

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
VARIOUS CHAPTERS OF TITLE 2 OF THE CHULA VISTA
MUNICIPAL CODE, RELATED TO REGULATIONS AND
PROCESSES APPLICABLE TO THE CITY'S BOARDS AND
COMMISSIONS

WHEREAS, in 2008, the Council adopted Ordinance 3111, which added Chula Vista Municipal Code chapter 2.25, General Rules for Boards and Commissions, and consolidated prior rules and regulations that had been contained in the Municipal Code, City Charter, Council policies, and City Council minutes; and

WHEREAS, in 2011, the Council adopted Ordinances 3211, 3212, and 3213 to remove additional redundant and inconsistent rules from each of the chapters of the Municipal Code, codify rules for the City's charter-created boards and commissions, and update established meeting schedules; and

WHEREAS, further revisions to the rules governing operating procedures and appointment processes for the City's boards and commissions are necessary in response to referrals from the City Council, as well as a desire to streamline processes and further reduce redundancies and inconsistencies among state law, the City's Municipal Code and Charter, and resolutions adopted by individual boards and commissions.

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

Section I. Various chapters of Title 2 of the Chula Vista Municipal Code are hereby amended as follows:

[Chapters in Title 2 that are not specifically listed below remain unchanged.]

Chapter 2.25 - GENERAL RULES FOR BOARDS AND COMMISSIONS

[Section 2.25.010 remains unchanged.]

2.25.020 Definitions.

For purposes of this chapter, the following words are defined:

“Boards and commissions” include boards, commissions, and committees established by the Chula Vista Charter or ordinance.

“Brown Act” means the Ralph M. Brown Act, Government Code Section 54950 et seq., commonly referred to as the Brown Act or the California Open Meeting Law.

“Entire voting membership” or “entire membership” means those individuals who have been appointed to, have been sworn in to serve on, have not been removed from, have not vacated

their seat on, and who are eligible and entitled to vote as members of a board or commission. It does not include ex officio members and does not include any seat specified in the Charter provision or ordinance creating the board or commission that is unfilled due to a vacancy, pursuant to section 2.25.105. Notwithstanding the foregoing, at least one-half of the seats specified in the Charter provision or ordinance creating the board or commission must be filled in order for the board or commission to act. For example, if a seven-member board has two vacancies, the remaining five members constitute the “entire membership.” Accordingly, an action that requires a majority vote could be taken if at least three of the board members vote in its favor. The City Council intends that this definition clarify the term “entire membership” as used in Section 603 of the City Charter.

“Ex officio members” means the individuals who are appointed by the City Council to serve in an advisory capacity on a board or commission, but who are not entitled to vote or to make motions. “Ex officio members” do not include City staff who provide information to or sit with a board or commission.

“Interview” means the process by which applicants are given an opportunity to present themselves to the City Council, or other interview panel, and the City Council or other panel questions and evaluates the applicants. Should an applicant be unable to attend an interview, the Council or panel may elect to consider a letter of interest or interview by other means, such as telephone or video conference, in lieu of an in-person meeting.

“Member” means an individual who has been appointed to, has been sworn in to serve on, has not been removed from, and who has not vacated his or her seat on a board or commission. “Members” includes voting members and ex officio members.

“Registered voter” means an individual who is registered to vote in City of Chula Vista elections.

“Voting member” means an individual appointed by the City Council who is entitled to vote and make motions in his or her capacity as a member of a board or commission.

2.25.030 Membership – Qualifications and eligibility

Member qualifications and eligibility shall be in accordance with Chula Vista Charter section 602 and this section:

A. An individual is eligible to serve on only one board or commission at a time, unless the member is filling a seat on another board or commission that was specifically created to represent the board or commission to which he or she was originally appointed.

B. A paid officer or employee of the City is not eligible to be appointed to or to serve on a board or commission.

C. A member is ineligible to be appointed to another board or commission during the first twelve months of his or her term; this prohibition does not apply to appointments to serve as a representative member on another board or commission, pursuant to subsection A., above.

