

**COUNTY OF SAN DIEGO
COMMUNITY PLANNING/SPONSOR
GROUP TRAINING**



**Brought to you by
Planning & Development Services**

1

TRAINING AGENDA

Section	Subject Area
One	Board Policy I-1
Two	Ralph M. Brown Act: California's Open Meeting Law
Three	Conflict of Interest and Financial Disclosure Statements
Four	Legal Defense and Indemnification
Five	Land Development and CEQA Process



➤ There are situational questions that summarize material from Sections 1-4

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TRAINING OVERVIEW

- This training will:
- Identify Policy I-1 and Brown Act requirements
 - Identify your roles and responsibilities
 - Provide you with the knowledge and tools necessary to serve effectively



3

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AN INTRODUCTION FROM THE COUNTY OF SAN DIEGO

The County of San Diego would like to thank you for dedicating your time to serving your community as a Planning/Sponsor Group member.



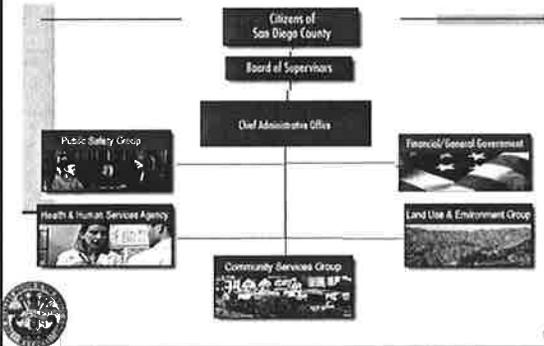
Your participation in the land use process is vital to balancing growth and development with conserving resources and preserving the unique character of our communities.

Your input and recommendations are truly valued by County decision-makers and staff.

Thank you for taking the time to complete this training and volunteering as a Planning/Sponsor Group member.



COUNTY ORGANIZATIONAL STRUCTURE



LAND USE AND ENVIRONMENT GROUP

Agriculture, Weights and Measures

Air Pollution Control District

Department of Environmental Health

Farm and Home Advisor

Department of Parks and Recreation

Planning & Development Services

Department of Public Works



SECTION 1



BOARD OF SUPERVISORS POLICY I-1

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GOVERNING DOCUMENTS

Policy I-1

- Establishes policy and procedure for the formation and operation of groups

Brown Act

- Establishes rules for conducting open public meetings

Political Reform Act

- Establishes rules for identifying and avoiding conflicts of interest



Group By-Laws

- Additional rules adopted by a group relating to operational procedures and member conduct

BOARD POLICY I-1: PURPOSE

- Encourage public participation in County decision-making
- Provide a uniform process for obtaining community input on discretionary projects
- Provide a uniform process for the creation and operation of planning/sponsor groups
- Provide a uniform process for the preparation, revision, and implementation of community and subregional plans



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PLANNING/SPONSOR GROUP: PURPOSE

- Advise County decision-makers on:
 - Discretionary projects
 - Planning and land use matters important to community
 - Preparation, amendment, and implementation of community and subregional plans



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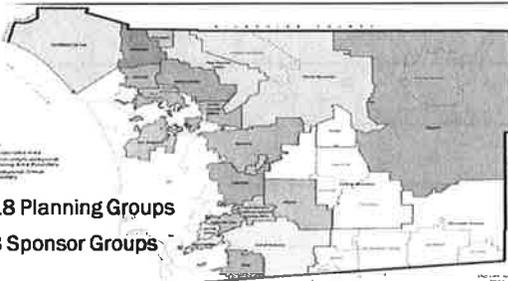
PLANNING AND LAND USE MATTERS NOT REQUIRING COUNTY APPROVAL

- May discuss planning and land use matters that do not require County approval
- Only action the group may take is an action to advise the County of the group's perspective on the issue
- Group can inform the other entity, for example by forwarding the entity on the position letter addressed to the County



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PLANNING AND SPONSOR GROUPS



- 18 Planning Groups
- 8 Sponsor Groups



UNINCORPORATED COUNTY COMMUNITIES

- Groups must range in size from 5 to 15 members and consist of an odd number of members

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PLANNING VS SPONSOR GROUPS

Planning Groups

- Elected by registered voters in community
- May be appointed between elections
- Must live within community



Sponsor Groups

- Appointed by Board of Supervisors
- Nominated by group, community, County staff, and/or Board of Supervisors
- Must live or own property within community

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MEMBERSHIP REQUIREMENTS

- Members must be 18 years of age or older
- Members must be registered voters
- Members serve 4-year terms
- Terms begin when confirmed by the Board of Supervisors
- Terms expire 1st Monday after January 1st, unless you are reelected or reappointed
- Appointees to vacant seats serve out the full unexpired term of the seat they fill



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TRAINING REQUIREMENTS

- Required to receive defense and indemnification

In-Person Training (New Members)

- Seated the 1st Monday after January 1st
 - Required prior to being seated

Online Training (New Members)

- Seated after 1st Monday after January 1st
 - Required prior to being seated

In-Person or Online Training (Seated Members)

- Required annually for seated members
- May complete either in-person or online



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STATE MANDATED ETHICS TRAINING

- Must be completed every 2 years and within 1 year after being seated
- Training is available:
 - Online (www.fppc.ca.gov/index.php?id=477)
 - In-person
 - Self-Study (reading materials and test)
- Training certificate must be forwarded to Clerk of the Board upon completing training



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UNEXCUSED ABSENCES

- Membership may be forfeited if you miss:
 - 3 consecutive monthly meetings
 - 6 consecutive twice-monthly meetingsor
 - 1/3 of the total number of meetings in a calendar year
- Forfeiture or waiver of forfeiture requires a majority vote



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GROUP OFFICERS

- Members elect the following officers yearly:
 1. Chair
 2. Vice-Chair
 3. Secretary (one person may be elected or duties may be shared among members)
- Nominated by group members or a nominating committee
- Take office at the end of the meeting during which they're elected
 - No term limits for group officers



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CHAIR DUTIES

- Provides supervisory guidance
- Develops Meeting Agenda
- Presides over all meetings
- Official group spokesperson
- Assigns coordinating duties to the Vice-Chair and other members as necessary



