COMMUNITY PLANNING GROUP AND SPONSOR GROUP TRAINING



Brought to you by the County of San Diego 2020

Training Agenda

Section	Subject Area
1	Ralph M. Brown Act & Public Records Act
2	Conflict of Interest & Financial Disclosure
3	Due Process & Ex Parte Contacts
4	Legal Defense & Indemnification
5	Board of Supervisors Policy I-1
6	Land Development Planning
7	California Environmental Quality Act

Training Overview

- This training will:
 - Provide you with the knowledge and tools necessary to serve effectively
 - Identify your roles and responsibilities under the Brown Act, the Public Records Act, and Board Policy I-1 requirements
- There are situational questions at the end of some sections that summarize material covered
- To satisfy your training requirement, please complete and submit the Training Completion Form, which is available at the end of the training

County's Organizational Structure



Board of Supervisors

Chief Administrative Office

Public Safety Group



Health & Human Services Agency



Finance & General Government Group



Land Use & Environment Group



Land Use and Environment Group

Agriculture, Weights and Measures

Air Pollution Control District

Environmental Health

Executive Office

Library

Parks & Recreation

Planning & Development Services

Public Works

University Cooperative Extension

Mission and Purpose of CPSGs

- Understand plans for new projects or developments within a community;
- Provide a public forum where community input is welcomed;
- Weigh public testimony against proposed benefits, enhancements and costs associated with a project;
- Make a recommendation that reflects the community's position to County decision makers

WHO ARE THE COUNTY'S DECISION MAKERS?

Depending on the nature of the project, it may be:

- The Director of Planning and Development Services
- The Zoning Administrator of the County of San Diego
- The Planning Commission of the County of San Diego
 seven members appointed by the Board of Supervisors
- The County's five member Board of Supervisors

Decision-Making Hierarchy

Board of Supervisors

Planning Commission

PDS Director
Zoning Administrator

Board of Supervisors (BOS)

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

Planning Commission

- Seven commissioners appointed by BOS
- Terms expire when the term of the Supervisor who nominated them expires
- Planning Commission advises BOS on land use planning issues and projects
- Planning Commission public hearings occur:
 - One Friday each month or more if needed
 - At 5520 Overland Ave, San Diego 92123
 - Beginning at 9:00 a.m.

Zoning Administrator

- PDS Director or his/her designee serves as the Zoning Administrator
- Typically reviews, hears, and acts on Minor Use Permits
- Occasionally reviews, hears, and acts on Administrative Permits and Variances
- Zoning Administrator public hearings occur:
 - One Thursday each month, as needed
 - At 5520 Overland Ave, San Diego 92123
 - Beginning at 8:30 a.m.

PDS Director

- PDS Director is Mark Wardlaw
- Director reviews and decides upon Administrative Permits, Variances, Site Plan Permits, and Tentative Parcel Maps
- No public hearings are involved in PDS Director decisions
- PDS notifies Planning/Sponsor Groups of all PDS Director decisions

Governing Documents

Brown Act

Identifies rules for conducting open public meetings

Political Reform Act Establishes rules for identifying and avoiding conflicts of interest

Policy I-1

 Establishes policy and procedures for forming and operating groups and their responsibilities

Group By-Laws Additional rules adopted by a Planning/ Sponsor Group relating to operational procedures & member conduct

Planning vs. Sponsor Groups

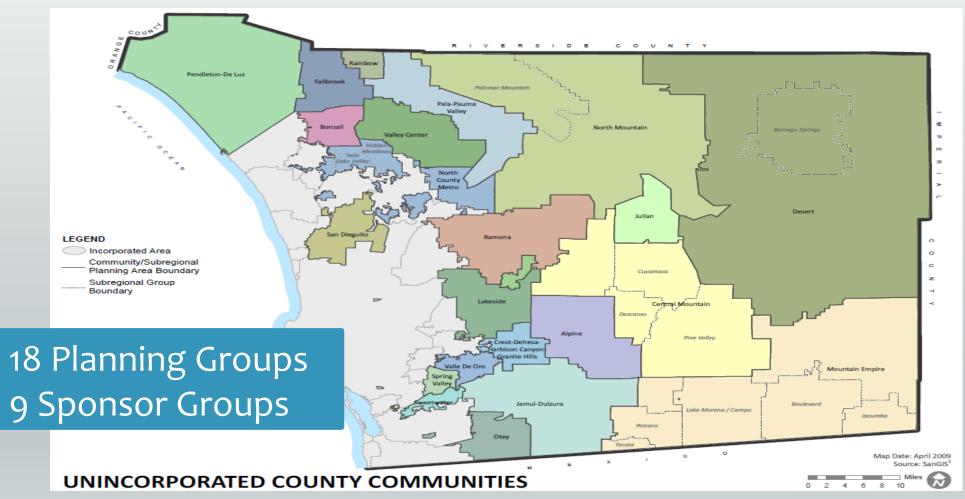
Planning Groups

- Elected by voters in a community
- Appointed between elections
- Must live within community

Sponsor Groups

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

Planning and Sponsor Groups



Groups range from 5 to 15 members and must consist of an odd number of members.

SECTION 1



THE RALPH M. BROWN ACT:

CALIFORNIA'S OPEN MEETING LAW

& THE PUBLIC RECORDS ACT

Ralph M. Brown Act

- Authored by Ralph Milton Brown
- Passed into law in 1953
- Intent of Brown Act:
 - "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)
- CA Government Code Sections 54950-54963

Purpose of Brown Act

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

Defining Legislative Body

- A legislative body is:
 - "The governing body of a local agency or any other local body created by state or federal statute"

OR

"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"

Types of Legislative Bodies

The Brown Act applies to the following:

Governing Bodies

 Board of Supervisors; City Councils; School Boards; and Planning Commissions

Appointed Bodies

 Planning Commissions; Sponsor Groups; Elected Planning Groups

Standing Committees

Planning Group Subcommittees;
 Budget Committees

New Members

 Unseated newly elected or appointed members

Planning and Sponsor Groups

- Pursuant to the Government Code and Policy I-1, all members must comply with the Brown Act to receive defense and indemnification from the County
- The Brown Act applies to subcommittees:
 - Regular subcommittees of a CPSG <u>are</u> subject to the Brown Act
 - Limited purpose Ad Hoc committees (composed of fewer than 50% of CPSG members) are not subject to the Brown Act

Definition of Meeting

- "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)
- No meetings shall take place without being properly noticed and posting an agenda 72 hours in advance of the meeting

Achieving a Quorum

- A quorum means that a majority of the members of a group is present to discuss items. This is required for any group meetings to occur.
- Similarly, when voting, at least a majority of all the group members must vote in favor of a motion for it to pass, according to Policy I-1.
- Thus, if a quorum exists with five of nine members at the meeting, the vote must be unanimous among the members present for a motion to pass.
- The results of each vote must be announced. There can be no secret ballots, absentee votes, or proxy votes.