D. The City Council may appoint ex officio members to any board or commission because of particular background or experience that the City Council deems will assist a particular board or commission in handling a discrete set of issues. Ex officio members are not required to be

registered voters and are subject to term limits as described in the Charter and CVMC 2.25.080 and 2.25.100. Ex officio members are not entitled to vote or to make motions.

[Section 2.25.040 is deleted in its entirety.]

2.25.050 Membership – Applications – Interview, nomination and appointment process.

A. The City Clerk shall maintain applications for prospective membership on boards and commissions for a period of one year from the date of application. The application shall provide a place for an individual to state the reasons he or she seeks appointment to a particular board or commission and his or her qualifications for service on a particular board or commission.

B. An individual who has submitted an application for appointment as a voting or ex officio member of any board or commission may be interviewed as part of the nomination and selection process.

C. When a vacancy occurs on a board or commission, the City Clerk shall forward applications received for the vacant position to the Mayor, who shall review the forwarded applications, select applicants to be interviewed, interview selected applicants, and make nominations for appointment, subject to the City Council's approval, for all boards and commissions except for the Board of Ethics, Civil Service Commission, Cultural Arts Commission, Growth Management Oversight Commission, Mobilehome Rent Review Commission, Planning Commission, and Parks and Recreation Commission.

D. The Mayor shall forward applications for membership on the Board of Ethics to a panel consisting of at least two city managers rotated from cities in San Diego County, excluding Chula Vista. The panel shall review the applications, interview applicants, and recommend one applicant for each available seat to the City Council for appointment.

E. If a vacancy occurs on any board or commission within one year of interviews being conducted for that board or commission, interviews are not required if all of the following criteria are met: 1) the vacancy was properly noticed and new applications solicited; 2) no new, qualified applications were received; 3) one or more qualified applicants from the original interviews remain eligible and interested in being appointed; and 4) the appointment process for the board or commission does not specifically prohibit this subsection.

F. Vacancies on the Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two seats on the Civil Service Commission whose members are appointed by the City Council directly shall be appointed in accordance with Chapter 2.53 CVMC.

G. The nomination and appointment process for the three remaining Civil Service Commission seats that are not appointed by the City Council directly shall be conducted in accordance with Charter Section 609 and CVMC 2.43.050.

H. The nomination and appointment process for the Mobilehome Rent Review Commission shall be conducted in accordance with Chapter 2.31 CVMC and this subsection.

1. The Mayor shall review applications for all ex officio members and one voting member, select applicants to be interviewed for those positions, interview selected applicants, make

nominations for appointment subject to the City Council's approval, and schedule a vote on the nominations on the next available Council meeting's agenda.

2. The four remaining voting positions are tied to a particular Council seat. When a vacancy occurs in one of the four positions, the City Clerk shall forward applications to the Councilmember filling the corresponding Council seat. The Councilmember shall review the applications, select applicants to be interviewed, and Interview selected applicants. The Councilmember shall then nominate an applicant for appointment to the available position and request that the nomination be scheduled for vote on the next available Council meeting's agenda.

I. The nomination and appointment process for the Cultural Arts Commission shall be conducted in accordance with Chapter 2.33.040 and this subsection.

1. The Cultural Arts Commission may recommend guidelines to be used during the application and appointment processes, which may include relevant questions to be included on the application, a checklist of qualifications, and definitions of terms referenced in Section 2.33.040, related to the qualifications of members.

2. When a vacancy occurs on the Cultural Arts Commission, the City Clerk shall forward applications received for the vacant position to the Mayor and Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.

3. Throughout the review of applications, selection of applicants to be interviewed and Interviews of selected applicants, the Mayor shall consider guidelines developed by the Cultural Arts Commission, as well as recommendations for interviews or appointments that may be made by the Cultural Arts Commission, City Councilmembers, and the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.