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OTHER OFFICERS' DUTIES

Vice-Chair

- Performs duties assigned by Chair
- Assumes Chair duties and responsibilities in Chair's absence or as assigned by Chair

Secretary

- Records all meeting minutes
- Maintains Group's correspondence file
- Keeps rolls, certifies presence of quorums
- Keeps record of all group actions



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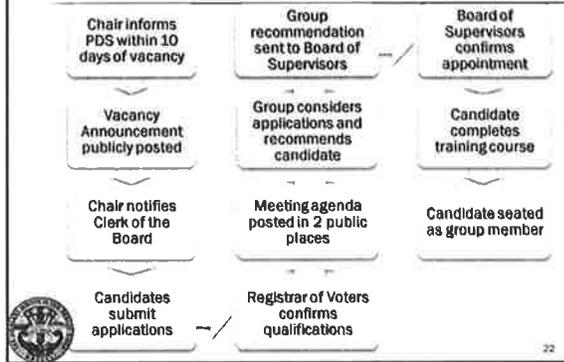
GROUP VACANCIES

- Form 900 provides guidance on filling vacancies
- Group by-laws may establish alternative procedures for filling vacant seats
- Candidates must meet Policy I-1 requirements
- Planning Groups may appoint members based on the number of votes received in the previous election
- Appointment must be confirmed by the Board of Supervisors must confirm



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PROCESS FOR FILLING VACANCIES



SUBCOMMITTEES

- Must relate to planning and land use matters important to your community
- Cannot have more than 50% of group members
- Membership is open to all interested residents
 - Requires nomination by the Chair and a majority vote
- Unseated subcommittee members may not vote at regular meetings
- Only seated members may serve as Chair
- Standing and Ad Hoc subcommittees



STANDING VS AD-HOC COMMITTEES

Standing:

- Continuing subject matter
- Fixed meeting schedule
- Ongoing
- Subject to Brown Act

Ad-Hoc:

- Specific task, assignment, purpose
- Terminated upon completion of task, assignment, or purpose



➤ Both are subject to Policy I-1

MEETING NOTICES

- Notices shall be posted in local newspaper, if available
- Notices shall be placed at least 5 days prior to group meetings
- Meeting agendas do not need to be posted in the newspaper



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MEETING AGENDAS

- Must follow Policy I-1 agenda template
- Any agendaized action items such as discretionary projects should be heard before Group business and other similar actions
- Must be sent to PDS at least 72 hours prior to a meeting
 - Ensures agendas are posted on County website prior to meeting



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POSTING MEETING AGENDAS

- Agenda must be posted at least 72 hours prior to a meeting
- Agenda must be posted outside of meeting location
- Agenda must be posted in a public place that is freely accessible 24 hrs/day
 - Examples: Building Door, Bulletin Board, or Window



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CONDUCTING GROUP MEETINGS

- All group or subcommittee meetings must be:
 - Open to the public
 - Held in a public place
 - Comply with Brown Act and Policy I-1
- Actions taken in violation of Policy I-1 or Brown Act may not be considered:
 - An official group action and/or
 - An official recommendation to County decision-makers



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POLITICAL ACTIVITY

- Groups may not endorse, take action on, or support any political activity
- Example: Supporting a candidate for office
- Groups may provide a public forum for the discussion of planning issues important to your community



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VOTING AT MEETINGS

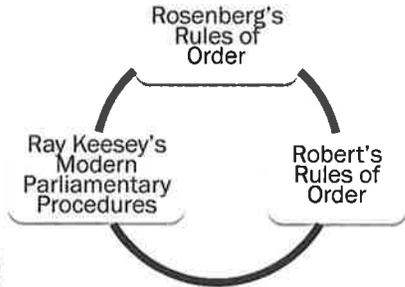
- Members present at the meeting have 1 vote per agenda item
- The following are not permitted:
 - Proxy Votes
 - Telephone-Canvassed Votes
 - Absentee Votes
 - Secret Ballots



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RULES OF ORDER

- Must choose one to govern group operations



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QUORUMS

- More than 50% of group members must be present
- Quorum is needed to conduct a meeting and to take an official group action
- If no quorum exists, then all agenda items must be considered at the next meeting



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RECONSIDERATION OF VOTES

- Permitted if:
 - Pertinent new information is available and
 - The new information could not, with the exercise of reasonable diligence, have been provided at or before the meeting at which a prior vote was taken
- A vote to reconsider requires a majority vote



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GROUP RECOMMENDATIONS

- > Requested on all privately and publicly initiated projects within your community
- > Must be forwarded to PDS on Form #534 with every effort being made to submit the form within 7 days following a meeting
- > Included in staff report to decision-makers



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GROUP RECOMMENDATIONS

- > Recommendations should focus on:
 - Completeness and adequacy of a project description
 - Compatibility with community character
 - Consistency with community or subregional plan
 - Consistency with applicable zoning regulations and the County General Plan
 - Concerns regarding a project's environmental impacts



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PUBLICLY-INITIATED PROJECTS

- > Includes, but not limited to:
 - Zoning ordinance amendments
 - Community plan amendments
 - General Plan map and text revisions
- > Groups are encouraged to comment during:
 - Stakeholder meetings
 - Public review period
 - Public hearings



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PRIVATELY-INITIATED PROJECTS

- Includes use permits, subdivision maps, site plans, and variances
- Groups and surrounding property owners are noticed at application submittal, public review period and prior to public hearing
- PDS provides plot plans, project application and project description
 - One Hard Copy: For display during meetings
 - Electronic copy: Forwarded by Group Chair



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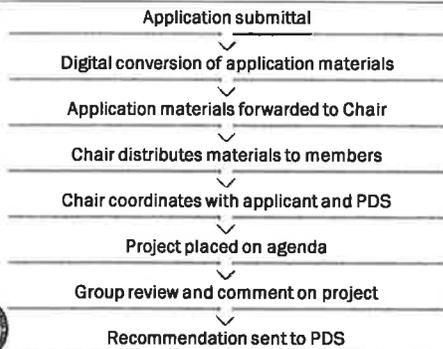
PRIVATELY-INITIATED PROJECTS

