

Valley Center Community Planning Group

Minutes of the 17 September, 2012 Meeting

Chair: Oliver Smith; Vice Chair: Ann Quinley; Secretary: Steve Hutchison

7:00 pm at the Valley Center Community Hall; 28246 Lilac Road, Valley Center CA 92082

A=Absent/Abstain A/I=Agenda Item BOS=Board of Supervisors DPD=Department of Planning and Development IAW=In Accordance With N=Nay
P=Present R=Recuse SC=Subcommittee TBD=To Be Determined VCCPG=Valley Center Community Planning Group Y=Yea

Forwarded to Members: 19 September 2012

Approved: 15 October 2012

1.		Call to Order and Roll Call by Seat #:								7: 04 PM				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A N D E R S O N	H U T C H I S O N	H O F L E R	G L A V I N I C	B R I T S C H	F R A N C K	Q U I N L E Y	V I C K	L E W I S	N J O O R H W O S O O D N	S M I T H	J A C K S O N	R U D O L F	D A V I S	B A C H M A N
A	P	A	P	A	P	P	A	P	P	P	P	P	P	A

Notes: Rudolf arrives 7.12pm

Quorum Established: 10 present

	Pledge of Allegiance
2.	Approval of Minutes: None ready for approval
3.	Open Forum:
	None
4.	Discussion Items
4.a.	None
5.	Action Items:
5.a.	Discussion and vote on County of San Diego draft revisions to Policy I-1 (http://www.sdcounty.ca.gov/dplu/ordamend.html) which contains new alternatives for election of Planning Group Chairs, new advisory relationships for Planning Groups (who will now advise the County rather than “appropriate boards and commissions”), new training for Planning Group members and new standards for legal defense and indemnification of Planning Group members among other significant changes. The VCCPG will discuss the document and prepare a set of recommendations to send to Jeff Murphy, the new Director of the Department of Planning and Land Use. (Smith)

Discussion: Smith explains the background for this discussion. Smith asks members for their impressions of the material received from the County.

Norwood-Johnson says she favors the training requirement items.

Jackson expresses concern with the uses of the word “may” in the indemnification section, he suggests that the word “shall” is more appropriate if all the conditions for indemnification are met. He also questions the effectiveness of limiting newspaper notifications of planning group meetings to a 2”x2” space [which costs about \$44 in the Roadrunner]. He characterizes that size as being too restrictive, not allowing sufficient information to inform the public [presently, notices are 3”x8” @ \$236 in the Roadrunner]. Also, Jackson is disappointed and concerned about the new process options for selecting a chair.

Davis has concerns about the quality of the training required by the draft document, saying that in the past the training was not nearly adequate or always available for new members. Smith says the County’s focus is on-line training. Davis then reinforces previously expressed concerns about the chair selection process options.

Glavinic is concerned about requiring training before being seated. He thinks more time is needed to absorb information on planning group functions and responsibilities. He suggests some of the word choices in the document are ambiguous and words like “pertinent” should be reconsidered and made more specific. He wants to clarify how the Brown Act works in the appeal process. He says the County’s

“800” telephone number is not being answered by the County, so advice to use that number for contact is useless to save phone costs. He also objects to the County not providing a website for each of the planning groups.

Quinley objects to the selection of the chair by a rotation of any sort. She further thinks enough information should be in the newspaper notice to be useful to public. She wants clarification on reimbursement of expenses in regard to obtaining advanced permission to incur expenses. She also wants clarification regarding the responsibility of County staff and planning groups in developing Community Plans. She questions the efficacy and possibility of having the deadline for agendas two weeks prior to the planning group meetings. She further thinks that the conditions for loss of indemnification need to be clearer and simpler.

Lewis cites page 19, re seating new members, saying the requirement for new members to complete planning group training in person before being seated has heretofore been unworkable. She thinks the County must offer training more frequently and timely for this requirement to be workable.

Hutchison challenges the rationality of limiting the purview of planning groups to projects only within the limits of the planning area. He cites projects such as Lilac Hills Ranch [which straddles two planning areas] and Merriam Mountain [which, if built, would have projected impacts into adjacent planning areas]. Referencing page 15, numbered item 2, he wonders why the County would not distribute printed project maps along with other project documents for review. It is noted that distributing documents electronically could have Brown Act repercussions. Also, maps sent electronically may be less useful for details owing to the printing size limits of personal printers. Referencing page 16, numbered item 6, he says asking for recommendations with 7 days may be difficult since decisions by the planning group are not reviewed and approved for 30 days. Referencing page 21, regarding subcommittees, he objects to the proposal to limit the purview of subcommittees to projects only within the boundaries of the planning area. Apart from the objections already expressed about similar limits on planning groups, this would eliminate subcommittee work on such issues as the equine ordinance or tiered winery ordinance that are broader than the planning area.