4. The Mayor shall review the forwarded applications and select applicants to be interviewed. The Mayor shall Interview selected applicants and provide the opportunity for the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission to attend and assist with the Interviews. The Mayor shall make nominations for appointment, subject to the City Council's approval.

J. Members of each board and commission shall be appointed by at least three affirmative votes of the City Council.

2.25.055 Membership – Reappointment process.

A. In the year of the expiration of a member's term, unless otherwise requested by the nominating authority for the particular board or commission seat, the City Clerk shall schedule the reappointments for eligible and interested members at a meeting of the City Council in July, or as soon as practicable thereafter, for all boards and commissions.

B. Prior to reappointment, if a majority of the City Council so desires, the Mayor and City Council may Interview interested and eligible members of the following commissions who will have served more than one year as of the date of their term expiration: Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two members of the Civil Service Commission who are appointed by the City Council directly.

Following the interviews, the Mayor and City Council shall vote whether or not to reappoint the incumbents.

C. Regardless of the applicable reappointment process, each member of a board or commission shall be reappointed by at least three affirmative votes of the City Council. When an incumbent is not reappointed, the seat shall be filled using the applicable appointment process.

[Section 2.25.060 remains unchanged.]

[Section 2.25.070 is deleted in its entirety.]

2.25.080 Membership – Terms – Standard term of office – Holdover office.

A. The standard term of office for board and commission members is four years. The standard term begins July 1st and ends June 30th four years later.

B. At the end of any voting member's term, he or she shall be permitted to continue to exercise the privileges of his or her former office until the office is filled by the appointment of a qualified successor.

[Section 2.25.090 is deleted in its entirety.]

2.25.100 Membership – Terms – Filling unexpired terms.

Member terms shall be in accordance with Chula Vista Charter section 602 and this section:

A. A voting member who currently sits on a particular board or commission may not be appointed to fill the unexpired term of another voting member's vacated seat on that same board or commission. An individual who currently sits as an ex officio member of a board or commission may be appointed to fill the unexpired term of a voting member's vacated seat on the same board or commission if the ex officio member meets the eligibility criteria for voting membership. The appointment process shall be the same as provided for in CVMC 2.25.050.

B. For purposes of determining whether the unexpired term of a vacated seat is less than, more than, or equals two years, the starting date of the unexpired term shall be the date the new appointee takes the oath of office, and the end date of the unexpired term shall be the expiration date of the vacating member's term of office.

2.25.105 Membership – Vacancies.

A. Vacancies mandated by the City Charter. If the City Clerk determines that a vacancy has occurred pursuant to Charter Section 602(c), the Clerk shall agendize the matter for City Council action. Between the occurrence of vacancy and the Council declaration of vacancy, the member shall be unable to continue serving as a board or commission member and shall have no duties of the office. The vacancy shall be effective on the date the Council declares the office vacant.

B. City employee. If a member becomes a paid employee of the City, the member's status as a board or commission member shall automatically terminate. The effective date of vacancy shall be the date of hire.

C. Member no longer qualified. If a member loses the status or classification that qualified the individual for his or her seat on a particular board or commission, unless otherwise provided in the board or commission membership rules, the City Clerk shall schedule the declaration of vacancy on an agenda of the City Council as soon as practicable after being informed of a qualifying circumstance. The vacancy shall be effective on the date the Council declares the office vacant.

D. Removal for cause.

1. A member may be removed for cause by three affirmative votes of the City Council.
2. A member may be removed for cause for the following reasons:
 - a. Absence from more than 50 percent of the meetings of the board or commission in one fiscal year, whether or not excused by a majority vote of its members;
 - b. Unavailability or conduct which interferes with the board or commission's ability to conduct business;
 - c. Failure to attend training sessions mandated by the City;
 - d. Violation of any City policies or City, state or federal regulations that are the subject of mandatory training sessions; or
 - e. Violation of the City's code of ethics, which shall be processed in accordance with Chapter 2.28.
3. A Council subcommittee comprised of the Mayor and Deputy Mayor shall monitor attendance and training records submitted pursuant to CVMC 2.25.120 and reports of situations described in subsections (2)(b) through (d), above. The subcommittee may make recommendations to the full Council for a vote on the removal of a member for cause.
4. Prior to the subcommittee making a recommendation to the full Council for a vote on the removal of a member for cause, the member shall be notified and be provided a reasonable opportunity to submit an explanation for the subcommittee and Council's consideration.
5. Should the Council vote affirmatively to remove the member for cause, the vacancy shall be effective on the date of the Council's action.