- Meetings should occur within 30 days of receiving application materials from PDS if feasible
- Each Chair must coordinate with project applicants to agendaize projects
- Project applicant and PDS Project Manager should be notified at least two weeks in advance of a scheduled meeting
- Projects may still be placed on an agenda after the two weeks but no later than 72 hours before a meeting



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COMMUNITY REVIEW PROCESS



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APPEAL PRIVILEGES

- Free appeal privileges on all discretionary land use matters within your community
- Decision to appeal requires majority vote
- Must be filed within 10 days following project approval or denial
- PDS must be promptly notified of a group's decision to appeal or withdraw the appeal



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APPEAL PRIVILEGES

- If an item concerning an appeal cannot be placed on a meeting agenda 72 hours in advance prior to the end of the appeal period, then:
 - Chair may file an appeal
 - or
 - Chair must file an appeal if petitioned individually by a majority of group members



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PDS STAFF ASSISTANCE

- Provide training for all members
- Provide project information for meetings
- Interpret/recommend revisions to Policy I-1
- Recommend changes in group boundaries
- Recommend creation of new groups
- Provide resolution to group problems
- Coordinate new member appointments and confirmations



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GROUP EXPENSES

- Members are reimbursed for expenses listed in Policy I-1
- Each reimbursement request shall not exceed \$100 (except for meeting hall and post office box rentals)
- Reimbursements must be received within three months of purchase or receipt of invoice
- Contact PDS prior to incurring any expenses not listed in Policy I-1



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REIMBURSABLE EXPENSES

- Posting Public Notices in Newspaper
- Postage
- Copying
- Office Supplies
- Post Office Box Rentals
- Meeting Hall Rentals (less than \$100/ hr)
- Letterhead
- Mileage for travel to County meetings



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QUESTION #1

SITUATION:

A member sells their property and changes their primary place of residence. Afterwards, the member no longer resides or no longer owns property within their Group Area.

TRUE or FALSE:

The member can continue to serve as a Planning/Sponsor Group member.



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ANSWER #1

FALSE

- > Planning group members must live within the group area throughout their 4-year term.
- > Sponsor group members must either own property or reside in the group area throughout their 4-year term.



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QUESTION #2

SITUATION:

A resident was nominated to fill a vacancy. The group voted to appoint the resident as a group member.

TRUE or FALSE:

The candidate may vote on action items at the next group meeting.



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ANSWER #2

FALSE

- > All appointments to vacant seats must be confirmed by the Board of Supervisors prior to any candidate taking action at a meeting
- > All candidates must also complete the planning/sponsor group training course prior to being seated



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QUESTION #3

SITUATION:

A group member leaves during a meeting leaving less than 50% of group members remaining.

TRUE or FALSE:

The group may continue the meeting and take action on the remaining agenda items.



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ANSWER #3

FALSE

- More than 50% of group members (quorum) must be present for a meeting to occur
- If a member leaves and there is no longer a quorum; then all agenda items must be continued to the next possible meeting



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QUESTION #4

SITUATION:

Your group reviewed and recommended approval of a project. The group Chair voted to recommend denial of the project. The Planning Commission approved the project.

TRUE or FALSE:

The Chair may appeal the Planning Commission's decision to the Board of Supervisors without group support.



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ANSWER #4

FALSE

- All appeals must be confirmed by majority vote
- If an item concerning an appeal cannot be placed on a meeting agenda 72 hours in advance prior to the end of the appeal period:
 - Group Chair may file an appeal
 - Group Chair must file an appeal if petitioned by a majority of members
- Appeals must be withdrawn if not supported by a group majority



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QUESTION #5

SITUATION:

Group members are reimbursed for expenses listed in Policy I-1.

TRUE or FALSE:

Group members must contact PDS staff prior to incurring any expense not listed in Policy I-1.



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ANSWER #5

TRUE

- Policy I-1 has a list of reimbursable expenses
- Group members must obtain permission prior to incurring any expenses not specifically identified in Policy I-1



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SECTION 2



THE RALPH M. BROWN ACT: CALIFORNIA'S OPEN MEETING LAW

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RALPH M. BROWN ACT

- Authored by Ralph Milton Brown
- Passed into law in 1953
- Intent: *"All meetings of a legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency..."* Section 54953(a)
- California Government Code Sections: 54950-54963



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BROWN ACT: PURPOSE

- Ensures deliberations and actions are:
 - Open and accessible to the public
 - Held on regular schedule
 - Adhering to properly noticed agenda
- Facilitates public participation and access to all phases of decision-making
- Ensures public access to meeting documents and records



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LEGISLATIVE BODY: DEFINED

- > "The governing body of a local agency or any other local body created by state or federal statute"
- > "A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body"
- > Planning/Sponsor Groups are legislative bodies because they're advisory and were created by a formal action of the Board of Supervisors



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TYPES OF LEGISLATIVE BODIES

> The Brown Act applies to the following:

Governing Bodies	• Board of Supervisors; City Councils; and School Boards
Appointed Bodies	• Planning Commission; Sponsor Groups
Standing Committees	• Planning Group Subcommittees; Budget Committees
New Members	• Unseated newly elected or appointed members



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LEGISLATIVE BODY IS NOT

- > Ad hoc advisory committees
- > Groups advisory to a single decision-maker or appointed by staff that are not created by a legislative body's formal action
- > Individual decision makers (PDS Director) not elected or appointed to a legislative body



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MEETINGS: DEFINED

- "Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains" Section 54952.2(a)
- Any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members to develop a "**collective concurrence**" is considered a meeting and is prohibited Section 54952.2(b)



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MEETING EXCEPTIONS

- Provided group business is not discussed:
 1. Individual Contact between a group member and a non-group member
 2. Conferences open to the public that involve a discussion of issues of general interest to the public
 3. Community Meetings held by another organization addressing a topic of community concern
 4. Social or Ceremonial Events in the community
 5. Other Legislative Bodies: Open and publicized meeting of (a) another body of the local agency or (b) a legislative body of another local agency
 6. Standing Committees: Members may attend subcommittee meeting as observers if they are not a members of the standing committee



