

ATTACHMENT 2

The following is the text of the amendments to the Charter of the City of Chula Vista, submitted to and ratified by the voters of the City of Chula Vista on November 6, 2012:

ARTICLE III. CITY COUNCIL.

Sec. 300. Members, Eligibility and Terms.

A. There shall be a City Council of five members, consisting of four Councilmembers and a Mayor, elected ~~from the City at large~~ at the times and in the manner provided in this Charter.

1. *The Mayor shall be elected from the City at large. No person shall be eligible to hold the office of Mayor, or to be elected or appointed to the office of Mayor, unless such person is a resident and registered voter of the City or territory annexed to the City. To be eligible to seek election to the office of Mayor, a person must be a resident and registered voter of the City or territory annexed to the City at the time of filing the nomination papers for such office.*

2. *Each of the four Councilmembers shall be elected by district in the manner provided in paragraph (3) below. To be eligible to seek election, or appointment, to the office of Councilmember, a person must be a registered voter of the City or territory annexed to the City and resident of the Council district which that person seeks to represent at the time of filing the nomination papers for such office, or at the time of appointment to such office, respectively. No person shall be eligible to hold the office of Councilmember unless that person is a registered voter of the City or territory annexed to the City and resident of the Council district which that Councilmember represents.*

3. *In the general municipal election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from their district; and the two (2) candidates for Councilmember in each district receiving the highest and second highest number of votes cast by the voters of their district shall be the candidates in a run-off election to be held on the same date as the statewide election date in November immediately following the general municipal election (if no statewide election is conducted, then on the first Tuesday after the first Monday of November of each even numbered year). If only two qualified candidates from a Council district file nomination papers to participate in the general municipal election in that district, no general election shall be held and the two candidates shall be the candidates at the run-off election for the office of City Councilmember from that district. If two or more candidates from a district tie in the receipt of the highest number of votes in the general municipal election, all such candidates shall appear on the run-off election ballot and no candidate(s) receiving the second-highest number of votes shall appear on the run-off election ballot. If one candidate from a district receives the highest number of votes and two or more candidates from the same district tie in the receipt of the second-highest number of votes, all such candidates shall appear on the run-off election ballot. In the run-off election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from each district for which a*

Councilmember is to be elected, and the candidate for Councilmember from each district receiving the highest number of votes cast shall be elected.

4. Notwithstanding any other provision in this Section 300 or Section 300.5, the mandatory run-off election requirement in subparagraph 300.A.3., above, shall take effect in 2014. Notwithstanding that the mandatory run-off elections shall commence in 2014, the transition to by-district elections for Councilmembers shall not commence until 2016 as provided in Section 300.5. Until the 2016 general municipal election, Councilmembers shall continue to be elected at large.

~~B. No person shall be eligible to hold office as members of the City Council unless they are residents of the City of Chula Vista, and at the time of their election or appointment, qualified electors of the City or of territory annexed thereto.~~

~~B. C.~~ The term of each member of the City Council shall be for a nominal term of four years and shall commence on the first Tuesday of December of the year of the election, and shall continue until a *qualified* successor *qualifies takes the oath of office*. The term for the Mayoral seat and Council seats numbered one (1) and two (2) shall be deemed to commence on every fourth anniversary of the first Tuesday of December of 1990 and the term for Council seats numbered three (3) and four (4) shall be deemed to commence on every fourth anniversary of the first Tuesday of December 1988. *Notwithstanding the foregoing, if the official results for the election of the office of Mayor or the office of Councilmember are not certified before the first Tuesday in December, the term for the Mayor or Councilmember(s) elected at such election shall be deemed to commence upon taking the oath of office, which shall be given at the first scheduled City Council meeting following certification of the election results.*

~~C. D.~~ No person shall be eligible for nomination and election to the office of City Councilmember or Mayor for more than two (2) consecutive terms, and no person who has held the office of Councilmember for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may again seek nomination and election to said offices of Councilmember or Mayor respectively until a period of one (1) year from the termination of the second term for Councilmember or Mayor has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Councilmember or Mayor may not seek nomination and election to said offices of Councilmember or Mayor until a period of one year from the termination of the appointed term has elapsed. Said appointee shall be eligible to seek nomination and election for two (2) full terms thereafter. Any person elected in a special election for the balance of a regular term of Mayor and/or Councilmember for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.