E. Resignation. A member may resign by providing notice to the Chair, City staff, or the City Clerk. The resignation shall be effective on the date provided by the member, or, if no such date was provided, on the date the notice was given.

2.25.110 Attendance requirements – Excused absences

A. The City Council relies on advice of the City's boards and commissions that grows from discussions among appointed members. The City Council anticipates that members appointed to the City's boards and commissions will make every reasonable effort to attend all regular meetings of their respective boards or commissions, to attend special meetings, and to be prepared to discuss matters on their respective agendas.

B. The City Charter requires that any board or commission member who is absent from three consecutive, regular meetings will be deemed to have vacated his or her membership on the

particular board or commission, unless his or her absence is excused by a majority vote of the other members, as reflected in the official minutes of the board or commission.

C. Board and commission members, by a majority vote, may excuse a fellow board or commission member's absence from meetings for any of the following reasons:

1. Illness of the member, family member of the member, or personal friend of the member;
2. Business commitment of the member that interferes with the attendance of the member at a meeting;
3. Previously scheduled vacation of the member, notice of which was provided to the respective board or commission in advance of the meeting;
4. Attendance of the member at a funeral, religious service or ceremony, wedding, or other similarly significant event;
5. Unexpected, emergency situation that prohibits the member's attendance; or
6. Other reason for which the member has given notice to the secretary of his or her unavailability at least 7 days in advance of the meeting.

D. Members shall vote on excusing a member's absence from a regular meeting. The vote shall be reflected in the official minutes for the meeting at which the vote was taken. A member may vote to excuse his or her own absence.

E. The secretary of each board or commission shall notify the City Clerk if a voting member misses three regular, consecutive meetings of the board or commission without being excused by a majority vote of the board or commission as expressed in its official minutes. The City Clerk shall proceed according to CVMC 2.25.105(A).

2.25.120 Attendance and training reports required annually.

The secretary for each board and commission shall prepare an annual written report of attendance on a form developed by the City Clerk, which includes the percentages of absences of members for both regular and special meetings during the preceding fiscal year, the total number of meetings held by the board or commission, the number of meetings missed by each member for the preceding fiscal year, and each member's compliance with mandatory training as required by Section 2.25.160. The report shall be delivered to the City Clerk no later than June 30th of each year. The City Clerk shall forward the report to the Mayor and City Councilmembers.

[Sections 2.25.130, 2.25.140, and 2.25.150 remain unchanged.]

2.25.160 Mandatory training sessions.

A. Board and commission members are required to attend periodic training sessions on ethics laws as specified in California Government Code Section 53234 *et seq.* A member's failure to comply with this training requirement, may be a cause for removal from office, pursuant to Section 2.25.105.

B. Board and commission members may be required to attend periodic additional training sessions on the City's code of ethics, Brown Act requirements, sexual harassment laws and policies, and other laws or City policies as may be determined.

C. The secretary of each board or commission shall be responsible for notifying members in writing of dates, times and locations of training sessions.

[Sections 2.25.170, 2.25.180, and 2.25.190 remain unchanged.]

2.25.200 Operations – Regular meetings required – Special meetings allowed – Time and location to be established by resolution – Brown Act requirements.

A. Each board or commission shall establish the day, time and location for its regular meetings by written resolution, so long as such meetings comply with state and local laws, including applicable provisions of the municipal code. A board or commission may change its regular meeting day, time or location only by a written resolution.

B. When the day for any regular meeting of a board or commission falls on a City holiday, no meeting shall be held on such holiday.

