

Ordinance No. _____

ORDINANCE OF THE CITY OF CHULA VISTA
ADDING CHULA VISTA MUNICIPAL CODE
CHAPTER 2.51 - "DISTRICTING COMMISSION"
(FIRST READING)

WHEREAS, the City Charter was amended in 2012 to provide for election of City Council members by district; and

WHEREAS, Section 300.5.A. of the amended Charter establishes the Districting Commission, which is responsible for recommending to the City Council the Council districts by which Council members shall be elected; and

WHEREAS, Section 300.5.B. of the amended Charter provides that the City Council shall adopt ordinances, as necessary, to provide for and support the Districting Commission, ensure timely selection of its members and implement its powers; and

WHEREAS, the City staff recommends that the Districting Commission members be seated by July 2014 and has prepared a draft ordinance to add Chapter 2.51 to the Chula Vista Municipal Code, establishing rules and procedures for the Districting Commission.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. That Chapter 2.51 is hereby added to the Chula Vista Municipal Code, to read as follows:

Chapter 2.51
DISTRICTING COMMISSION

Sections:

2.51.010 Creation.

2.51.020 Purpose and Intent.

2.51.030 Governing Law in Event of Conflict.

2.51.040 Functions and Duties.

2.51.050 Membership.

2.51.060 Appointment and Removal of Commission Members.

2.51.070 Membership Term.

2.51.080 Meetings.

2.51.090 Budget.

2.51.010 Creation

The Districting Commission was created by City Charter Section 300.5. The provisions of Sections 300.5, 602(c) and 604 of the City Charter, and the general rules governing

boards and commissions set forth in Chapter [2.25](#) CVMC, shall govern the Districting Commission, except as specifically provided below.

2.51.020 Purpose and Intent

The purpose of this chapter is to supplement City Charter Section 300.5, which establishes the Districting Commission and sets forth its powers and duties.

2.51.030 Governing Law in Event of Conflict

If there is any conflict between this chapter and the Charter, the Charter shall govern. If there is any conflict between this chapter and CVMC Chapter 2.25, this chapter shall govern.

2.51.040 Functions and Duties

The Districting Commission shall hold the powers, and perform the duties, enumerated in City Charter Section 300.5, and shall:

A. Perform other duties and powers as the City Council may, by ordinance, confer upon the Commission in order to carry out the Commission's purpose of recommending to the City Council the Council districts by which City Councilmembers shall be elected, and periodically recommending to the City Council adjustments to the boundaries of those districts.

B. Make recommendations to the City Council and consult with City staff.

C. Conduct itself in an open and transparent manner, including comply with the Brown Act, engage public participation to the extent reasonably possible during the districting process, and remain free from legislative influence.

Notwithstanding the foregoing, the Districting Commission shall not have the independent authority to direct the conduct of any City employee.

2.51.050 Membership

A. In accordance with City Charter Section 300.5, the Districting Commission shall consist of seven members, selected and appointed in the manner provided for in that Section.

B. The members of the first Districting Commission shall be appointed as soon as practicable, with goals of having the Districting Commission members determined by July 2014, and City Council approval of the initial Final Districting Plan by June 30, 2015.

2.51.060 Appointment and Removal of Commission Members

Notwithstanding CVMC section 2.25.050, the following rules and procedures for member appointment and removal shall apply to the Districting Commission:

A. Any person desiring to serve on the Districting Commission shall apply by submitting an application to the City Clerk during the applicable application submittal period. The application shall be on a form prepared by the City Clerk and approved by the City Attorney.

B. The City Clerk shall conduct a prima facie review of each submitted application for completeness. If the City Clerk deems an application to be incomplete, the City Clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications; all applications must be submitted to the City Clerk by the close of the application submittal period in order to be considered.

C. Upon close of the application submittal period, the City Clerk shall review all applications submitted and determine the number of complete applications. If the City Clerk determines that less than 10 complete applications have been submitted, the City Clerk shall extend the application period, if legally permissible and if doing so will not interfere with applicable deadlines. The City Clerk extended application period shall be no more than one-half the length of the initial application period.

D. Once all application submittal periods have closed, the City Clerk shall forward all complete applications to the Charter Review Commission. Before doing so, the City Clerk shall redact the applicants' personal contact information, including address, phone numbers and e-mail addresses, as permitted by law, and shall note on each application the zip code and general area of residence, by quadrant if feasible, for each applicant. Incomplete applications shall not be forwarded to the Charter Review Commission for consideration.