Brown Act Violation: Collective Concurrence

- Collective Concurrence occurs when the majority of a group's members are made aware of each other's views and reach a decision after interaction between or among themselves
- 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 <u>strictly prohibited</u>

Types of Collective Concurrence:

- Discussing or sharing each other's views on a project or issue among a majority of members through a series of:
 - Emails
 - Text messages
 - Phone conversations
 - Face-to-face conversations
- Sharing each other's views through personal intermediaries or straw polls

Developing collective concurrence is a violation of the Brown Act and is prohibited

Brown Act Violation: Serial Meetings

- Serial meetings are another means of developing collective concurrence
- Serial meetings occur through a series of communications involving less than a majority of members, but when taken as a whole constitute a group majority
- Serial meetings are strictly prohibited
- There are two types of serial meetings:
 - Daisy Chain
 - Hub and Spoke

Daisy Chain Serial Meetings



- Member A contacts Member B
- Member B contacts Member C
- Member C contacts Member D
- And so on, until a majority has discussed, deliberated, or taken action on an item

Hub & Spoke Serial Meeting





- Member A contacts Member B
- Member A contacts Member C
- Member A contacts Member D
- And so on, until a majority has discussed, deliberated, or taken action

Meeting Exceptions

Below are meeting exceptions that may occur provided a majority of group members does not discuss group business:

- 1. Individual Contact between a group member and a non-group member
- 2. Conferences that are open to the public and involve a discussion of issues of general interest to the public
- 3. Community Meetings held by another organization addressing a topic of community concern

Meeting Exceptions

- 4. Social or Ceremonial Events that take place in the community, such as festivals
- 5. Standing Committees: Group members may attend subcommittee meetings as observers
- 6. Other Legislative Bodies: Open and publicized meeting of:
 - another body of the local agency or
 - legislative body of another local agency

Meeting Locations

- Meeting locations must be fully accessible under the Americans with Disabilities Act
- Groups may not discriminate against attendees on the basis of race, religion, color, national origin, sex, ancestry, ethnic group identification, age, sexual orientation, etc.
- Generally, group meetings must be held within the group's boundaries (Gov't Code § 54954(b))

Composing Meeting Agendas

- Chair is responsible for setting the agenda, notifying project applicant's at least 2 weeks before the meeting
- Each item on the agenda must include:
 - Brief general project description
 - Project location (address and/or parcel #)
 - Date, time, and place of meeting
 - Opportunity for the public to comment
 - Identify each action to be taken
- Agenda items should be heard based on their order in the posted agenda
- Continued Items should be placed first on the next meeting's agenda

Posting Meeting Agendas

- Meeting agendas must be posted:
 - At least 72 hours prior to a meeting
 - Outside of the meeting location
 - In a public place that is freely accessible 24 hours a day
 - Examples: Building Door, Bulletin Board, or Window
 - On County website
- PDS will post group agendas online. Please send to: CommunityGroups.LUEG@sdcounty.ca.gov
- No agenda changes can be made less than 72 hours before a meeting

Posting Meeting Agendas

- Posting agendas online does not replace publicly posting agendas
- There is no requirement to publish agendas in a newspaper; however, Policy I-1 requires notice of the meeting to be placed in a community paper if one exists
- Meeting agendas must be available in alternative formats for persons with disabilities
- When no quorum is present and a meeting must be continued, a notice of adjournment must be posted at the meeting location

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 serve as agendas and specify the business to be discussed
 - Notices must be posted 24 hours prior to a special meeting
 - Notices are given to each newspaper and television and radio stations upon request

Addressing Non-Agenda Items

Action or discussion of non-agenda items by planning/sponsor groups is **prohibited**

For non-agenda items, Groups may:

- Place the item on a future agenda
- 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

Public's Right to Attend Meetings

- All group meetings are open to the public
- All members of the public may attend and observe all group meetings
- Groups cannot require the public 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

Public's Right to Participate

- Members of the public must be allowed to:
 - Speak on any item within the group's purview
 - Speak on specific items before or during the group's consideration of an item
 - 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 infeasible, the meeting should be postponed to a future time when a Sheriff can be present.

Public's Right to Record Meetings

- The public is permitted 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

Public's Right to Access Records

- Documents distributed to groups are public records 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

Question #1

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.

Answer #1

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 agendized public meeting

Question #2

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.

Answer #2

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

Question #3

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.

Answer #3

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

California Public Records Act

In enacting the Public Records Act, the Legislature, mindful of the right of individuals to privacy, declared that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state" Gov't Code §6250

California Public Records Act

- Government Code Section 6250 et seq. allows access to "public records"
- "Public records" include:
 - "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Gov't Code §6252(e)

What Constitutes a "Writing"

- "Writing" means:
 - "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording ... regardless of the manner in which the record has been stored." Gov't Code § 6252(g)

Groups are Subject to a Request

- Planning and Sponsor Groups are subject to Public Records Act requests (PRAs)
- All writings related to Planning and Sponsor Group business may need to be disclosed upon request
- You will need to disclose all public records in your possession – INCLUDING emails and text messages on your personal devices – that are the public's business:
 - Based on content, scope, context/purpose, and audience

Disclosure Exemptions

- The Public Records Act includes certain exemptions from disclosure to protect reasonable privacy interests, but unless an exemption applies, responsive records must be disclosed
- Common exemptions include: litigation, personnel, law enforcement, taxpayer info, and other privileged communications.
- "No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual." Gov't Code § 6254.21(a).
- County staff can assist with questions if your group is subject to a Public Records Act request

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 was valid
- Plaintiffs may seek court costs and attorney fees

Criminal Violations/Penalties

- Members may be found guilty of a <u>misdemeanor</u> if:
 - They attend a meeting where action is taken in violation of the Brown Act

AND

They intend to deprive the public of information that they know or have reason to know the public is entitled to

Question #4

SITUATION:

The County receives a Public Records Act request from an interested citizen requesting all correspondence, received by or sent by a planning/sponsor group and any of its members, relating to a development project.