C. In addition to regular meetings, boards and commissions are authorized to call and hold any special meetings they deem necessary.

D. As a general rule, boards and commissions shall hold their regular and special meetings at a City facility. Boards and commissions may hold their meetings from time to time in other locations within the City, as long as meetings are properly noticed.

E. All board and commission meetings shall be noticed and held in accordance with the requirements of the Brown Act.

[Section 2.25.205 remains unchanged.]

2.25.210 Operations – Agenda preparation and distribution.

A. Agendas must be prepared, distributed and posted for all meetings in accordance with Brown Act requirements.

B. Items may be placed on the agenda by the chair, by majority vote of the members, or by City staff. The secretary for each board or commission shall prepare meeting agendas in consultation with the chair.

C. The board or commission secretary shall forward agendas to the Mayor, City Council, and City staff designated to assist a particular board or commission.

[Section 2.25.220 remains unchanged.]

2.25.230 Operations – Minutes required – Form and content.

[Subsections 2.25.230 (A) and (B) remain unchanged.]

[Section 2.25.240 remains unchanged.]

2.25.250 Operations – Appointment of subcommittees.

A. Boards and commissions may appoint subcommittees that they deem appropriate to provide advice on any matter within the jurisdiction of the particular board or commission. Subcommittees shall be created, and shall conduct themselves, in accordance with the Brown Act.

B. The role of any subcommittee is to provide expertise and advice to its establishing board or commission. Subcommittees and subcommittee members shall not advise the City Council directly or speak on behalf of the board or commission without prior approval of a majority of the members of such board or commission.

2.25.260 Operations – Staff support.

A. Pursuant to City Charter Section 603, the City Manager shall appoint a staff person to serve as secretary to each board and commission. In addition to other duties specified in this chapter, the secretary is responsible for finalizing resolutions and performing other administrative duties, as necessary.

B. The City Manager may make available other staff and clerical support as requested by a board or commission to fulfill its functions and duties, provided such staff and clerical support are available.

C. Staff persons assigned to assist boards and commissions shall not be considered voting or ex officio members of those boards and commissions.

[Section 2.25.270 remains unchanged.]

2.25.280 Operations – Annual activity report required – Other reports and recommendations – Individual communications by members.

A. By June 30th of every year, each board and commission shall prepare and submit to the City Clerk a written report of its activities during the previous fiscal year. The City Clerk shall forward copies of each report to the City Council. The annual report shall also contain other specific information or findings required by the ordinance creating a particular board or commission.

B. In addition to the annual report, a board or commission may make other reports to the City Council, either orally or in writing, at a public session of the City Council. Minority reports, if any, shall be submitted in writing concurrent with the majority reports.

C. Boards and commissions shall forward proposals, suggestions, or recommendations to the City Council after formal board or commission action has been taken, within 10 working days of the meeting at which the action was taken. Board and commission policy positions should be formulated and stated in such a way as to ensure understanding by the public that the stated positions are not the official policy of the City until recommended to, and adopted by, the City Council.

D. Individual board or commission members may speak on behalf of their respective board or commission only after a vote of the particular board or commission. Individual members making recommendations or expressing views that have not been officially voted on by a majority of the

body shall indicate that they are expressing themselves as private citizens, not as representatives of their respective board or commission.

[Sections 2.25.290 and 2.25.300 are deleted in their entirety.]

Chapter 2.26 - BOARD OF APPEALS AND ADVISORS

[Section 2.26.010 remains unchanged.]

2.26.020 Purpose and intent.

It is the purpose and intent of the City Council in establishing the Board of Appeals and Advisors to create an advisory body to serve as a resource to advise and make recommendations to the City Council, the City Manager, the Building Official, and the Fire Chief on matters relating to building construction. The Board of Appeals and Advisors shall also, when appointed to do so by the City Manager or designee, act as an appellate body for persons affected by decisions of specified City Officers (as defined in section 2.26.030(D) of this chapter) arising out of the current California building codes as adopted and amended by the City. The Board of Appeals and Advisors shall be those appeal boards required by California Building Code section 1.8.8.2 and Health and Safety Code sections 17920.5 and 17920.6, unless otherwise agreed upon by the involved parties.