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COLLECTIVE CONCURRENCE

- Developing collective concurrence is prohibited
- When a majority of members are made aware of each other's views and reach a decision after interaction between or among themselves
- Ways of developing collective concurrence:
 - Taking straw polls
 - Series of emails or texts
 - Face to face/telephone conversations
 - Through intermediaries



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SERIAL MEETINGS

- Serial meetings are prohibited
- Series of communications involving less than a quorum of members, but if taken as a whole involves a quorum for the purpose of developing a collective concurrence
- Serial meetings can occur through:
 - Face to face conversations
 - Telephone conversations
 - Email/Texts
 - Blogs/Facebook



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DAISY CHAIN SERIAL MEETINGS



- Member A contacts Member B
- Member B contacts Member C
- Member C contacts Member D and
- So on, until a quorum has discussed, deliberated, or taken action on an item



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HUB & SPOKE SERIAL MEETING



- Member A contacts Member B
- Member A contacts Member C
- Member A contacts Member D and
- So on, until a quorum has discussed, deliberated, or taken action



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MEETING LOCATIONS

- Must be fully accessible pursuant to the Americans with Disabilities Act
- May not discriminate on the base of race, religion, color, national origin, sex, ancestry, ethnic group identification, age, sexual orientation, etc...
- Generally, all group meetings must be held within the group's boundaries *Section 54954(b)*



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COMPOSING MEETING AGENDAS

- Each agenda item must include:
 - Brief general description
 - Project location
 - Date, time, and place of meeting
 - Opportunity for public comments
- Agenda items should be heard based on their order in the posted agenda
- Continued Items - First on Agenda



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POSTING AGENDAS

- Meeting agendas must be posted in a public place that is freely accessible 24 hours a day
- Must be posted 72 hours prior to a meeting
- Posting agendas online may supplement but not replace publicly-posted agendas
- When no quorum is present and a meeting is continued, a notice of adjournment must be posted at the meeting location
- Agendas must be available in alternative formats for persons with disabilities



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REGULAR VS SPECIAL MEETINGS

- Regular Meetings are held at established dates, times, and locations
- Special Meetings are called to discuss specific topics or items
 - Notices are posted 24 hours prior to meeting
 - Notices shall specify business to be discussed
 - Notices are given to each requesting newspaper, television and radio station



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ADDRESSING NON-AGENDA ITEMS

- Action or discussion of non-agenda items by planning or support groups is prohibited

For non-agenda items, Groups may:

- Ask a question for clarification
- Make a brief announcement
- Make a brief report on activities
- Provide a reference for factual information
- Ask to report back at a subsequent meeting
- Place the item on a future agenda



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PUBLIC RIGHTS: ATTEND MEETINGS

- All group meetings are open to the public
- All members of the public may attend and observe all group meetings
- Members of the public cannot be required to register, provide other information, complete a questionnaire, or fulfill any other condition to attend a meeting
 - Any attendance list, register, questionnaire, or similar document must clearly state that they are voluntary



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PUBLIC RIGHTS: PARTICIPATION

- Members of the public must be allowed to:
 - Speak on any item within group's purview
 - Speak on specific items either before or during group's consideration
 - Criticize policies, procedures, programs, or services of the County or your group
- If a person or group willfully disrupts a meeting such that orderly conduct becomes unfeasible, the meeting room may be cleared and the meeting continued with only the media present.



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PUBLIC RIGHTS: RECORD MEETINGS

- The public is allowed to record meetings using audio or video tape recorders, as well as still or motion picture cameras
- Recording or broadcasting meetings cannot be prohibited or restricted unless a reasonable finding is made that the noise, illumination, or obstruction of view constitutes a persistent disruption of the proceedings
- Tape or film record of a meeting made by the County is subject to Public Records Act but may be erased or destroyed after 30 days



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PUBLIC RIGHTS: ACCESS TO RECORDS

- Documents distributed to groups are public records and subject to the Public Records Act
- All written materials distributed during a meeting must be made public:
 - At the meeting if prepared by a local agency or a member of a legislative body; or
 - After the meeting if prepared by some other person
- Materials distributed less than 72 hours prior to a meeting must be available to the public at time of distribution



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POTENTIAL CIVIL ACTIONS

- The District Attorney or others may file a civil action asking a court to:
 - Stop or prevent violations or threatened violations
 - Determine applicability of the Brown Act to actions or threatened future actions
 - Determine whether any rule or action is valid under the law
- Plaintiffs may seek court costs and attorney fees



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CRIMINAL VIOLATIONS/PENALTIES

- You may be found guilty of a misdemeanor if:
 - You attend a meeting where action is taken in violation of the Brown Act
- AND
- You intend to deprive the public of information that you know or have reason to know the public is entitled to



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QUESTION #6

SITUATION:

A newly elected/appointed planning or sponsor group member, who has not yet been seated, has engaged in a series of emails and texts with a majority of the group discussing a future agenda item.

TRUE or FALSE:

The newly elected/appointed member and the seated members have violated the Brown Act.



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ANSWER #6

TRUE

- > All newly elected or appointed group members who have not yet been seated are subject to the provisions of the Brown Act.
- > A majority of group members may not discuss any group business via text or email.
- > All group business must be discussed during an agendaized public meeting.



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QUESTION #7

SITUATION:

An applicant requests a project be added to the agenda less than 72 hours before a meeting. The Chair does not add the project to the agenda. However, the applicant attends the meeting and requests the group discuss and take action on the project.

TRUE or FALSE:

The Group may discuss and take action on the applicant's project since the applicant is attending the meeting.



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ANSWER #7

FALSE

- > Groups cannot take action on or discuss any item or project not on the posted agenda
- > Instead a group may:
 - Ask questions for clarification
 - Make a brief announcement
 - Make a brief report on activities
 - Provide a reference for factual information
 - Request to report back in a subsequent meeting
 - Place the matter on a future agenda



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QUESTION #8

SITUATION:

The meeting agenda was posted 72 hours in advance of the next meeting. A fellow group member requested that the Chair add an action item to the posted agenda within 72 hours of the meeting.