TRUE or FALSE:

The group members must disclose all emails, text messages, and other correspondence in their possession, that relate to the project, unless an exemption exists.

Answer #4

TRUE

 Each group member must review his or her files, computer, and cell phone for records that are responsive to the Public Records Act request. The group should work with County staff to disclose all records responsive to the request, unless particular records are determined to be exempt from disclosure.



SECTION 2



CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE

Conflict of Interest

- Appointment to a Planning or Sponsor Group constitutes a public trust that must always be respected
- Conflict of interest exists when your private interests conflict with your official responsibilities
- You <u>may never engage</u> in an activity that creates a conflict between your personal interests and those of the community that you represent
- You should also avoid situations that could give the appearance of a conflict

Conflict of Interest Codes

- The Political Reform Act requires the adoption of 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 Codes for each Planning/ Sponsor Group can be found at the Clerk of the Board of Supervisors website or with the Registrar of Voters:

http://www.sandiegocounty.gov/cob/conflict_interest/index.html

Financial Disclosure

- ALL group members are required to:
 - File Form 700 Statement of Economic Interests
 - Recuse themselves when they have a financial interest in a decision
 - Publicly disclose economic interests when recusing/disqualifying themselves

When to file Form 700 Statements

- Financial disclosure statements must be filed:
 - When filing a petition for nomination with Registrar of Voters (planning groups only)
 - Within 30 days of assuming office
 - Annually by March 31 for seated members
 - Within 30 days of leaving office
- Form 700 statements must be filed timely and accurately

Where to find Form 700

- Available from the FPPC at:
 - http://www.fppc.ca.gov/Form700.html
 - 1-866-ASK-FPPC (1-866-275-3772)
 - **1**-916-322-5660
 - Resources, including video tutorials, are available on the FPPC website

Where to file Form 700 Statements

<u>Planning Group Members</u> file with Registrar of Voters:

 Registrar of Voters Office ATTN: Financial Disclosure 5600 Overland Ave, Ste #100 San Diego, CA 92123

Sponsor Group Members file with Clerk of the Board:

 Clerk of the Board of Supervisors ATTN: Form 700 Personnel 1600 Pacific Highway, Room 402 San Diego, CA 92101

What to Disclose on Form 700

Investments

Interests in Real Property (not principal residence)

Commission, Income & Loans to Business Entities

Income From Rental Property

Income (other than loans and gifts)

Income from Loans and Gifts (\$50+)

Business Positions

Recusals and Disqualifications

- You cannot influence or vote on any decision that you know or have reason to know will have a reasonably foreseeable material effect on your economic interests
- You must disclose any disqualifying interests and recuse/disqualify yourself from discussions in which you have a conflict
- Your determination not to act and disclosure of disqualifying interests is a public record
- Important: Disqualification precludes any and all discussion of the item with staff and/or fellow group members

Conflict of Interest

- If a conflict of interest arises you must recuse/ disqualify yourself from taking part in the group discussion and vote:
 - Oral or written disclosure of the financial interest
 - Presence not counted towards the quorum
 - Recommended to leave the room
- Doing so shows respect for the public trust placed upon you as a member and ensures that you are not violating Policy I-1 or the Political Reform Act.

Defining 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 provided to, received by, or promised to you within 12 months prior to a decision
- Any business entity that you are a director, officer, partner, trustee, employee, or hold any position of management
- Any donor of a gift(s) totaling \$250 or more provided to, received by, or promised to you within 12 months prior to decision

Personal Interests

- You may represent your personal interests before the group if you recuse/disqualify yourself (not from the dais)
- '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

Bribery or Graft

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

Gratuities

- You <u>cannot</u> solicit or accept any gift(s), gratuity, favor, entertainment, loan or any other thing of monetary value <u>totaling \$250 or more</u>, 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 \$50 or more, and recuse/disqualify yourself from participating in group activities related to the person, firm, corporation, or other entity responsible for the gratuity.

Note: These are the limits identified in BOS Policy I-1

Campaign Contributions

- Candidates for membership <u>may not</u> accept or receive any campaign contributions:
 - That will cause the total amount contributed by the same person to exceed the sum of \$250

Note: These are the limits in BOS Policy I-1

Ethics Training

- All members must complete the State mandated ethics training for local officials:
 - Within first year of being seated

AND

Every two years after the initial training

Accessing Ethics Training

- State mandated ethics training (A.B. 1234) is available:
 - Fair Political Practices Commission (FPPC):
 http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html
 - Two Hours of Self-Study (reading materials and test)
- Upon completion, forward your Training Certificate to Planning & Development Services to receive credit for taking the training (In order to fulfill the mandate, the certificate or certificates need to document two hours of training)

Question #5

SITUATION:

You are a planning group member and a project is proposed on land you partially own. Your investment in the land and project exceeds \$2,000. 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 then state the reasons for your disqualification.

Answer #5

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 private financial interests
- You must disclose your disqualifying interest as a matter of public record when recusing yourself

Question #6

SITUATION:

Eight months ago a resident in your group's area gave you a gift exceeding \$250. Now, that resident is proposing a project that is before your group for a recommendation.

TRUE or FALSE:

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

Answer #6

FALSE

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



SECTION 3



DUE PROCESS AND EX PARTE CONTACTS

Due Process and Ex Parte Contacts

"Each group shall conduct its meetings in accordance with the Brown Act and any other legal requirements, including but not limited to the Political Reform Act and Conflict of Interest Codes, necessary to assure the project's proponents and opponents and other members of the public receive *a fair opportunity to be heard*."