2.26.030 Functions and duties.

The function and duties of the Board of Appeals and Advisors shall be as follows:

- A. Create a forum for City-wide discussions, research, and analysis of critical issues of building construction.
- B. Where authorized by a building code adopted by the City, to investigate, to advise, and to act as an appellate body on decisions by City Officials as to the suitability of alternate materials or methods of construction.
- C. Conduct public hearings and recommend to the City Council the passage of new legislation pertaining to the design and construction of buildings.
- D. Act as an administrative appellate body, when assigned appeals by the City Manager, in lieu of the hearing officer described in Chapter 1.40 CVMC, to hear and decide appeals of orders, decisions, and determinations made by the City Manager, Code Enforcement Officer, Fire Chief, or Building Official (collectively "City Officers" for purposes of this chapter) relative to the application and interpretation of City-adopted building codes, as adopted and amended by Title 15 of this Code, governing use (including abatement and nuisances), maintenance, and the change of occupancy. Hearings of the Board shall be conducted in accordance with the procedures set forth in such building codes, particularly the Uniform Code for the Abatement of Dangerous Buildings, or the provisions of Chapters 1.30 and 1.40 CVMC. The decision of the Board shall be final.

2.26.040 Membership.

The Board of Appeals and Advisors shall consist of no less than three, but no more than five voting members, to be appointed in accordance with Article VI of the City Charter and Chapter 2.25 CVMC and shall be qualified by training and experience to pass on matters pertaining to building construction, including applicable building codes, regulations, and ordinances.

2.26.050 Meeting frequency.

The Board's meeting schedule shall include at least one regular meeting per year, at the day, time, and location established by written resolution of the Board. In addition, the Board may hold special meetings, as determined by the City Manager or designee, at the noticed time and location.

Chapter 2.28 - BOARD OF ETHICS

[All sections of Chapter 2.28 remain unchanged, except for Section 2.28.060, which is revised as follows.]

2.28.060 Meeting frequency, notice, and staffing.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission. The City Attorney or his or her appointed representative shall act as secretary to the board. The secretary shall cause notice of the meetings of the board to be kept and distributed. The secretary shall also give appropriate and required written notice of all meetings to all members and persons having business before the board.

Chapter 2.29 - CHARTER REVIEW COMMISSION

[All sections of Chapter 2.29 remain unchanged, except for Section 2.29.050, which is revised as follows.]

2.29.050 Meeting frequency and schedule.

A. Regular Meetings. The Commission's meeting schedule shall include at least one regular meeting per year, at the day, time, and location established by written resolution of the Commission. Additional meetings may be held as called by the chair or a majority of the Commission.

B. Pre-Election Meetings. The Commission shall meet no later than the first Wednesday of the seventh month preceding the next regularly scheduled municipal election, at which time the Commission shall assign duties to its members as may be necessary; and consider agenda issues for further deliberation and discussion by the Commission. If a pre-election meeting is the Commission's first meeting held during the City's fiscal year, it shall constitute a "regular meeting," as that term is used in CVMC 2.25.180.

Chapter 2.31 - MOBILEHOME RENT REVIEW COMMISSION

[All sections of Chapter 2.31 remain unchanged, except for Section 2.31.050, which is revised as follows.]

2.31.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per quarter, at the day, time, and location established by written resolution of the Commission.

Chapter 2.32 - SUSTAINABILITY COMMISSION*

[All sections of Chapter 2.32 remain unchanged, except for Section 2.32.070, which is revised as follows.]

2.32.070 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.33 - CULTURAL ARTS COMMISSION

[All sections of Chapter 2.33 remain unchanged, except for Section 2.33.030 and 2.33.050, which are revised as follows.]