TRUE or FALSE:

The action item may be added to the agenda as long as the agenda is reposted before the meeting.



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ANSWER #8

FALSE

- Posted agendas may not be revised less than 72 hours prior to a meeting
- Agendas may be revised up to 72 hours before a meeting
- Action items may not be added during a meeting



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SECTION 3



**CONFLICT OF INTEREST AND
FINANCIAL DISCLOSURE STATEMENTS**

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CONFLICT OF INTEREST

- Conflict of interest may exist when your financial interest is distinguishable from that of the public generally
- You may not engage in any activity where there is a conflict between your private interests and the interests of the community
- Members are encouraged to avoid situations which could give the appearance of a conflict
- Residents place a public trust in groups that must always be respected



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CONFLICT OF INTEREST CODES

- Political Reform Act requires Conflict of Interest Codes
 - Government Code Section 81000 et seq
- Conflict of Interest Codes have been adopted for all Planning/Sponsor Groups
- Conflict of Interest Code for each Planning/Sponsor Group can be found at the Clerk of the Board of Supervisors:
 - http://www.sdcounty.ca.gov/cob/conflict_interest/index.html



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FINANCIAL DISCLOSURE

- To avoid conflicts of interest members are required to:
 - File Form 700 Statement of Economic Interests
 - Publicly disclose economic interests
 - Recuse themselves when they have a financial interest in a decision
- Defense and indemnification is dependent upon your financial disclosure statements being filed timely and accurately



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WHEN TO FILE STATEMENTS

- Financial disclosure statements **must** be filed:
 - When filing petition for nomination with Registrar of Voters (planning group members)
 - Within 30 days of assuming office
 - Annually by March 31 for seated members
 - Within 30 days of leaving office



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WHERE TO FIND STATEMENTS

- Available from the County of San Diego Clerk of the Board of Supervisors at
<http://www.sdcounty.ca.gov/cob/forms.html>
- Available from the FPPC at
 - <http://www.fppc.ca.gov>
 - 1-866-ASK-FPPC (1-866-275-3772)



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WHAT TO DISCLOSE

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)
 - *Does not include your principal residence*
3. Interest in Real Property and Investments Held by Business Entities and Trusts
4. Commission Income, Income and Loans to Business Entities
5. Income From Rental Property
6. Income (other than loans and gifts)
7. Income from Loans and Gifts
8. Business Positions



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RECUSALS AND DISQUALIFICATIONS

- You cannot influence any decision you know or have reason to know will have a reasonably foreseeable material financial effect
 - You must recuse/disqualify yourself
- Disqualifying interests must be disclosed when recusing/disqualifying oneself
- Determination not to act and disclosure of disqualifying interest is public record



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MATERIAL FINANCIAL EFFECT

- Any business entity or real property in which you have an investment worth \$2,000 or more
- Any source of income totaling \$500 or more in value provided to, received by, or promised to you within 12 months prior to a decision
- Any business entity in which you are a director, officer, partner, trustee, employee, or hold any position of management
 - Any donor of a gift(s) totaling \$250 or more in value provided to, received by, or promised to you within 12 months prior to decision



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PERSONAL INTERESTS

- After recusing/disqualifying yourself you may represent your personal interests
- **'Personal interests'** include:
 - Any interest in real property wholly owned by you or your immediate family
or
 - A business entity which is either wholly owned by you or your immediate family, or is under your sole direction and control or the sole direction and control of you and your spouse jointly.



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BRIBERY OR GRAFT

- You **cannot** solicit, accept, or agree to accept anything of value in return for performing or refraining from performing your duties
- You **may not** use your position to:
 - Induce or coerce, or appear to induce or coerce any person or entity to provide financial benefit to yourself or other entity or person
 - Use information that is not available to the public to secure private gain for you or your family



84

GRATUITIES

- You **cannot** solicit or accept any gift(s), gratuity, favor, entertainment, loan or any other thing of monetary value **totaling \$250 or more**, either directly or indirectly, from any person, firm, corporation, or other entity which would benefit materially from the outcome of a group decision
- You must report any acceptance of gratuities totaling \$250 or more, and recuse/disqualify yourself from participating in group activities related to the person, firm, corporation, or other entity responsible for the gratuity



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CAMPAIGN CONTRIBUTIONS

- Candidates for membership **cannot** accept or receive any campaign contributions that:
 - Are from a source other than a person
 - or
 - Will cause the total amount contributed by the same person to exceed the sum of \$250



86

QUESTION #9

SITUATION:

You are a planning group member. A project is proposed on land you own. Your investment in the land and project exceeds \$5,000. The project is before your Group for a recommendation.

TRUE or FALSE:

You must recuse/disqualify yourself from taking any action on your project and state the reasons for your disqualification.



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QUESTION #9

TRUE

- > You must disqualify or recuse yourself from taking any action that you know or have reason to know will have an effect on your financial interests
- > You must disclose your disqualifying interest as a matter of public record when recusing yourself



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QUESTION #10

SITUATION:

8 months ago a resident in the plan area gave you a gift exceeding \$250. At this time, that resident is proposing a project before your Group for a recommendation.

TRUE or FALSE:

You may vote on the proposed project that would financially benefit the resident.



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QUESTION #10

FALSE

- You must recuse/disqualify yourself if an applicant provides gifts worth more than \$250 within 12 months prior to a decision
- You must also disclose your disqualifying interest
- You cannot receive anything of value in return for performing or refraining from performing your duties



100

SECTION 4:



LEGAL DEFENSE AND INDEMNIFICATION

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LEGAL DEFENSE AND INDEMNIFICATION

- Provided to encourage the fullest possible participation of qualified and interested residents as members
- Found in Article VIII of Policy I-1 Bylaws
- Provided if members meet specified conditions
- May be declined under certain circumstances
- County is not authorized to pay any part of a claim or judgment for punitive or exemplary damages



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**CONDITIONS TO RECEIVE
DEFENSE AND INDEMNIFICATION**

You are an elected or appointed member at the time alleged act or omission occurred

Alleged act or omission occurred during a lawful group or sub-committee meeting

Alleged act or omission was within reasonable scope of group duties and was not in violation of Policy I-1 or adopted By-Laws

Completed County's most recent planning/sponsor group training

Submitted written request to County Counsel within 5 business days of being served legal papers

Duties were performed in good faith with such care as an ordinarily prudent person in a like position would use under similar circumstances

Completed the most recent state mandated biannual ethics training

Financial disclosure statements filed timely and accurately



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LEGAL DEFENSE AND INDEMNIFICATION

➤ May be declined if any of the following conditions exist:

- You do not reasonably cooperate in good faith with County Counsel in the defense of the claim for action
- You acted or failed to act because of fraud, corruption, actual malice, or bad faith
- You have more than 1 prior substantiated violation of the Brown Act or Policy I-1



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QUESTION #11

SITUATION:

A member is being accused of a Brown Act violation. This member has met all of the conditions required to receive defense and indemnification from the County, but has 1 prior substantiated violation of Policy I-1.