Due Process and Ex Parte Contacts

- A party or applicant has a constitutional right of due process when a board or commission is making a decision that could impact the party/applicant's property rights
- Due process means the decision making process is fair:
 - The decision maker must hear all the evidence
 - The decision maker must not be biased or have prejudged the matter
 - The decision is based on substantial evidence
 - The affected party knows what evidence the decision was based on and has an opportunity to comment on or rebut the evidence

Due Process and Ex Parte Contacts

- "Ex parte" communications occur when decision makers receive evidence outside of noticed hearings
- This can include site visits, speaking with parties/ witnesses or conducting outside research
- Because the affected party has a right to comment on the basis for the decision, decision makers should either avoid ex parte contacts, or should <u>disclose</u> any facts gathered outside the hearing or ex parte contacts prior to the close of the hearing



SECTION 4



LEGAL DEFENSE & INDEMNIFICATION

Legal Defense & Indemnification

- Provided to encourage the fullest possible participation of qualified and interested residents as members
- Located in Article VIII of Policy I-1 Bylaws
- Defense and indemnification may be declined under certain circumstances

Legal Defense & Indemnification

- Planning/sponsor group members must meet all of the prerequisites in Policy I-1, including:
 - Complete Annual Planning/Sponsor Group Training
 - Complete state mandated ethics training every 2 years (AB 1234 training – two hours)
 - Accurately and timely file Form 700 -Economic Disclosure Statements

To Receive Defense & Indemnification:

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

The 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

You have completed the County's most recent planning/sponsor group training

You have submitted a 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

You have completed the most recent State mandated biennial ethics training

Your financial disclosure statements were filed timely and accurately

Defense & Indemnification

- The County may decline defense and indemnification 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 one prior substantiated violation of the Brown Act or Policy I-1



TAKE

SECTION 5



BOARD OF SUPERVISORS POLICY I-1

Board Policy I-1:

- Encourages public participation in County decision-making processes
- Provides a uniform process for:
 - Obtaining community input on land development projects
 - Creating and operating Planning/Sponsor Groups
 - Preparing, revising, and implementing Community and Subregional Plans

Planning/Sponsor Group Purpose

- Advise County decision-makers on:
 - Approval or denial of discretionary projects
 - Preparing, amending, and implementing Community and Subregional Plans
 - Planning and land use matters important to the community

If County Approval is not Necessary:

BOS Policy I-1 states.

"Because planning and sponsor groups exist to advise the County, a planning and land use matter that does not require County of San Diego approval may be discussed if properly noticed, but the only action that the group may take is an action to advise the County of the group's perspective on the issue."

Membership Requirements

All CPSG members must:

- Be 18 years old or older
- Be registered voters
- Planning Group members must live in the pertinent planning area and Sponsor Group members must either reside or own property within the sponsor group boundaries

3 Additional requirements:

- Complete Community Planning/Sponsor Group Training annually
- Complete State-Mandated Ethics Training every two years
- File Form 700 Economic Disclosure Statements annually

Membership Terms

- Group members serve 4-year terms
- Terms begin upon confirmation by the Board of Supervisors
- Terms expire the 1st Monday after January 1st, unless members are reelected or reappointed
- Members appointed to vacant seats midterm must serve out the full unexpired term of the seat they are filling, and need to be reelected or appointed once term expires

Group Officers

- Members elect the following officers each year:
 - Chair
 - Vice-Chair
 - Secretary (duties may be shared among members)
- Nominated by group members or a nominating committee
- Officers take office at the end of the meeting during which they are elected
- There are no term limits for group officers

Chair Responsibilities

- Supervises the Planning or Sponsor Group
- Tracks Group's compliance with membership requirements & fills vacancies
- Coordinates with Project Planner to develop meeting agendas
- Presides over all Group meetings
- Acts as official Group spokesperson
- Assigns duties to the Vice-Chair and other members as necessary

Vice-Chair and Secretary Duties

Vice- Chair

- Performs duties assigned by the Chairperson
- 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

Unexcused Absences

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

Process for Filling Vacancies

Group Chair informs PDS within 10 days of vacancy, copy of written resignation

Chair posts Vacancy Notice in the community & sends copy to PDS

Candidates submit applications

Registrar of Voters confirms applicant's qualifications

Meeting agenda is posted in a public place

Group considers applications and recommends candidate

Group recommendation sent to Board of Supervisors

Board of Supervisors confirms appointment at public hearing

Candidate completes CPG/CSG Training

Candidate seated as group member

Subcommittees

- Must relate to planning and land use matters important to your community
- Cannot consist of more than 50% of the CPSG members in order to avoid creating a CPSG quorum at subcommittee meetings
- Membership is open to all interested parties
 - Nomination and majority vote is required
- Subcommittee members not serving as a Group member may not vote at regular meetings
- Only seated members may serve as subcommittee Chair

Standing vs. Ad-Hoc Committees

Standing

- Continuing subject matter
- Fixed meeting schedule
- Ongoing

Ad-Hoc

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

- Both types are subject to Board Policy I-1 and cannot have more than 50% of group members
- Confirm with staff if you have any questions

Meeting Notices

- Notice of a meeting must be posted in a newspaper at least five days prior to a meeting, if a newspaper is available
- Meeting notices include only the meeting date, time, and location
- A brief description of the items to be discussed may be included but is not required
- Meeting agendas should not be posted in the newspaper

Meeting Agendas

- Must be posted:
 - At least 72 hours prior to a meeting
 - Outside of the meeting location
 - In a public place that is freely accessible 24 hours a day
 - Examples: Building Door, Bulletin Board, or Window
- Must be provided to PDS
- No agenda changes can be made less than 72 hours before a meeting

Rules of Order

One of the following must be chosen to govern all group meetings:

Ray Keesey's Modern Parliamentary Procedures

Robert's Rules of Order

Rosenberg's Rules of Order

- Rules of Order provide common rules and procedures for deliberating and debating during meetings
- BOS Policy I-1 and the Brown Act still apply

Political Activity

- No group may endorse, take action on, or support any political activity
 - Example: Supporting electoral candidate
- Groups provide a public forum for discussion of planning and land use issues that are important to the community