2.33.030 Functions and duties.

The functions and duties of the Cultural Arts Commission shall be as follows:

- A. Encourage the preservation of Chula Vista's cultural heritage and the creation of an atmosphere – a Chula Vista image – in which our citizens could take pride and have increased stature.
- B. Help coordinate and marshal support for the arts.
- C. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.
- D. Formulate recommendations for a City arts program, including funding mechanisms, criteria for the selection and placement of public art, procedures for review plans, and guidelines to carry out a City arts program.
- E. Regularly assess, review and update recommended goals and long-range plans for the City; and regularly solicit public input on the arts.
- F. Encourage the development of arts and cultural programs for the youth of Chula Vista.
- G. Promote the creation of a cultural environment to attract visitors and economic development. The Commission, by having a definite focus and by demonstrating a high degree of commitment to the arts, can conduct strategic long-range planning to help reach these goals.

F. The Commission may develop guidelines for consideration during the application and appointment processes for new members, which may include relevant questions to be included on the application, recommended considerations when making an appointment, and definitions of terms referenced in Section 2.33.040, related to the qualifications of members.

2.33.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.35 - HOUSING ADVISORY COMMISSION

[All sections of Chapter 2.35 remain unchanged, except for Section 2.35.050, which is revised as follows.]

2.35.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per quarter, at the day, time, and location established by written resolution of the Commission.

Chapter 2.36 - HUMAN RELATIONS COMMISSION

[All sections of Chapter 2.36 remain unchanged. Section 2.36.060 is added as follows.]

2.36.060 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.37 - COMMISSION ON AGING

[All sections of Chapter 2.37 remain unchanged, except for Section 2.37.050, which is revised as follows.]

2.37.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting every two months, at the day, time, and location established by written resolution of the Commission.

Chapter 2.38 - INTERNATIONAL FRIENDSHIP COMMISSION

[All sections of Chapter 2.38 remain unchanged, except for Section 2.38.040, which is revised as follows.]

2.38.040 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.39 - VETERANS ADVISORY COMMISSION

[All sections of Chapter 2.39 remain unchanged, except for Section 2.39.050, which is revised as follows.]

2.39.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.40 - GROWTH MANAGEMENT OVERSIGHT COMMISSION

[All sections of Chapter 2.40 remain unchanged, except for Sections 2.40.040 and 2.40.050, which are revised as follows.]

2.40.040 Membership.

A. The Commission shall consist of nine voting members and up to three ex officio members to be appointed in accordance with Article VI, Chapter 2.25 CVMC, and this chapter.

B. The voting members shall be appointed as follows:

1. Four of the members shall be appointed based on the City Council district in which they reside. This classification of members shall be comprised of one resident from each of the four City Council districts. . Those members shall reside in their respective City Council districts at the time of their appointment and shall reside in their respective City Council districts for the duration of their membership on the Commission.
2. One member shall represent local educational interests.
3. One member shall represent development interests.
4. One member shall represent environmental interests.
5. One member shall represent business interests.
6. One member shall be a member of the Planning Commission.

2.40.050 Meeting frequency.

The Commission's meeting schedule shall include at least two regular meetings per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.41 - PARKS AND RECREATION COMMISSION

[All sections of Chapter 2.41 remain unchanged, except for Section 2.41.050, which is revised as follows.]

2.41.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting every two months, at the day, time, and location established by written resolution of the Commission.

Chapter 2.42 - PLANNING COMMISSION

[All sections of Chapter 2.42 remain unchanged, except for Section 2.42.040, which is revised as follows.]

2.42.040 Meeting frequency.

The Commission's meeting schedule shall include at least two regular meetings per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.43 - CIVIL SERVICE COMMISSION

[All sections of Chapter 2.43 remain unchanged, except for Section 2.43.040, which is revised as follows.]

2.43.040 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.44 - SAFETY COMMISSION

[All sections of Chapter 2.44 remain unchanged, except for Section 2.44.040, which is revised as follows.]