E. The Charter Review Commission shall consider the forwarded applications at an open meeting to consider the ten most qualified applicants, pursuant to Charter Section 300.5.D.1. In making the determination, pursuant to Charter section 300.5.D.3.a. through e., the Charter Review Commission shall consider the applicants':

1. Geographic diversity;
2. Relevant knowledge and/or demonstrated analytical abilities that would allow the Districting Commission to carry out its responsibilities with a high degree of competence;
3. Demonstrated ability to serve impartially in a non-partisan role;
4. Experience in the areas of public communication and/or public outreach in the City; and
5. Experience in civic and/or volunteer activities in the City.

In addition, to the extent possible and as permitted by law, the Charter Review Commission shall consider available information which would assist them in creating an applicant pool of men and women who are reflective of the City's racial and ethnic diversity, in accordance with Charter section 300.5.D.3.a. The Charter Review Commission shall not use formulas or specific ratios in identifying which applicants will be included in the pool of ten.

F. The Charter Review Commission shall then oversee a process whereby four applicants are selected, at random, from the pool of ten applicants chosen pursuant to subsection E., above. The City Clerk, or his or her designee from the City Clerk's office, shall assist the Commission in the random selection by selecting four applicants by lot.

G. The four randomly-selected applicants shall be sworn-in by the City Clerk and shall constitute the first four members of the Districting Commission.

H. The members of the Charter Review Commission shall not communicate with any member of the City Council, or their representatives, about any matter related to the nomination process or the applicants, prior to the swearing-in of the four members.

I. Once the first four members of a Districting Commission are appointed, they shall be provided with the remaining six redacted applications. In accordance with Charter section 300.5.D.3., the initial four members of the Districting Commission shall consider the remaining forwarded applications at an open meeting to select three additional members. The Districting Commission shall select the most qualified applicants, In doing so, the Charter Review Commission shall consider the applicants':

1. Geographic diversity;
2. Relevant knowledge and/or demonstrated analytical abilities that would allow the Districting Commission to carry out its responsibilities with a high degree of competence;
3. Demonstrated ability to serve impartially in a non-partisan role;
4. Experience in the areas of public communication and/or public outreach in the City; and
5. Experience in civic and/or volunteer activities in the City.

In addition, to the extent possible and as permitted by law, the Districting Commission shall consider available information which would assist it in meeting the goal of ensuring that the Districting Commission consists of men and women who reflective of the City's racial, ethnic and gender diversity, in accordance with Charter section 300.5.D.3.a. The Districting Commission shall not use formulas or specific ratios in identifying which applicants will be selected. The selection of each member shall require at least three affirmative votes of the Districting Commission.

J. The members of the Districting Commission shall not communicate with any member of the City Council, or their representatives, about any matter related to the nomination process, or the applicants, prior to the presentation of the three applicants to the City Council for approval.

K. The three applicants selected by the first four members of the Districting Commission shall be appointed, unless the City Council finds by at least four affirmative votes that the approval of one or more of the nominees would be inconsistent with the goals enumerated in 300.5.D.3.

L. If, pursuant to Charter section 300.5.D.3., the Council must approve one or more additional applicants, in lieu of those submitted to it for approval, it shall do so at its next City Council meeting, after reviewing the remaining applications.

M. Members of the Districting Commission may be removed for cause in accordance with CVMC 2.25.110.

2.51.070 Terms

A. Notwithstanding CVMC sections 2.25.070-090, members of each Districting Commission shall serve from the time they are appointed until Dissolution of the Districting Commission, pursuant to Charter Section 300.5.J.

B. Vacancies on a Districting Commission shall be handled in accordance with Charter section 300.5.D.6. and CVMC sections 2.25.100.A., and B.

2.51.080 Meetings

Notwithstanding CVMC Section 2.25.200.A., each Districting Commission shall establish its regular meeting day, time and location by written resolution, in accordance with CVMC [2.25.200](#).

2.51.090 Budget

The City shall ensure that adequate funds are appropriated for the Districting Commission to carry out its duties, including the utilization of independent consultants pursuant to Charter section 300.5.A.3. The City Attorney, with input from the City Clerk, shall submit the appropriate budget requests to the Finance Director so that such requests can be included in the City Manager's proposed budget for the fiscal year during which the Districting Commission will be appointed.

2.51.100 Implementing Procedures

The City Clerk and City Attorney shall be authorized to create and implement administrative rules and procedures as necessary, consistent with this chapter and with the Charter, for the creation, establishment and management of the Districting Commission.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Glen R. Googins
City Attorney

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