TRUE or FALSE:

The County will provide defense and indemnification to the member.



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QUESTION #11

TRUE

- > The member has satisfied all of the conditions required to be defended and indemnified by the County.
- > You must have more than 1 prior substantiated violation in order for the County to decline defense and indemnification.



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QUESTION #12

SITUATION:

A member complied with all conditions to receive defense and indemnification except they didn't complete the state mandated ethics training.

TRUE or FALSE:

The County will provide defense and indemnification to the member.



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QUESTION #12

FALSE

- > Members must satisfy all of the conditions listed in Policy I-1.
- > The County may decline defense and indemnification if a member fails to complete the state-mandated ethics training.



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SECTION 5



LAND DEVELOPMENT AND CEQA PROCESSES

109

GENERAL PLAN

- Directs future growth and development in unincorporated areas of the County
- Outlines goals, objectives, and policies relating to long-term physical development
- The "constitution" for decision-making regarding the County's physical development
- Required by State law for every city/county
- Board-adopted General Plan Update in August 2011



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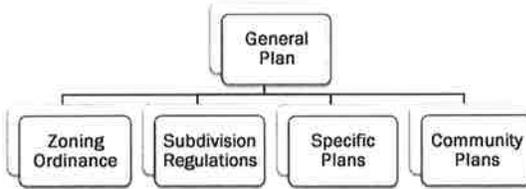
GENERAL PLAN ELEMENTS

Land Use
Housing
Circulation
Conservation & Open Space
Safety
Noise



111

GENERAL PLAN: IMPLEMENTATION



➤ The Zoning Ordinance, Subdivision Regulations, Specific Plans, and Community/Subregional Plans implement the County's General Plan.



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ZONING ORDINANCE

- Primary means of implementing General Plan
- Regulates land uses by dividing communities into land use zones
- Specifies permitted uses or conditionally permitted uses within each zone
- Establishes process for considering land development projects
- Establishes development standards for minimum lot size, building height, setback limits, fence heights, parking, and other regulations



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SUBDIVISION REGULATIONS

- Subdivision Map Act establishes statewide uniformity in local subdivision procedures
- Land cannot be subdivided for sale, lease, or financing without government approval
- County subdivision ordinance:
 - Regulates the design and improvement of subdivisions
 - Requires dedications of public improvements or related impact fees
 - Requires compliance with General Plan goals and policies



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PERMIT TYPES

- 2 permit types that authorize development in the unincorporated County:
 - Ministerial Permits
 - Discretionary Permits
- Permit type depends on:
 - Nature of the proposed project or use
 - How a project or use is categorized under County ordinances or State Law
 - Various regulations affecting a property



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MINISTERIAL PERMITS

- Granted upon demonstration of a project's conformance with applicable ordinances and regulations
- No exercise of judgment or discretion on whether or not a proposed activity or use should be allowed
- Examples: Building Permits; Well Permits; Electrical Permits



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DISCRETIONARY PERMITS

- Decision-makers exercise judgment or discretion on whether or not a proposed activity or use should be allowed
- Examples: Use Permits & Subdivision Maps
- Findings (reasons for approval/denial) must be made to approve/deny an activity/use
- Conditions of approval that must be satisfied
- Ministerial permits are generally required following approval of a discretionary permit



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DISCRETIONARY PERMIT TYPES

SUBDIVISIONS MAPS

- Subdividing land for sale, lease, or financing
- Tentative Map, Tentative Parcel Map, and Boundary Adjustment

USE PERMITS

- Uses or activities with special site and design requirements, operating characteristics, or potential adverse impacts requiring conditions of approval
- Minor Use and Major Use Permits

SITE PLANS

- Review of a project's physical design, siting, and interior access
- "B" and "D" Special Area Designators

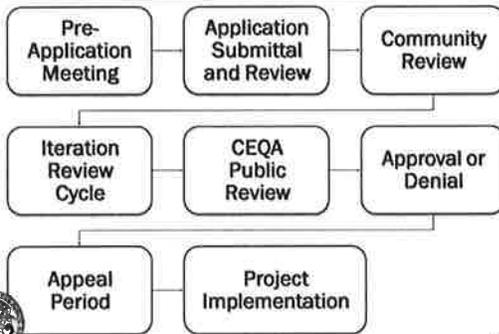
VARIANCES

- Provides an exception to certain zoning regulations (setbacks, building height, floor area ratio)



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DISCRETIONARY PERMIT PROCESS



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PRE-APPLICATION MEETINGS

- Preliminary review of project design and potential impacts
- Required for larger, complex projects
- Staff identifies:
 - Major project issues
 - Potential inconsistencies with applicable ordinances and regulations
 - Potential environmental impacts and required studies
 - Approximate cost and timeline



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APPLICATION SUBMITTAL AND REVIEW

- PDS project manager coordinates with:
 - Planning/Sponsor Groups
 - County departments (DPW, DPR, DEH)
 - Non-County agencies
- Plot plans/maps, project description, and project application are forwarded
- 30 day scoping period begins



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SCOPING LETTER

- Studies needed to evaluate impacts and consistency with ordinances/regulations
 - Traffic, Biology, and Noise Studies
- Draft conditions of approval
- Planning/sponsor group comments
- Comments from other departments and agencies
- Any other outstanding information needed to evaluate impacts