Rudolf concurs with Hutchison on the inappropriateness of limiting planning group purview to projects within their planning area, adding that jurisdiction limited to the planning area is too limiting when projects have cross-jurisdictional impacts [pp. 1, 15, 17, 19, 21 and footer on Agenda Template, etc]. Rudolf says planning groups should not lose the ability to select which projects to review [pp. 14 & 16]. He objects to the loss of county officer status for planning group members, citing a state finding that, in fact, planning group members are county officials [pp. 4, 7, &17]. He notes the ambiguity of the term of office language in the draft. Page 3 deletes reference to term of office [relocating it to Bylaws Art. II, Sec. III] but the draft continues to state on page 4 that members “...have no right to any specific term of membership...” However, existing language states that membership shall be for four years, and new language [Bylaws Art. II, Sec. III] says members retain their seat until the first Monday after January 1 following an election. The Bylaws further confuse the issue by saying a member, if not re-elected, “may” retain membership until replaced rather than “shall”. He observes that the training schedule and training availability are ambiguous for new members. For seated members, it requires completion of training that is available on-line and in person rather than permitting on-line or in-person training. He cites the ambiguity of the provisions for disqualification for conflict of interest or bias [must the member step down into the audience or leave the room?] and the consequent implications for indemnification and defense [pp. 7, 24]. He calls out the need to better define “substantiated violation” and who will make such a determination [pp. 19, 26]. He cites further confusion regarding defense and indemnification requirements to complete the “most recent annual” training. What if, as in recent years, there is no training offered or it is scheduled after the event for which the member is being sued? He cites longstanding confusion and the need for clarification regarding application of the Brown Act to subcommittees’ posting of meeting notices 24, 48 or 72 hours prior to the meeting. Also, need clarification on whether subcommittees must make materials to be considered at a meeting available to the public in advance of the meeting if available to members in advance, as required for planning groups [pp.21, 22]. He agrees with the notion on p. 15 that says project recommendations must be based on their consistency with the adopted community plan, but wants additional provisions that prohibit piecemeal consideration of projects [in violation of CEQA]. He further wants to define the relationship between the planning group consideration of a project and County staff issuance of a

'scoping letter' so that the planning group has the county scoping letter before its consideration begins. He acknowledges the value of pre-application consideration by planning groups, but wants the County to establish a process for such consideration. He wants clarification of the need to post notices 72 hours in advance 'outside' the venue. He says it is not clear whether the inside or outside of the public venue is to be open to the public 24/7. He notes that the new provisions for reimbursement of expenses are internally inconsistent, with prior approval of expenses required [p. 10] but allowing a request to be received by the County within 3 months of purchase or invoice [p. 11]. He disagrees with the new provision that prohibits direct requests to applicants saying it conflicts with the Red Tape Reduction Task Force recommendation to speed up the process. He says that direct requests for further analysis of potential project impacts, additional study and additional mitigation would be prohibited while these are the kinds of information that County staff asks planning groups to address and CEQA public review requires. Making requests through the project manager will be cumbersome and time consuming. Regarding reconsideration of items voted on previously [p.22], Rudolf says the new Bylaws confound the requirement for discovery of new information to justify reconsideration. It is not clear whose "reasonable diligence" should have discovered the information prior to the initial vote on the item – the planning group, the applicant, or a member of the public.

Franck says training is important and it is ambiguous when it will take place. He feels the requirement for a smaller ad size is inadequate for the intended purpose of informing the public.