Voting at Meetings

- Only members who are present can vote
- Each member has 1 vote per agenda item
- The following votes are not permitted:
 - Proxy Votes (voting for other members)
 - Telephone-Canvassed Votes
 - Phone-In Votes
 - Absentee Votes
 - Secret Ballots

Quorums

- Quorum is the minimum number of members that must be present to hold a meeting
- More than 50% of a group's authorized membership must be present
 - Authorized membership = total number of all group seats, even if not filled
- Quorum is needed to conduct a meeting and to take any official group action
- If no quorum exists, then all agenda items must be considered at the next meeting

Reconsideration of Votes

- Reconsideration of a previous vote is permitted only 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
- County should be consulted before reconsidering any previous votes

Group Recommendations

- Recommendations are requested on all privately and publicly initiated discretionary projects that are located within your community
- Recommendations must be forwarded to the County on PDS Form 534
- Every effort should be made to submit the recommendation form within 7 days following a meeting
- Recommendations are included in the staff report to decision-makers

Group Recommendations

- Recommendations should focus on:
 - Completeness and adequacy of 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

Meeting Minutes

- Should include:
 - Record of who makes and seconds the motions
 - Indicate which members voted against, disqualified themselves, or abstained
- Should be sent to PDS after they are approved by the group:
 - Within two months of the meeting date, if the group meets monthly
 - Within one month of the meeting date, if the group regularly meets twice a month

Publicly-Initiated Projects

Publicly-initiated projects include, but are not limited to:

- Zoning Ordinance Amendments
- Community Plan Amendments
- Board Policy Amendments
- General Plan Amendments
- Map and Text Amendments

Privately-Initiated Projects

Privately initiated projects include, but are not limited to:

- Administrative Permits
- Site Plan Permits
- Major and Minor Use Permits
- Tentative Parcel Maps
- Specific Plans and Plan Amendments

Commenting on Projects

Group comments on privately- and publicly-initiated projects are encouraged during:

- Application submittal (private projects)
- Public review periods
- Public hearings
- Stakeholder meetings (public projects)

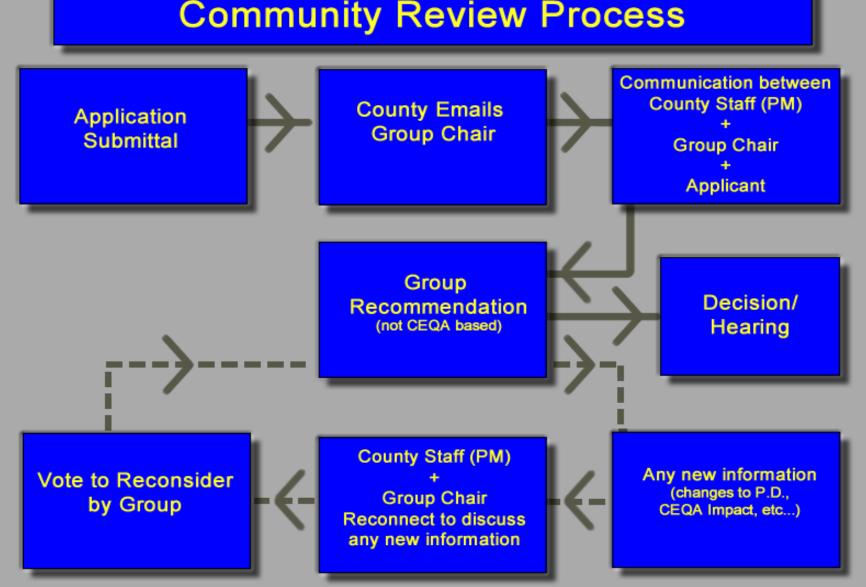
Privately-Initiated Projects

- PDS provides plot plans, project application, and project description to Group
 - Electronic copy: Chair forwards to each group member
- Meetings should occur within 30 days of receiving application materials from PDS when feasible

Coordinating with Applicants

- Each Chair must coordinate with project applicant to place projects on the agenda within 30 days of receiving application
- Project applicant and PDS Project Manager should be notified at least two weeks in advance of any scheduled meeting
- Projects may still be placed on the agenda within two weeks of the meeting but no later than 72 hours before the meeting

Community Review Process



Appeal Privileges

- Groups have free appeal privileges on all discretionary land use matters within their respective community
- PDS must be promptly notified of a group's decision to appeal or withdraw the appeal
- Appeals get an item heard by the next/higher appellate hearing body
- Board of Supervisors hearings are final

Appeal Requirements

- Groups must be present at the public hearing during which a decision was made or have corresponded with the decision-making body prior to the hearing
- Appeals must be confirmed by a Group majority vote
- Appeals must be filed within 10 days following project approval or denial

Appeal Privileges

- If an appeal item cannot be placed on a meeting agenda 72 hours prior to the end of the appeal period, then:
 - The Chair may file an appeal

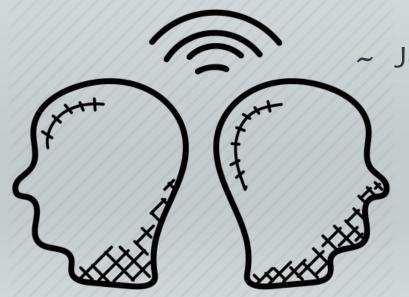
OR

- Chair must file an appeal if petitioned individually by a majority of group members
- Note: General Plan Amendments and ordinances are automatically heard by the BOS



Conflict is inevitable, the source of all growth, and an absolute necessity if one is to be alive....

enter into it with integrity, respect, and some degree of confidence and hope.



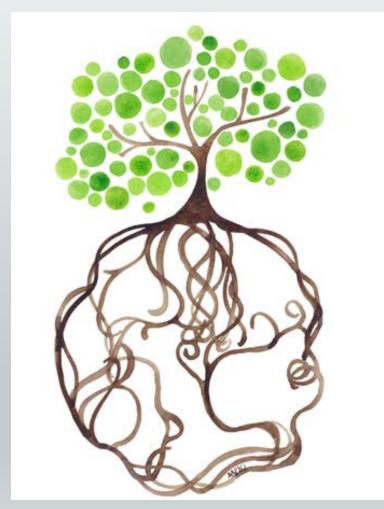
~ Jean Baker Miller

- We will promote an inclusive environment where diverse perspectives are shared and considered;
- We will listen attentively and ask questions to understand others' positions;
- We will show respect for ideas and views presented, even where we disagree;
- We will explain our positions by fairly presenting the reasons for them; and
- We will avoid personal attacks or other tactics that distract attention from the salient issues.