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ITERATION REVIEW CYCLE

- Applicant submits information/studies requested in Scoping Letter
- Iteration letters are issued until:
 - Information gathering is complete
 - or
 - No further changes are needed to address identified issues
- Once project is deemed complete, staff determines the appropriate level of environmental review



123

PURPOSE OF CEQA

- California Environmental Quality Act (CEQA) was enacted in 1971 to:
- Inform the public and decision-makers about environmental impacts
 - Avoid or mitigate significant environmental impacts with feasible measures
 - Disclose why projects with significant impacts are approved



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CEQA DOCUMENTS

- Environmental Impact Reports
- Negative Declarations
- Environmental Initial Studies
- Addendums
- 15162 Findings
- Notices of Exemption



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CEQA PROJECT: *DEFINED*

- Whole of an action, which has a potential for resulting in either a direct physical change, or a reasonably foreseeable indirect physical change to the environment, and is an activity:
- Undertaken by a public agency
 - Undertaken by a person who is supported in whole or in part through public agency assistance
 - or
 - Involving public agency issuance of a lease, permit, certificate, or other entitlement



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CEQA EXEMPTIONS

Statutory: Specific projects or classes of projects designated by the State

- Examples: Ministerial Projects; Family Day Care Homes

Categorical: Projects predetermined not to have a significant effect on the environment

- Examples: Minor alterations of land; Conversion of a small structure.



➤ Includes findings why a project is exempt 127

ENVIRONMENTAL INITIAL STUDY

- First step in environmental review process for new projects not qualifying for an exemption
- Identifies a project's potentially adverse environmental impacts
- Initial Studies:
 - Identify areas requiring more information
 - Updated throughout the review process
 - Supports Negative Declaration
 - Distributed with ND during public review



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NEGATIVE DECLARATIONS

- **Negative Declaration (ND):** Prepared for projects that are not exempt from CEQA and will not have significant environmental impacts
- **Mitigated ND (MND):** Prepared when mitigation measures reduce a project's environmental impacts to a less than significant level
- 20- to 30-day public review period



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MITIGATION MEASURES

Avoiding impacts by not taking action or parts of an action

Minimizing impacts by limiting degree or magnitude of an action and its implementation

Rectifying impact by repairing, rehabilitating, or restoring impacted environmental resource

Reducing or eliminating impacts over time by preservation or maintenance operations

Compensating for impacts by replacing or providing substitute resources



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ENVIRONMENTAL IMPACT REPORT (EIR)

➤ Detailed report describing and analyzing significant environmental impacts and ways to mitigate and avoid impacts

➤ Purpose:

- Provide public agencies and public with detailed information about environmental impacts
- List ways of minimizing significant impacts
- Identify project alternatives

➤ 30- to 45-day public review period



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PREVIOUS ENVIRONMENTAL REVIEW

➤ Modifications to previously approved projects may require additional environmental review

➤ Environmental Documents prepared:

- **15162 Findings:** Identifies whether a project will have new environmental impacts that were not previously reviewed
- **Addendums:** Prepared if no new significant impacts are identified in 15162 Findings

➤ If significant impacts are identified, a Subsequent/Supplemental EIR or MND is prepared and circulated for public review



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ADDITIONAL ENVIRONMENTAL REVIEW

- CEQA limits further environmental review to:
 - Substantial changes in the project that require major revisions to previous CEQA document
 - Substantial changes occur to circumstances under which project was undertaken which require major revisions to previous document
 - New substantially important information, which was not known and could have not been known with the exercise of reasonable diligence, shows a project will have additional impacts



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PROJECT DECISION OR RESOLUTION

- Conditions are finalized after CEQA public review period
- May include CEQA mitigation measures
- Conditions satisfied at different timing intervals
- Applicants must satisfy all conditions of approval
- Once finalized, a hearing report is prepared and presented to County decision-maker(s) for decision



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STAFF REPORTS

- Staff reports are prepared when projects are ready for decision
- Staff reports include:
 - Planning/Sponsor Group Recommendation
 - An evaluation of a project's consistency with applicable ordinances and regulations
 - Staff Recommendation
 - Draft findings and conditions of approval
 - CEQA determination



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DECISION-MAKING HIERARCHY

Board of Supervisors

Planning Commission

PDS Director and Zoning
Administrator



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BOARD OF SUPERVISORS (BOS)

- 5 members serving two 4-year terms
- County's governing body; responsible for the County's laws, policies, and programs
- Approves ordinances, resolutions, and contracts
- Adopts annual budget and provides revenues
- Makes and confirms appointments for all County Boards and Commissions
- Appoints: CAO; County Counsel; Probation Officer; Clerk of the Board; Air Pollution Control Officer



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PLANNING COMMISSION (PC)

- 7 members appointed by BOS
- Terms expire when the term of the Supervisor who nominated them expires
- PDS Director serves as official secretary of the Planning Commission
- PC Hearings generally occur one Friday a month
- PC Hearings are located at 5520 Overland Ave and proceedings begin at 9am



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ZONING ADMINISTRATOR (ZA)

- PDS Director or his/her designee serves as Zoning Administrator
- Reviews, hears, and acts on Minor Use Permits
- Reviews, hears, and acts on Administrative Permits and Variances when requested by a resident
- ZA Hearings occur on Thursdays at 8:30 am
- ZA Hearing are located at 5520 Overland Ave



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PDS DIRECTOR

- PDS Director is Mark Wardlaw
- Reviews and decides upon Administrative Permits, Variances, Site Plans, and Tentative Parcel Maps
- No hearings involved in PDS Director decisions



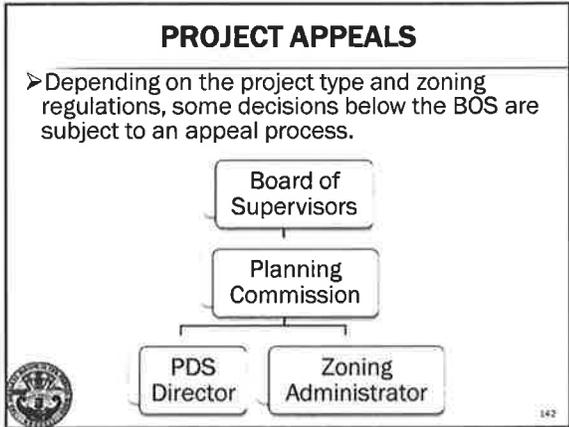
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PUBLIC HEARINGS