~~D. E.~~ Each Council *district* seat shall be numbered one (1) through four (4) respectively. Any person running for a Council office *the office of Councilmember* shall designate, as the office for which such person seeks election, one of the numbered Council *districts* seats as memorialized by resolution of the Chula Vista City Council on file in the office of the City Clerk. Should a vacancy occur at any time in any Council seat *district*, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered *district* seat on their nominating papers.

~~Persons seeking election to the City Council shall at the time of filing nomination papers, select one of said seats as the Council position for which they seek election.~~

~~F. Persons running for a Council office shall designate one of the two numbered Council seats as memorialized by resolution of the Chula Vista City Council on file in the office of the City Clerk. Should a vacancy occur at any time in a Council seat or seats, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered seat on their nominating paper.~~

~~E. G. Any person to be elected at a general municipal election for any numbered Council seat one through four or the office of Mayor for which nomination papers have been filed shall be deemed elected upon receipt of a majority of the votes cast for the particular seat or the office of Mayor at the election. If no candidate at such general municipal election receives a majority of the votes cast, there shall be a special runoff election, to be held on the same date as the statewide election date in November immediately following the general municipal election (if no statewide election is conducted, then on the first Tuesday after the first Monday of November of each even-numbered year), between the two candidates receiving the highest and second highest number of votes in the general municipal election for said seat or the office of Mayor, in order to determine the winner. By way of clarification, ties among the candidates receiving the two highest number of votes at the general municipal election shall be resolved by a special run-off election. *Beginning in 2014, the elections for the office of Mayor shall be held in the same manner as provided in Section 300.A., provided, however, that voters of the City at-large shall be entitled to vote in such elections.*~~

~~F. H. Any person to be elected at a special municipal election called to fill a vacancy pursuant to the provision of Section 303 *Vacancies and elections to fill vacancies* for the office of Councilmember any numbered Council seat one through four or the office of Mayor, shall be determined in accordance with Section 303.C.2. for which nomination papers have been filed, shall be deemed elected upon receipt of a majority of the votes cast for the particular seat or the office of Mayor at the election. If no candidate at such special election receives a majority of the votes cast, there shall be a special run-off election to be held on a date set by Council as soon after such special election as practical between the two candidates receiving the highest and second highest number of votes in such special election for said seat or the office of Mayor in order to determine the winner who shall be seated upon certification of the results of the election. By way of clarification, ties among candidates receiving the two highest number of votes at such special election shall be resolved by a special run-off election.~~

~~G. I. If one of the two eligible candidates dies on or before the ninetieth day prior to a special run-off election *required under this Section*, his or her name shall not be placed on the ballot. The candidate receiving the third highest number of votes in the general municipal election for said seat *the office of Councilmember* or the office of Mayor shall be offered by the City Clerk, the opportunity to be placed on the ballot in lieu of the deceased. The City Clerk shall make the offer in writing immediately upon notification of the death. The candidate shall accept or reject in writing to the Clerk within five calendar days of receipt of the City Clerk's offer. If accepted, the special run-off election between the remaining candidate and the candidate receiving the~~

third highest number shall be held. If rejected, there shall be no run-off election, and the remaining candidate shall be deemed elected as of the date of such death.

H. J. Any person to be elected at a special run-off election required under the provision of this Section, shall be deemed elected upon receipt of the highest number of votes for the particular seat-office of Councilmember or the office of Mayor and *shall be seated upon taking the oath of office.* Ties at such special run-off election shall be resolved by lot.