The top of the tree is what people say when they are in conflict: their complaints.

Underlying Needs

Below the surface are the underlying needs that are important to them.



- Demonstrate understanding
 - Recap speaker's main concerns in your own words
- Acknowledge impact
 - Reflect the feelings the person had
- Identify needs/interests
 - Say what you think their underlying needs/interests were (Respect, fairness, acceptance, acknowledgement, being valued, etc.)

Respond Respectfully



Tell Your Perspective in a Non-Confrontational Way

- State how the situation is affecting you without attacking the other
- State your interests:
 - One thing that is important to me is...
- Use "WE" statements:
 - WE need to...



PDS Staff Assistance

- Provides CP/SG training for all members
- Provides project information
- Coordinates new member appointments and confirmations
- Interprets Policy I-1
- Recommends changes to group boundaries
- Recommends creation of new groups
- Facilitates guidance requests from County Counsel

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)
- For reimbursement to occur, meetings must have agendas and minutes approving the reimbursement
- Reimbursements must be received within three months of purchase or receipt of invoice
- Receipts are required for reimbursements
- County, under PDS authority, can pay directly for meeting space, legal ads, or P.O. Box, if necessary, within these limits.

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

Question #7

SITUATION:

A group member sells their property and changes their primary residence to a place outside of their Group's boundary.

TRUE or FALSE:

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

Answer #7

FALSE

- Planning group members must live within the Group's boundary area throughout their 4-year term.
- Sponsor group members must either own property or reside in the group area throughout their 4-year term.
- Members must resign from the Group when they no longer meet the above requirements

Question #8

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 prior to Board of Supervisors confirmation.

Answer #8

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

Question #9

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.

Answer #9

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 meeting

Question #10

SITUATION:

Your Group reviewed and recommended approval of a project. The Group Chair voted to recommend denial of the project but 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.

Answer #10

FALSE

- All appeals must be confirmed by a majority vote
- Appeals must be withdrawn if not supported by a group majority

Question #11

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.

Answer #11

TRUE

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



SECTION 6



LAND DEVELOPMENT PLANNING

Land Development Planning Process

- Planning = process of deciding how a community uses land and other resources
- Planning involves analyzing environmental and socioeconomic impacts of development
- Planning decisions in unincorporated community areas require County approval
- State law requires the County to adopt a comprehensive, long-term General Plan to guide physical development

General Plan

- Board of Supervisors adopted the General Plan Update in August 2011
- Provides foundation for decisions that will:
 - Affect the future location of housing, business, roads, parks, and other uses
 - Protect the public from noise, natural, and manmade hazards
 - Conserve natural resources

General Plan

- Sets goals and policies that guide long-term physical development in the County
- Establishes standards for population density, building intensity, and distribution of land uses
- General Plan consists of two parts:
 - Text: Goals/policies directing land development
 - Maps: Maps/diagrams illustrating distribution of land uses, major road system, open space, hazard areas, etc...

County's General Plan Elements



General Plan Consistency

- The County's General Plan is the basis for all land use decisions
- All zoning, subdivisions, and public works projects must be consistent with the General Plan in order to be approved
- General Plan must be internally consistent and not conflict with other parts of the Plan
 - Elements cannot conflict with each other
- Each General Plan Element may only be amended four times per calendar year

General Plan Implementation



 Specific Plans, Community/Subregional Plans, and the Zoning and Subdivision Ordinances implement the General Plan

Community Plans

- Community Plans focus planning efforts onto a smaller area or neighborhood
- There are 27 community and Subregional Plan Areas
- Considered part of the General Plan
- Address issues important to a community and supplements General Plan policies
- Community/Subregional Plan must be consistent with the General Plan in all respects

Specific Plans

- Implement, but are not technically a part of, the General Plan
- Describe allowable land uses, identify open space, and detail infrastructure availability and financing for a portion of a community
- Must be consistent with the General Plan
- Zoning, subdivision, and public works projects must comply with provisions of the Specific Plan

Zoning Ordinance

- Regulates land uses within the community
- Assigns each property a zone that describes rules under which land may be utilized
- Each zone identifies allowable uses and sets standards such as minimum lot size, building height limits, and building setbacks
- Zoning Use Regulations:
 - Residential (R)
 - Commercial (C)
 - Manufacturing (M)

- Agricultural (A)
- Special Purpose (S)

Zoning Ordinance

- Distribution of zones is based on the land use pattern established in the General Plan
- Zoning use regulations establish in specific terms the range of uses that are allowed by the General Plan
- Zoning maps illustrate how zones have been distributed
- Zoning is adopted by ordinance and development may only be placed where allowed by the zoning use regulations

Rezoning

- If property owner proposes a use that is not allowed in the current zone, then a rezone is required
- Rezones require a recommendation of the Planning/Sponsor Group and Planning Commission
- Rezones are approved by the Board of Supervisors at a public hearing

Permit Types

- 2 permit types that authorize development:
 - Ministerial Permits
 - Discretionary Permits
- Permit type depends on:
 - Nature of the proposed project or use
 - Categorization of a use in local ordinances
 - Various regulations affecting a property

Discretionary Permits

- Subject to the evaluation, judgment, and approval or denial by the local planning authority (Planning Commission, Board of Supervisors)
- Requires findings (reasons for approval/denial) to approve/deny project
- Have conditions of approval that must be satisfied
- Examples: Use Permits & Subdivision Maps
- Ministerial permits are generally required following approval of a discretionary permit

Ministerial Permits

- Receive automatic approval upon demonstrating conformance with applicable requirements
- Not subject to discretion
- No decision maker decides whether or not a proposed use should be allowed
- Examples: Building Permits; Well Permits;
 Electrical Permits
- Not subject to California Environmental Quality Act (CEQA)

Variances

- A variance is a limited waiver of development standards allowed by the Zoning Ordinance. Before any variance may be granted or modified, all of the following shall be found:
 - a. That there are special circumstances applicable to the property, including size, shape, topography, or surroundings, that do not apply to property in the same vicinity and zoning classification;
 - b. That, because of those special circumstances, strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
 - c. That granting the variance assures that such an adjustment will not grant special privileges inconsistent with the other properties in the vicinity and zone of this property location;

Variances (Continued)

- A variance is a limited waiver of development standards allowed by the Zoning Ordinance. Before any variance may be granted or modified, all of the following shall be found:
 - d. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification;
 - e. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located; and
 - f. That granting the variance or its modification will not be incompatible with the San Diego County General Plan.