- During public hearings, the ZA/PC/BOS consider the following:
 - Information in staff report
 - Staff presentation
 - Comments from Planning/Sponsor Groups
 - Public correspondence received prior to hearing
 - Public testimony/presentations
 - Subsequent discussion among decision-makers



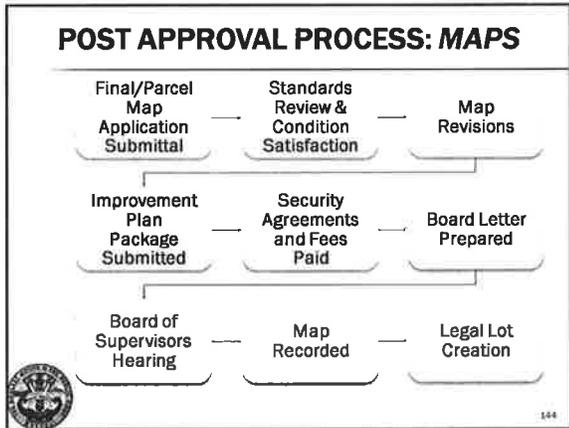
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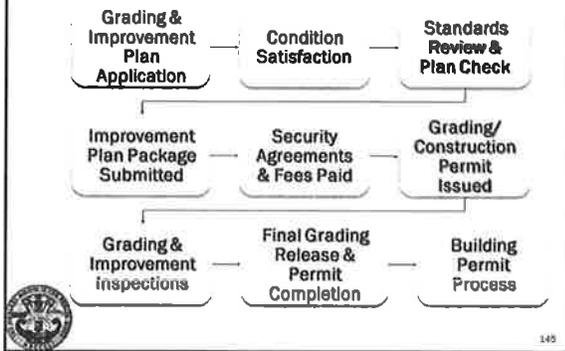
CONDITION SATISFACTION MILESTONES

Any Permit	• Prior to approval of any plan; issuance of any permit; prior to occupancy or use in reliance
Grading Permit	• Prior to approval of grading/improvement plans; issuance of any Grading/Construction Permits
Rough Grading	• Prior to rough grading approval; issuance of any building permit
Building Permit	• Prior to approval of any building plan; the issuance of any building permit
Occupancy	• Prior to occupancy, final grading release, or use of premises in reliance of permit
Permit Completion	• Prior to completion of Grading/Construction permit; prior to release of any security
Ongoing	• Applies throughout term of permit

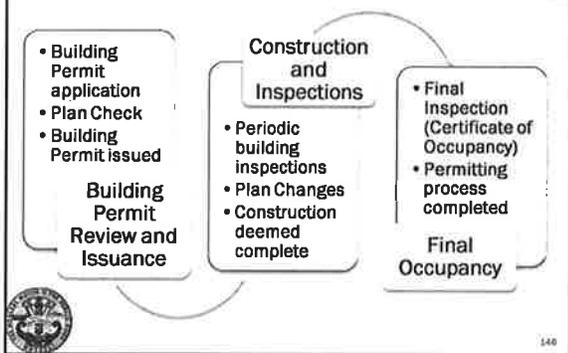
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POST APPROVAL PROCESS: PERMITS



BUILDING PERMIT PROCESS



BUILDING PERMIT REVIEW/ISSUANCE

- Required for all ministerial projects
- Required for discretionary projects after conditions are satisfied
- Building Division reviews building plans for conformance with approved discretionary permit and the Building Code
- Correction list is provided that identifies all necessary plan changes
- Building permit issued once plans are deemed complete



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CONSTRUCTION AND INSPECTIONS

- Construction begins upon issuance of Building Permit
- During construction, periodic inspections are conducted by County Building Inspectors
- Plan changes are sometimes necessary to address unexpected changes
- Inspections ensure structures are constructed consistently with approved building plans and California Building Code standards
- Construction is deemed complete after inspections and final plan changes



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FINAL OCCUPANCY

- After construction and final inspection is completed, Final Occupancy is granted (Certificate of Occupancy)
- Final Occupancy allows for use/activity to commence and for a building to be occupied
- Building Permit process is complete upon issuance of Final Occupancy



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IMPORTANT LINKS



- Planning & Development Services: <http://www.sdcountry.ca.gov/pds/index.html>
- Planning/ Sponsor Groups: <http://www.sdcountry.ca.gov/pds/CommunityGroups.html>
- General Plan and Community Plans: <http://www.sdcountry.ca.gov/pds/generalplan.html>
- Policy I-1: <http://www.sdcountry.ca.gov/cob/docs/policy/I-1.pdf>
- Zoning Ordinance: <http://www.sdcountry.ca.gov/pds/zoning/index.html>
- County Subdivision Ordinance: <http://www.sdcountry.ca.gov/luegdocs/DPLU%20PROCEDURES/REGULATORY%20PLANNING/REFERENCE%20DOCUMENTS/Subdivision%20Ordinance.pdf>
- Brown Act: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963>
- Political Reform Act: <http://www.fppc.ca.gov/Act/2011Act.pdf>
- Conflict of Interest Codes: http://www.sdcountry.ca.gov/cob/conflict_interest/index.html
- CEQA Guidelines: <http://ceres.ca.gov/ceqa/>

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TRAINING SUMMARY

Section	Subject Area
One	Board Policy I-1
Two	Ralph M. Brown Act: California's Open Meeting Law
Three	Conflict of Interest and Financial Disclosure Statements
Four	Legal Defense and Indemnification
Five	Land Development and CEQA Process



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CONGRATULATIONS!!!

- You have successfully completed the Community Planning/Sponsor Group Training
- Please complete the Training Completion Form
- Mail, fax, or email the Training Completion Form to PDS (cpgtraining@sdcounty.ca.gov)



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