Section 300.5 Districting Commission

A. Establishment of City Districting Commission; Composition; Powers and Duties

1. *Separate and distinct from the commissions provided for in Article VI of this Charter, there shall be established a seven (7) member Districting Commission, hereinafter "Commission," for the purposes of recommending to the City Council the Council districts by which Councilmembers shall be elected, and periodically recommending to the City Council adjustments to the boundaries of such Council districts.*

2. *The first Commission established under this Section shall recommend, and the City Council shall approve, a Districting Plan establishing four (4) Council districts in a timely manner, but no later than February 1, 2016, for use in the 2016 general municipal election. Thereafter, future Commissions shall recommend, and the City Council shall approve, a Districting Plan for adjusting the boundaries of the four (4) Council districts within one (1) year of receipt by the City of the final Federal Decennial Census information for use commencing with the next scheduled general municipal election occurring at least three (3) months after adoption of the Final Districting Plan. As used in this Section, the term "Federal Decennial Census" shall mean the national decennial census that is taken under the direction of the United States Congress at the beginning of each decade.*

3. *One or more, as necessary, independent consultants experienced and competent in the skills necessary for the districting work shall be utilized to assist the Commission in developing the Districting Plans detailed in this Section.*

B. Ordinances Implementing Districting Commission Powers and Duties; Appropriations to Support Districting Commission

1. *The City Council shall adopt such ordinances as are necessary to provide for and support the Commission, and to ensure timely selection of Commission members and full implementation of the Commission's powers and duties under this Section.*

2. *The City Council shall ensure, through the budget process, the appropriation of funds sufficient to allow the Commission to carry out its powers and duties under this Section.*

C. Eligibility to Serve on the Commission.

1. *Only persons who are both residents and registered voters of the City or territory annexed to the City are eligible to apply for and serve on the Commission.*

2. *Notwithstanding that they may be a resident and registered voter of the City or territory annexed to the City, the following persons are ineligible to apply for and serve on the Commission:*

a. *the Mayor, a Councilmember, any other elected City official, or a member of the City Charter Review Commission;*

b. *a relative by blood or marriage within the second degree, or any domestic partner within the meaning of California law (including Family Code section 297), of the Mayor, any Councilmember, or any other elected City official;*

c. *a person who, at anytime within the four (4) years immediately preceding the date of their application for selection to the Commission, has served as the Mayor, a Councilmember, or an elected City official;*

d. *a current employee of the City or a current employee of any organization representing any employee bargaining unit for employees of the City;*

e. *a person who, at anytime within the four (4) years immediately preceding the date of their application for selection to the Commission, has worked as a lobbyist. For purposes of this provision, the term "lobbyist" means a person who, for compensation, has direct communication with a City official, including the Mayor, a Councilmember, or any elected City official, for purposes of influencing a municipal decision;*

f. *a person who is currently an officer in any local political party organization, including, but not limited to, officers of a political party county central committee; and*

g. *a person who, at anytime within the four (4) years immediately preceding the date of their application for selection to the Commission, has served as a paid campaign worker or paid campaign or political consultant for an elected City official.*

D. *Selection of Commission Members; Filling of Vacancies*

1. *The City Charter Review Commission shall review and verify the information contained in the applications submitted by persons interested in serving on the Commission, including applicants' eligibility to serve on the Commission under Subdivision C of this Section. From the reviewed and verified applications, the City Charter Review Commission shall select ten (10) persons to constitute the pool of eligible applicants for purposes of this Subdivision.*

2. *Four (4) Commission Members shall be randomly selected from the pool of eligible applicants;*

3. *Three (3) Commission Members shall be selected by the randomly selected Commission Members from the pool of eligible applicants, subject to approval by the City Council. The goal of such selections shall be to ensure that, to the extent possible and as permitted by law, the Commission includes:*

a. *women and men who reflect the racial, ethnic, and geographic diversity of the City;*

b. *persons who have relevant knowledge and/or demonstrated analytical abilities that would allow the Commission to carry out its responsibilities with a high degree of competence;*

c. *persons who have demonstrated the ability to serve impartially in a nonpartisan role;*

d. *persons who have experience in the areas of public communication and/or public outreach in the City; and*

e. *persons who have experience in civic and/or volunteer activities in the City.*

The City Council shall approve nominees for selection to the Commission unless the City Council finds by at least four (4) affirmative votes that the approval of one or more of the nominees would be inconsistent with this goal. In such case, the City Council shall approve for selection to the Commission one or more persons from the remaining pool of eligible applicants.

