

**CPC Comments of 4/24/07 on Draft Revisions to Council Policy 600-24
and the Bylaws Shell with Staff Responses**

000615

CPC COMMENTS	CPCI Response
CPC Approved Actions	
<i>Article IV, Section 2</i> – Move to strike language requiring a vote of all eligible members of the community for 2 or more concurrent vacancies.	This section has been revised to give planning groups the option of electing candidates or having a full election for two or more vacancies.
<i>Article V, Section 1</i> – Change the requirement to attend three meetings to be a candidate in the March election to ‘up to three’.	This section has been revised to require a minimum of one meeting to be a candidate in an election.
Individual CPC Member Comments	
Background – should the following statement be removed given the applicability of the Brown Act: “Planning groups are <i>private organizations</i> .”	This sentence has been removed.
Policy – Delete the requirement for planning groups to adopt the standardized bylaws shell in its entirety.	Not changed. As stated in the report, staff feels that in order for planning groups to maximize their effectiveness as land use advisory bodies, their procedures must be standardized (with a few selected, predetermined options on certain specific issues).
Policy – incorrect reference to Article X, Section 1, should be Article IX, Section 1.	This has been corrected.
Article I, Section 3 – does the language stating that planning groups shall meet in the closest available facility mean the closest facility that is available and accessible.	Yes. No changes have been made although the Administrative Guidelines will be revised to give further direction on this issue.
Article II, Section 4 – regarding the Brown Act provision that <i>meeting facilities must be accessible to disabled persons, who is going to determine if a facility is accessible.</i>	No changes have been made although the Administrative Guidelines will be revised to give further direction on this issue.
Article II, Section 7 – want procedures and timing for turn around by the City for bylaws amendments.	Language has been added to state that the City will review bylaws amendments “in a reasonable timeframe made known to the planning group”. In addition, the Administrative Guidelines will be revised to provide detail on the process.
Article III, Section 3 – clarify business person and how to ensure that an individual was designated to vote by their business.	No changes have been made because the Council Policy reflects revised language discussed with the CPC Subcommittee during the 2005 amendment process. The Administrative Guidelines will provide additional direction on how to handle business seats.
Article III, Section 3 – list <i>community based organizations/non-profits</i> as a separate eligibility category.	<i>Item c, local business person has been revised to reflect local business or not-for-profit representatives.</i>
Article III, Section 3 – if voters maintain eligibility don’t we still have to check eligibility to vote during elections?	A sentence has been added to clarify that proof of eligibility is required to vote in elections.
Article IV, Section 2 – need to address appointed seats.	Language has been added to reflect that some groups may utilize appointed seats.
Article V, Section 1 – requiring candidates to attend three meetings by February is problematic.	By reducing the meeting requirement to a minimum of one, this timeline becomes more feasible.
Article V, Sections 1-4 – need more procedures regarding elections.	No changes have been made. Council Policy encourages planning groups to outline their election procedures in Article VIII of their bylaws. In addition, the Election Handbook and <i>Administrative Guidelines</i> provide additional information regarding elections.
Article VI, Section 2 – section is too long, sub items should be broken down into articles.	Staff did not feel that the subitems warranted separate article numbers but reformatted the section for improved clarity.
Article VI, Section 2 (a.1) – does the 72 hour agenda posting requirement include holidays and weekends?	Yes it does. No changes needed.
Article VI, Section 2 (a.10) – revise this section to allow any four members to call a special meeting, not the chair or majority of members.	Not revised. Per the Brown Act, a special meeting can only be called by the chair or majority of members.

Article VI, Section 2 (b.3) – disagree with attorney opinion that non-planning group subcommittee members must be trained.	This issue is being discussed separately with the Attorney's Office.
Article VI, Section 2 (c.2) – add that 'lack of information' is not a reason to abstain since planning groups cannot request additional information. 000616	Not revised. A lack of information may be a reason to abstain. Although a planning group may not, as a condition of placing an item on their agenda, require applicants to submit additional information beyond what they have submitted to the City, during review or projects planning group members may request reasonable and specific additional information needed to further explain the project.
Article VI, Section 2 (d.1 and d.4) – the Planning Department should handle records retention and requests for agendas by mail since planning groups aren't set up to do so.	The Mayor's Office has identified funding to perform administrative functions associated with the Brown Act.
Article VI, Section 2 (d.3) – omit sentence requiring planning groups to track whether the applicant was informed of the meeting – it's their responsibility to attend. Also, should add whether neighbors were present.	Not revised. This language is intended to ensure that applicants be given the opportunity to participate in planning group discussions on their projects. Notices of Applications are required to be posted on projects sites which direct neighbors to contact the planning group chair to be informed about planning group discussions on a project.
Article IX, Section 1 and others – wherever the indemnification ordinance is listed, add 'or any subsequent ordinance' since the ordinance is being revised.	This change has been made.
Article IX, Section 3 – label alleged violations by a member and a planning group as a whole 'a' and 'b' for clarity.	This change has been made.
Article IV, Section 3 – delete references that planning groups conduct investigations for violations by individual planning group members. Planning groups aren't set up to do so, lack resources, may not be impartial and this may subject them to litigation.	Not revised. During discussions with the CPC subcommittee during the 2005 Council Policy 600-24 revision process, community members felt strongly that planning groups needed additional direction/empowerment for how to deal with individual planning group member disciplinary issues.
Miscellaneous – elimination of the term general members has made differentiating voting members and board members confusing.	Changes have been made to clarify that voting in a March election is by 'eligible individual members of the community.'
Miscellaneous – due to delays with the Brown Act, planning groups missed the April 17, 2007 bylaw revision date. Want something in writing stating that it's okay.	CPCI staff sill send correspondence to planning groups to this effect.
Miscellaneous – why was Planning Department changed to Mayor's Office throughout the Council Policy and Bylaws Shell.	To reflect the new strong Mayor form of government and the fact that CPCI Department staff work on behalf of the Mayor.
Miscellaneous – change all references to Mayor's Office to City Council to reflect that planning groups are advisory and accountable to the City Council, not the Mayor's Office.	Not revised. Although the City Council recognizes planning groups, the Mayor's Office provides staffing assistance to planning groups on a regular basis.