2.44.040 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.45 - BOARD OF LIBRARY TRUSTEES

[All sections of Chapter 2.45 remain unchanged, except for Section 2.45.050, which is revised as follows.]

2.45.050 Meeting frequency.

The Board's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Board.

Chapter 2.47 - HEALTHY CHULA VISTA ADVISORY COMMISSION

[All sections of Chapter 2.47 remain unchanged, except for Section 2.47.050, which is revised as follows.]

2.47.050 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.49 - HISTORIC PRESERVATION COMMISSION

[All sections of Chapter 2.49 remain unchanged, except that Sections 2.49.050 and 2.49.070 are deleted in their entirety and Section 2.49.080 is revised as follows.]

[Sections 2.49.050 and 2.49.070 are deleted in their entirety]

2.49.080 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.53 - APPOINTMENT PROCESS TO FILL VACANCIES ON THE CITY COUNCIL AND SPECIFIED COMMISSIONS

[All sections of Chapter 2.53 remain unchanged, except for Sections 2.53.030 and 2.53.050, which are revised as follows.]

2.53.030 Definitions.

A. "Application period" means the time frame during which applications are accepted for a particular vacancy (defined below). The application period for City Council vacancies is defined in CVMC 2.53.040(C). The application period for specified City commission vacancies is defined in CVMC 2.53.050(B). Once established, the application period will be posted on the City's website.

B. "Interview" means the process at a public meeting by which applicants are given an opportunity to present themselves to the City Council, and the City Council questions and evaluates the applicants. Should an applicant be unable to attend the scheduled interview, the Council may elect to consider a letter of interest or interview by other means, such as telephone or video conference, in lieu of an in-person meeting.

C. "Qualified application" means an application received within the application period with all of the required components. The application form shall be available through the City Clerk's office and will specify the required components for an application to be deemed a qualified application.

D. "Specified City commissions" means those City commissions specified in CVMC 2.25.050(E) as follows: Growth Management Oversight Commission, Planning Commission,

Parks and Recreation Commission, and the two seats on the Civil Service Commission whose members are appointed by the City Council directly.

E. Vacancy (or Vacancies). For specified City commission seats, “vacancy” is defined in accordance with CVMC 2.25.020(J). For City Council seats, “vacancy” is defined in accordance with Charter Section 303(A).

2.53.050 Specified City commission vacancy appointments.

The appointment process for filling vacancies on specified City commissions shall be consistent with the process for City Council appointments provided in CVMC 2.53.040, with the following exceptions:

A. In the event of a vacancy, the City Clerk will follow current organizational best practices to notify the public of the vacancy. Vacancies shall be noticed and filled in accordance with the requirements of Government Code Section 54970 et seq. (Maddy Act). The City Clerk will maintain applications received for prospective membership on specified City commissions for a period of one year from the date of application.

B. For vacancies that are noticed on the “local appointments list” as defined and in accordance with Government Code Section 54972, the application period shall commence on the day one year prior to the date of vacancy and end 30 days before the date of vacancy. In the event of an unscheduled vacancy, the application period shall commence on the day one year prior to the date of the notice of vacancy, in accordance with Government Code Section 54974, and end a minimum of 21 days after such notice, on a date specified and noticed by the City Clerk. In the event that fewer than three qualified applications are received during the application period, the application period may be extended by the City Clerk. Applications received after the established application period shall not be accepted. In the event that an applicant submits more than one qualified application for a vacancy during the application period, the last qualified application for the vacancy received by the City Clerk shall be deemed the applicant’s qualified application.

C. No later than 72 hours prior to the meeting scheduled for nominations or interviews, the City Clerk will provide the Mayor and each Councilmember with all qualified applications received within the application period. Such applications will be made available to the public at the same time.

D. Should four or fewer qualified applications be received by the City Clerk within the application period, the City Clerk may independently poll the City Councilmembers for their availability and subsequently set a date and time to hold interviews of all applicants who have submitted a qualified application during the specified application period.

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

Kerry K. Bigelow, MMC
City Clerk

Glen R. Googins
City Attorney