4. *In the event that not enough eligible persons apply for the Commission to allow selection in the manner provided in Paragraphs 1, 2, or 3 of this Subdivision, the City Council shall appoint persons as necessary to fill all seven (7) seats on the Commission. Such appointments shall be consistent with the eligibility restrictions in Subdivision C of this Section and the goals described in Paragraph 3 of this Subdivision.*

5. *The Members of the first Commission provided for in this Section shall be determined no later than May 1, 2015. Thereafter, the Members of subsequent Commissions shall be determined no later than May 1 of each year following the year in which the Federal Decennial Census is taken.*

6. *Vacancies on the Commission, from whatever cause arising, shall if possible be filled using the same process described in Paragraph 3 of this Subdivision, and if not possible, then by the City Council consistent with the eligibility restrictions in Subdivision C of this Section and the goals described in Paragraph 3 of this Subdivision. A vacancy on the Commission shall be declared for the same reasons described in Article VI, Section 602(c) of this Charter. Vacancies on the Commission shall be filled within 45 days of the date upon which the vacancy existed.*

E. Commission Member Compensation; Restriction on Commission Members Seeking Election to City Council

1. *Commission Members shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.*

2. *A person who serves as a Commission Member is ineligible to serve on, and shall not seek election to, the City Council in any district whose boundaries were drawn or adjusted by the Commission on which such person served for a period of four (4) years immediately following the end of the person's service on the Commission.*

F. Districting Criteria.

The Commission and City Council shall adhere to the following criteria in considering and approving or disapproving any Districting Plan:

1. *District shall have reasonably equal populations as required by the Federal and State constitutions.*

2. *District boundaries shall be geographically compact and contiguous.*

3. *District boundaries shall follow visible natural and man-made features, street lines and/or City boundary lines whenever possible.*

4. *District boundaries shall respect communities of interest to the extent practicable. A community of interest is defined as a geographic area comprised of residents who share similar interests including, but not limited to, social, cultural, ethnic, geographic or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.*

5. *District boundaries shall be drawn without regard for advantage or disadvantage to incumbents or challengers.*

6. *District boundaries shall be drawn without regard for advantage or disadvantage to any political party.*

G. Procedures for Creation of Draft and Recommended Districting Plans.

The Commission and City shall abide by the following procedure in any districting process:

1. *The Commission and City should actively encourage City residents to participate in the districting process. Such efforts should include, but not be limited to, encouraging City residents to attend Commission meetings, provide public comments to the Commission, and facilitating the submission of districting plans for consideration by the*

Commission. To the extent practicable, Commission meetings should be held in different geographic areas of the City so as to facilitate participation by persons residing in different areas of the City.

2. The Commission shall approve a Draft Districting Plan based on application of the districting criteria specified in Subdivision F of this Section and consideration of all public comments submitted to it. Approval of a Draft Districting Plan shall require the affirmative vote of at least five (5) Commission members. The Commission shall hold at least two (2) public meetings prior to approving a Draft Districting Plan.

3. A Draft Districting Plan approved by the Commission shall be made publicly available for at least thirty (30) days before the Commission may take any action to approve a Recommended Districting Plan. The Commission shall hold at least two (2) public meetings between the release of a Draft Districting Plan and approval of a Recommended Districting Plan; provided, however, that the first such public meeting shall not be held sooner than seven (7) days following the release of a Draft Districting Plan.

