointment by the group. All members of a subcommittee may vote on subcommittee matters. However, at group meetings, only authorized Group members may vote.

Section III The purpose and scope of activities of each subcommittee shall be outlined in writing by the chair of the group upon creation of the subcommittee.

Section IV Each subcommittee chair shall be responsible for keeping records of actions and reports of the subcommittee and shall submit these actions and report to the group on a regular basis. A subcommittee Chair shall not act as a spokesperson of the Group unless authorized to do so in writing as set forth in Article IV, Section IV of these bylaws or as officially designated by the Group as shown in the official minutes.

Section V A coordinating committee comprised of the chairs of each subcommittee may be formed to assemble information from each subcommittee for presentation to the group. The chair or vice-chair of the Group shall be the Chair of the coordinating committee. The coordinating committee may serve in an advisory capacity to the chair on administrative matters.

ARTICLE VI - ORGANIZATION PROCEDURES

Section I Either Robert's Rules of Order or Ray Keesey's Modern Parliamentary Procedures shall govern the operation of the planning group in all cases not otherwise covered by these bylaws. The Group may formulate additional specific Standing Rules which do not conflict with or supersede these bylaws to govern the conduct of its meetings.

Section II All Group voting is on the basis of one vote per person, and no proxy, telephone-canvassed or absentee votes are permitted. Secret ballots are not allowed.

Section III Unexcused Absences: Any member who misses three consecutive monthly meetings, six consecutive twice-monthly meetings, or misses non-consecutively one-third of the total number of meetings in any one calendar year shall forfeit his/her membership. Such forfeiture (i.e., a vacancy) shall be acknowledged by a majority vote of the remaining authorized membership at the next succeeding meeting of the group. Also, by a vote of the majority of the remaining authorized membership, the group may waive recognition of the forfeiture for cause.

This provision may be made more restrictive in the Group's Standing Rules. Such vacated membership will be filled in the manner described in Article II, Section IV of these bylaws.

Section IV All meetings of the Group and its subcommittees are open to the public and are to be held in a public place. Notice of all group meetings shall be placed in a community newspaper at least five days prior to the meeting, if available. In addition, a

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final agenda shall be posted in a public place 72 hours before the meeting is held. In addition, preliminary notice will be mailed upon request, for which a fee may be charged.

Section V A quorum of the group shall consist of more than 50% of its authorized membership. No vote of the Group constitutes an official position of the Group on matters of planning and land use, unless passed by a majority of its authorized membership, unless otherwise required in this policy. Any action not made in accordance with Policies I-1, I-1A or the Brown Act shall not constitute an official action of the group and shall not be considered by the appropriate hearing body as an official vote.

Section VI Reconsideration of a previous vote is permissible only if pertinent new information is brought to the attention of the group. A vote to reconsider requires a majority vote. If the Group votes to reconsider, then the group may reconsider the project in light of the new information.

Section VII Service on Community Planning Groups is a public trust. Group members must not engage in any activity where there is conflict between their private interests and the public interests of the community represented. Group members are encouraged to avoid situations which could give the appearance of such a conflict. Group members may not use their planning group positions to induce or coerce, or appear to induce or coerce, any person or entity to provide financial benefit to themselves or other entity or person, nor may Group members use information not available to the public to secure private gain for either themselves or their families.

a. Bribery or Graft. Planning group members shall not solicit, accept or agree to accept anything of value in return for performing or refraining from performing their planning group duties.

b. Gratuities. Planning group members shall not solicit or accept any gift, gratuity, favor, entertainment, loan or any other thing of monetary value aggregating to \$250 or more, either directly or indirectly, from any person, firm, corporation or other entity which would benefit materially from the outcome of a planning group decision. Acceptance of any such gratuity must be reported under Chapter 7 of the Political Reform Act of 1974 and will disqualify the member from participation in the group's activities related to the person, firm, corporation or entity responsible for the gratuity.

Section VIII

Disqualification

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No group member shall make, participate in making, or in any way attempt to use his or her position on the planning or sponsor group to influence the making of any decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on:

- (a) Any business entity in which the member has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (b) Any real property in which the member has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made;
- (d) Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position of management; or
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to, received by, or promised to the member within 12 months prior to the time when the decision is made.

Manner of Disqualification

When a group member determines that he or she should not make a decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. This determination and disclosure shall be made part of the group's official records.

"Representation of Personal Interests

A member who is disqualified above may appear before the group in the same manner as any other member of the general public solely to represent himself or herself on a matter which is related to his or her personal interests. 'Personal interests' include:

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- (a) An interest in real property wholly owned by the member or the member's immediate family; or
- (b) A business entity which is either wholly owned by the member or the member's immediate family, or is under the member's sole direction and control or the sole direction and control of the member and the member's spouse jointly."