Major and Minor Use Permits

- Some land use types are only allowed upon approval of a major or minor use permit after a public hearing
- The Zoning Ordinance specifies the uses for which a major or minor use permit is required, zones they may be allowed in, and the public hearing procedure
- Use permits impose special conditions to ensure a use will not be detrimental to surroundings
 - Examples: landscaping, soundproofing, limited hours of operation, road improvements, additional parking

Subdivision Ordinance

- Dividing land for sale, lease, or financing is regulated by County's subdivision ordinance and the state Subdivision Map Act
- Land cannot be subdivided without approval
- County's subdivision ordinance:
 - Regulates lot size and subdivision design
 - Requires dedications of public improvements or related impact fees
 - Requires compliance with General Plan

Subdivision Regulations

- Two types of subdivisions:
 - Tentative Parcel Map: subdivisions resulting in four or fewer lots
 - Tentative Map: subdivisions resulting in five or more lots
- Subdivisions are approved in two stages:
 - Tentative Map
 - Final Map

Tentative Map Stage

- Tentative Map and Tentative Parcel Maps are considered tentative maps
- Map is reviewed for compliance with General Plan and subdivision ordinance
- Environmental review is conducted
- If approved, map is subject to conditions of approval that must be satisfied within a specific time period
- Lots are not officially approved until a final map is recorded

Final Map Stage

- When all conditions of approval are satisfied, the Director of Planning & Development Services will approve a final map
- Final map must be approved if it substantially complies with the previously approved tentative map
- Map may be recorded at the County Recorder's office upon final map approval



Section 7 The California Environmental Quality Act (CEQA)

An Overview For Community Members and Stakeholders







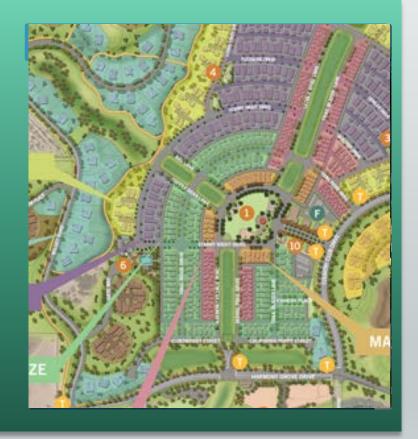


What We'll Cover Today

- **❖**Summary of what CEQA is
- ❖ What a project is and how it is evaluated
- ❖ What CEQA covers
- ❖ Different document types
- ♦ How CEQA fits into the project process
- ❖ When and how you can work within the CEQA process
- ❖ Questions & Answers

What Is The California Environmental Quality Act?

- California Environmental Quality Act
- Lead Agency / Responsible Agency
- Decision Maker
- Initial Study
- Discretionary



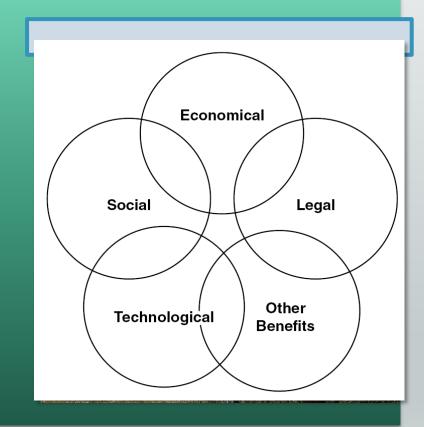
What Is The California Environmental Quality Act?

Thresholds

Significant Impact

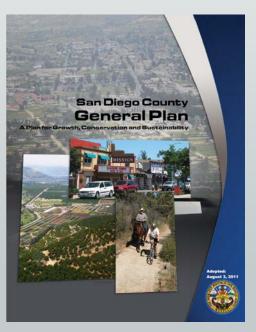
- Mitigation MeasureAvoid (redesign), Reduce, Compensate
- Alternatives

Statement of Overriding Considerations



When is a project subject to CEQA?

County Initiated





Privately Initiated

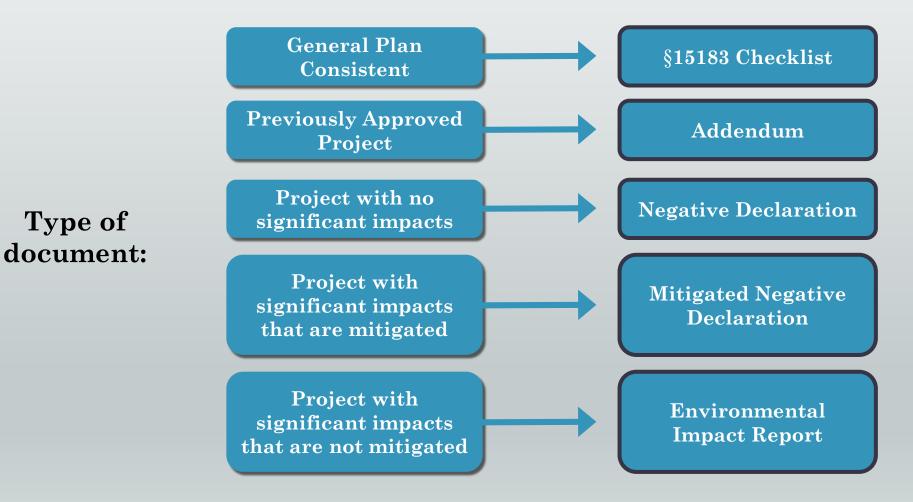




What Does CEQA Cover?