4. The Commission shall thereafter approve a Recommended Districting Plan for consideration by the City Council. Approval of a Recommended Districting Plan shall require the affirmative vote of at least five (5) Commission Members.

5. For each Recommended Districting Plan prepared by the Commission and submitted to the City Council, the Commission shall prepare a report that describes the process, criteria, and evidence used by the Commission to prepare the Recommended Districting Plan. Such a report shall accompany any Recommended Districting Plan submitted by the Commission to the City Council.

H. City Council Consideration of Recommended Districting Plan; Approval of Final Districting Plan.

1. The City Council shall hold at least one (1) public hearing on the Recommended Districting Plan of the Commission before the City Council takes any action to approve or disapprove the Recommended Districting Plan.

2. The Recommended Districting Plan shall be made publicly available for at least fourteen (14) days before any vote by the City Council to approve or disapprove a Recommended Districting Plan.

3. The City Council shall not alter the Recommended Districting Plan. Rather, the City Council shall approve or disapprove the Recommended Districting Plan in its entirety.

4. If the City Council approves a Recommended Districting Plan it shall immediately become the Final Districting Plan which shall be implemented by the City.

5. If the City Council disapproves a Recommended Districting Plan, the City Council shall immediately state in writing to the Commission the reasons for such

disapproval, including any deviations by the Commission from the districting criteria specified in Subdivision F of this Section. Thereafter, the Commission shall consider the City Council's stated reasons for disapproval and may consider and approve alterations to the Recommended Districting Plan in response to those reasons. After such consideration, the Commission shall submit its Final Districting Plan to the City Council for immediate implementation by the City. Approval of such Final Districting Plan shall require the affirmative vote of five (5) Commission Members.

I. Referendum or Legal Challenge to Final Districting Plan.

1. Any Final Districting Plan approved under this Section shall be subject to the referendum provisions of this Charter. If a referendum qualifies against the Final Districting Plan approved by the first Commission established under this Section, the City shall continue to elect Councilmembers at-large until an election on the referendum is held. If a referendum qualifies against any Final Districting Plan approved by a subsequent Commission, the City shall continue to elect Councilmembers by district elections as provided in Section 300 using existing Council districts until an election on the referendum is held. In either event, if the voters approve such a Final Districting Plan, the Council districts established in the Final Districting Plan shall become effective as soon as practicable. If the voters reject such a Final Districting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Districting Plan for consideration and approval by the City Council consistent with the process described in Subdivision G of this Section.

2. If a court of competent jurisdiction invalidates a Final Districting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Districting Plan for consideration and approval by the City Council consistent with the process described in Subdivision G of this Section.

J. Dissolution of Districting Commission

Each Commission established under this Section shall cease operations and dissolve on the ninety-first day following approval of a Final Districting Plan, unless a referendum against the Final Districting Plan has qualified or a lawsuit has been filed to enjoin or invalidate the Final Districting Plan, in which case the Commission shall continue operations until a Final Districting Plan is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a Final Districting Plan is filed later than the ninety-first day following approval of a Final Districting Plan, the Commission shall automatically revive and continue operations during the pendency of such lawsuit and until a Final Districting Plan is implemented by the City.

K. Transition from At-Large Elections

1. A period of transition from at-large elections to the by-district elections described in Section 300 will occur from the time of approval of a plan to establish Council districts to the

time that the first by-district elections are held for each Council district. For this transition period, each Councilmember who currently holds a Council seat will be designated as the incumbent Councilmember representing the Council district with the same numerical designation in the first districting plan approved and implemented by the City Council, whether or not that Councilmember resides in that Council district. For example, the Councilmember occupying the previously-designated Council seat one (1) will be designated the incumbent Councilmember for new Council district one (1) whether or not that Councilmember resides in Council district one (1). Each of the Councilmembers occupying office at the time of the effective date of this Section shall be so designated.