Section IX

Board referrals on specific projects shall be placed on the agenda of the next properly noticed regular Group meeting for discussion and an official action.

Sunset Date

This policy will be reviewed for continuance by December 31, 2016.

Board Action

| | | | | |
|---------------|---------------|--------------|---------------|--------------|
| 3-6-68 | 2-16-77 (23) | 1-20-82 (23) | 8-13-86 (5) | 3-11-92 (4) |
| 3-11-68 (93) | 8-23-77 (56) | 3-2-83 (29) | 10-14-87 (38) | 5-06-98 |
| 6-23-69 (98) | 9-28-77 (20) | 3-8-83 (56) | 7-6-88 (14) | 10-02-02 (3) |
| 3-24-71 (12) | 2-7-78 (103) | 3-23-83 (25) | 2-15-89 (5) | 2-24-10 (2) |
| 4-3-74 (30) | 6-27-78 (71) | 6-18-85 (54) | 3-27-89 (10) | |
| 9-1-76 (4) | 10-3-78 (50) | 10-2-85 (18) | 4-24-89 (11) | |
| 1-25-77 (145) | 5-22-79 (130) | 2-5-86 (5) | 7-3-89 (5) | |

1. Department of Planning and Land Use
2. Registrar of Voters

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Subject

Defense of Members of Planning Groups and Sponsor Groups

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Purpose

To establish a policy under which the County of San Diego will provide defense and indemnification for members of planning groups and sponsor groups.

Background

The Board of Supervisors, through its Policy I-1, seeks to encourage a high level of citizen participation in the community planning process through the use of planning groups and sponsor groups. This process is designed to facilitate such citizen participation in an organized and representative manner. The members of these planning groups and sponsor groups are not officers, employees or servants of the County of San Diego. Nevertheless, in order to encourage the fullest possible participation of qualified and interested persons as members of planning groups and sponsor groups, the Board of Supervisors as a matter of public policy only has decided in its discretion that the members of such planning groups and sponsor groups should receive legal defense and indemnification provided they come within the scope of this policy.

Policy

It is the policy of the Board of Supervisors:

A. To defend and indemnify, through the office of County Counsel, any member of a planning group or sponsor group against any claim or action against such member, if all the following circumstances exist:

1. The person is a duly elected or appointed member of a recognized planning or sponsor group at the time the alleged act or omission occurred;
2. The alleged act or omission occurred during a lawful meeting of the recognized planning or sponsor group, or at a lawful meeting of a sub-committee appointed by a planning group or sponsor group at a lawful meeting, and required to report action back to planning group or sponsor group at a lawful meeting;
3. The alleged act or omission was within the reasonable scope of duties of a planning or sponsor group as described in Board Policy I-1 and was not in violation of any of the provisions of Board Policy I-1 or the regularly adopted by-laws of the planning or sponsor group;
4. The member has attended a training course designated by the Board of Supervisors as a Board Policy I-1A Training Course;

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5. The member has made a request in writing to County Counsel for defense and indemnification within five (5) working days of having been served with legal papers; and

6. The member has performed his/her duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

B. The County of San Diego may decline to represent a member of a planning or sponsor group who would otherwise be entitled to defense and indemnification under this policy if any of the following circumstances exist:

1. The member does not reasonably cooperate in good faith with County Counsel in the defense of the claim for action; or

2. The member acted or failed to act because of fraud, corruption, actual malice or bad faith.

C. In the event County Counsel determines that a member of a planning or sponsor group is not entitled to or should not receive a defense and indemnification under this policy, the County Counsel will advise the planning group or sponsor group member and the Supervisor in whose District the planning group or sponsor group is located. It will be the responsibility of the Supervisor to bring the matter before the Board for further consideration.

D. Nothing in this policy authorizes the County of San Diego:

1. To pay any part of a claim or judgment as is for punitive or exemplary damages; or

2. To take any action not authorized by law.

E. This policy applies only to planning and sponsor groups within Board of Supervisors Policy I-1.

F. This policy may be repealed or amended from time to time as the Board of Supervisors deems appropriate.

G. This policy does not constitute an admission or a waiver of the position of the County of San Diego that members of planning or sponsor groups are not officers, employees or servants of the County of San Diego.

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Sunset Date

This policy will be reviewed for continuance by 12-31-17.

Board Action

9-15-87 (110)

8-8-89 (33)

5-15-96 (11)

6-15-04 (25)

12/09/08 (33)

12/07/10 (27)

CAO Reference

1. County Counsel