Glavinic discusses selection of chair and favors rotation of chair in some way. Quinley disagrees and cites experience as an asset. Davis says it is not clear if one person can create an indemnity liability for the whole planning group if there is a training issue. He thinks County should certify who is and who is not trained. Lewis suggests the need to have severability of indemnification for members who are not sufficiently trained. Hutchison says rotation of the chair doesn't address qualification or willingness to serve. Rudolf says we could rewrite our Standing Rules to have Nominations Committee make recommendations for officers. Smith says he does not want lame duck member[s] to determine leadership. Rudolf questions that concern. Quinley asks about what action is to be taken as a result of this meeting. Smith wants a list of items to discuss in a letter to be sent to the County. Davis suggests that the County should provide a website with good access, a time stamp and security to satisfy Brown Act and other requirements. Smith says a website is not adequate for alerting public. Davis questions that saying it would not eliminate the need for newspaper notification. Smith assesses agreement on all issues, suggesting the group is unanimous on all issues discussed except selection of the chair. Jackson says we need to choose from the options presented for chair selection. He notes there are differences among members on selection and term. He suggests option #4 [status quo]. There is additional discussion about option #2 if #4 is not workable. There is further discussion about training certification and indemnification issues. Davis suggests the need for severability to minimize group's liability. Rudolf discusses issue of vacancy as a result of failure to fulfill requirements to be seated. Glavinic argues for clearer definition of Brown Act violations and process. Smith notes that the County must certify new members as having been trained. There is more discussion on the notification advertisement size limit. Quinley suggests advertising all action items. Rudolf says on page 22 of the draft policy, notice and agenda are the same document and to separate them may be a violation of Brown Act. He asks to understand the difference between notice and agenda. Dave Ross, audience, says school, fire, and water boards do not advertise notice, just agenda. Rudolf says there may be different requirements for such special boards. Quinley & Rudolf say we should include all the information needed to know the business of the planning group per the Brown Act. Quinley thinks a larger ad is worth the money. There is some discussion about Form 534 and its inconsistencies.

Motion: Move to recommend chair selection option #4; if option #4 is not approved, VCCPG recommends option #2, in which VCCPG will have the latitude to set the term limit.

Maker/Second: Smith/Quinley **Carries/Fails:** [Y-N-A] 10-0-0 Voice

Motion: Move to authorize the chair to send a letter to the County stating all of the comments, in any order, in any depth of specificity, raised in the discussion by the VCCPG.

Maker/Second: Rudolf/ Norwood Johnson **Carries/fails:** 10-0-0 Voice

Notes: Norwood-Johnson leaves at 8.42 pm after vote.

6. Subcommittee Reports & Business:

a) Mobility – Robert Davis, Chair.

b)	GP Update – Richard Rudolf, Chair.	
c)	Nominations – Hans Britsch, Chair.	
d)	Northern Village – Ann Quinley, Chair.	
e)	Parks & Recreation – Brian Bachman, Chair.	
f)	Rancho Lilac – Ann Quinley, Chair. - inactive	
g)	Southern Village – Jon Vick, Chair. :	
h)	Spanish Trails/Segal Ranch – Mark Jackson, Chair. - inactive	
i)	Tribal Liaison – Larry Glavinic, Chair:	
j)	Website – Robert Davis, Chair:	
k)	Pauma Ranch – Christine Lewis, Co-Chair; LaVonne Norwood-Johnson, Co-Chair.	
l)	I-15/395 Master Planned Community [Accretive] – Steve Hutchison, Chair	
m)	Equine Ordinance - Smith, Chair	
7.	Correspondence Received for 17 September 2012 Agenda:	
a)	<p>Email from DPLU to Chair of Valley Center Community Planning Group; POD 12-006: Draft Revisions to Board Policies I-1 and I-1A Request for Comments:</p> <ol style="list-style-type: none"> a. Require training before community planning and sponsor group members are seated; b. Require annual training to group members either in person or online; c. Make legal defense and indemnification from the County dependent upon community planning and sponsor group members completing training and maintaining a good standing; d. Modernize Board Policy I-1 requirements for community planning and sponsor group management; e. Identify that when community planning and sponsor groups make specific requests of an applicant that such requests are made through the County Project Manager; and f. Create a meeting agenda template that all community planning and sponsor groups must utilize. <p>In addition, the Board of Supervisors directed staff to return with options for a chairperson rotation process, which we have also attached for your consideration and comment.</p> <p>Lastly, staff is proposing to combine Board Policies I-1 and I-1A into one policy along with other revisions aimed at improving the process and clarifying policies and procedures. These proposed changes are highlighted in yellow.</p> <p>Comments on this proposed amendment are requested by October 8, 2012. A hearing before the Board of Supervisors is expected at the end of October. (Smith)</p>	
8.	Motion to Adjourn:	8.51 pm
	Maker/Second: Smith/Quinley	Carries/Fails: [Y-N-A] 9-0-0 Voice
Note: Next regular meeting scheduled for 15 October 2012		