2. Council districts one (1) and (2) shall transition to the by-district elections described in Section 300 of this Charter beginning with the general municipal election in 2018. Council districts three (3) and four (4) shall transition to the by-district elections described in Section 300 beginning with the general municipal election in 2016. Notwithstanding the designation of incumbent Councilmembers for purposes of the transition period described in Paragraph 1 of this Section, no person shall be eligible to seek election to a newly created Council district in any by-district election unless such person is eligible to seek election under Subdivisions A and C of Section 300 of this Charter. For purposes of the transition period, prior service by an incumbent Councilmember in office at the time of the effective date of this Section shall count for purposes of determining that Councilmember's eligibility under Subdivision C of Section 300 of this Charter to run for election in one of the newly created Council districts. Thus, a designated incumbent Councilmember of a newly created Council district during the transition period may not be nominated for or elected in a by-district election for that Council district unless (1) he or she is a resident of that Council district at the time nomination papers are filed and (2) more than one (1) year has elapsed since the termination of the second consecutive term in the office of City Councilmember for which he or she was previously elected or appointed.

Section 303. Vacancies

C. Unanticipated Vacancies.

2. If a vacancy declared by the Council occurs with more than one (1) year remaining in the term from the date of said declaration, the Council shall call a special election to be held on the next established election date, as specified in the Elections Code of the State of California, or within 120 days from the declaration of vacancy, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy. If there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy, the Council may consolidate the special election with that election, as provided by the Elections Code.

- a. ~~If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the vacant office.~~ *In the special election, the voters in the district for which a vacancy shall be filled shall be entitled to vote for one (1) candidate from the district; the two (2) candidates for Councilmember in the district receiving the highest and second highest number of votes cast by the voters of the district shall be the candidates in a special run-off election, as provided in subparagraph b., below. Ties among candidates shall be resolved in the manner provided in Section 300.A.3.*
- b. If no candidate receives a majority of votes cast in the special election, *to fill a vacancy*, a special run-off election shall be held *in the district in which the vacancy exists*, on the next established election date, as specified in the Elections Code, or within 120 days following the certification of the special election results, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days following the certification of the special election results, at which time the Council may consolidate the special run-off election with that election, as provided by the Elections Code. The two (2) candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant Council seat and the name of only those two (2) candidates shall be printed on the ballot for that seat.
- c. *A vacancy in the office of Mayor shall be filled in the same manner as provided in subparagraphs a., and b., above, except that the voters of the City at-large shall be entitled to vote.*

Section 503. City Attorney; Election, Powers and Duties.

(c) Election; Compensation of City Attorney. The City Attorney shall be nominated and elected in the same manner and at the same election as ~~a member of the City Council~~ *the Mayor*, except as otherwise provided in this section. The annual salary of the elected City Attorney shall be equivalent to the salary of a Judge of the Superior Court of the State of California. The City Attorney shall also receive reimbursement on the order of the Council for Council-authorized travel and other expenses when on official duty out of the City. The City Council may also provide, by resolution, for the payment of an allowance of a sum certain per month, as reimbursement for the additional demands and expenses made upon and incurred by the City Attorney. The City Attorney's salary may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all City officers and employees in the same amount or proportion. In addition, the City Attorney shall be entitled to such benefits as are granted to other management employees of the City, as established by the City Council from time to time. The City Attorney shall be in the Unclassified Service.

(f) Vacancy, Filling of. Upon the declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council; provided, that if the Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, or if the unexpired term of the City Attorney shall exceed 24 months at the time of the appointment, the City Council shall cause a special election to be held to fill such vacancy, *as provided in Section 303.C.2*. An appointee or the person elected to the Office Section 503 of City Attorney for the balance of an unexpired term shall hold office until the next general election for the Office of the City Attorney.

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 > " spec. elect.]

Special Election
rules same

Certified and Authenticated by:

Cheryl Cox, Mayor

Donna R. Norris, City Clerk

Attested by:

Donna R. Norris, City Clerk