Aesthetics	Agriculture	Air Quality	Biological Resources	Cultural Resources
Geology and Soils	Greenhouse Gas Emissions	Energy Use	Hazards and Hazardous Materials	Hydrology and Water Quality
Land Use and Planning	Mineral Resources	Noise	Population and Housing	Public Services
Recreation	Tribal Cultural Resources	Transportation and Traffic	Utilities and Service Systems	Wildfire

Impacts Determine Document Type



General Plan Consistent - §15183 Checklist

Park Circle

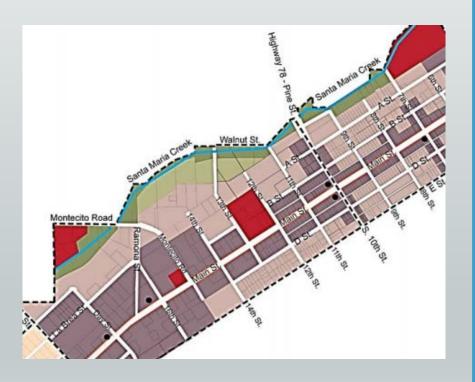


Tractor Supply



Previously Approved - Addendum

County Initiated



Privately Initiated



No or Less Than Significant Impacts -Negative Declaration (ND) and Mitigated ND

County Initiated



Privately Initiated



What Can Mitigate An Impact?



Significant Impacts – Environmental Impact Report

County Initiated



Privately Initiated



Aesthetics



Alternatives

- * Must meet Project Objectives
- * Reduce or Avoid Significant Impacts
- * Must be Feasible

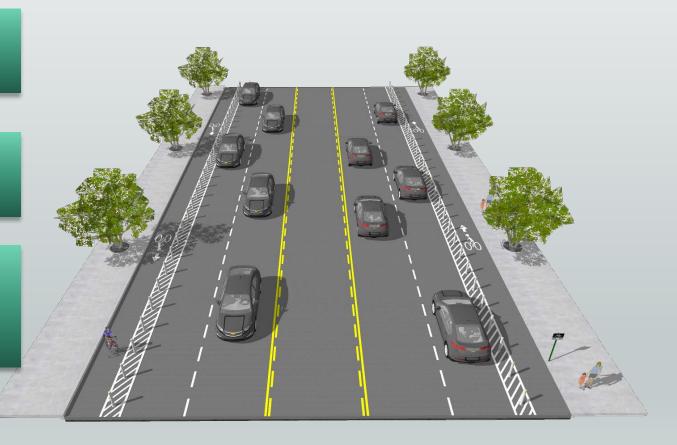


What Is Not Considered an Impact Under CEQA?

6,000 cars per day on Main Street

Capacity of Main Street is 10,000 cars

If project adds 3,000 cars, impacts are less than significant



How Does CEQA Fit Into The Project Process?

Phase 1: Project Initiation

Initiation/ Initial Consultation and/or Major Pre-Application

> Project Application Submitted

CPG/CSG Notification & Public Noticing Phase 2: Research & Checklist

Research

Checklist

Initial Study

Notice of Preparation (NOP)

30-Day Public Review & NOP Scoping Meeting Phase 3: Analysis

Preparation & Analysis

Technical Studies

Draft EIR

Multiple Rounds of Review

45-Day Review & Public Meeting

Phase 4:
Draft Final
Documents &
Hearing
Preparation

Response to Comments

Revised Draft Final EIR

Staff Report

CPG/CSG Recommendation Phase 5: Project Decision

Publish Draft Final EIR

> Publish Staff Report

Planning Commission Recommendation

Publish Board Letter

Board of Supervisors Hearing For More Information On CEQA Planning & Development Services:

https://www.sandiegocounty.gov/content/sdc/pds.html

Office of Planning and Research:

http://opr.ca.gov/

Association of Environmental Planners:

https://www.califaep.org/

When and How to Work Within the CEQA Process

Phase 1: Project Initiation

Initiation/ Initial Consultation

Project Application Submitted

CPG/CSG Notification & Public Noticing Phase 2: Research & Checklist

Research

Checklist

Initial Study

Notice of Preparation (NOP)

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Phase 4:
Draft Final
Documents &
Hearing
Preparation

Response to Comments

Revised Draft Final EIR

Staff Report

CPG/CSG Recommendation Phase 5: Project Decision

Publish Draft Final EIR

> Publish Staff Report

Planning Commission Recommendation

Publish Board Letter

Board of Supervisors Hearing

Training Summary

Section	Subject Area		
1	Ralph M. Brown Act & Public Records Act		
2	Conflict of Interest & Financial Disclosure		
3	Due Process & Ex Parte Contacts		
4	Legal Defense & Indemnification		
5	Board Policy I-1		
6	Land Development Planning Process		
7	California Environmental Quality Act		





Useful Resources

Planning & Development Services: http://www.sandiegocounty.gov/pds/index.html

Planning/Sponsor Groups: http://www.sandiegocounty.gov/content/sdc/pds/CommunityGroups.html

General Plan and Community Plans:
https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/Cover-TOC-Vision.pdf

Policy I-1:

https://www.sandiegocounty.gov/content/dam/sdc/pds/Groups/Chair_Resources/Board%20Policy%20I-1.pdf

Zoning Ordinance: http://www.sandiegocounty.gov/pds/zoning/

County Subdivision Ordinance: http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/SubdivisionOrdinance.pdf





Useful Resources

Brown Act:

http://leginfo.legislature.ca.gov/faces/codes_displayText.x html?lawCode=GOV&division=2.&title=5.&part=1.&chapt er=9.&article

CA Planning Guide:

http://opr.ca.gov/docs/OPR_Complete_7.31.17.pdf

Political Reform Act: http://www.fppc.ca.gov/the-law/the-political-reform-act.html

Conflict of Interest Codes:

http://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html

CEQA Guidelines:

http://resources.ca.gov/ceqa/guidelines/

Congratulations!!!

- You have successfully completed the Community Planning/Sponsor Group Training!
- Please complete the <u>Training Completion Form</u>
- Mail or email the Training Completion Form to Planning & Development Services at the address shown on the Form for record keeping purposes
- This will satisfy your annual Planning/Sponsor Group Training requirement

Thank you from 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 valued by County decision-makers and staff.

Thank you again for taking the time to volunteer as a Planning/Sponsor Group member and for completing this training.