



# CITY COUNCIL AGENDA STATEMENT



June 9, 2020

File ID: 19-0384

## **TITLE**

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS CHAPTERS OF TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE TO REVISE BOARD AND COMMISSION APPOINTMENT PROCESSES, SPECIFY A PROCESS AND CONSOLIDATE RULES REGARDING MEMBER ASSIGNMENTS WHEN BOARD OR COMMISSION SEAT QUALIFICATIONS CHANGE, ADD PROVISIONS FOR BOARD AND COMMISSION REGULATIONS IN EMERGENCY SITUATIONS, AND MAKE MINOR CLARIFICATIONS TO RELATED REGULATIONS (FIRST READING)

## **RECOMMENDED ACTION**

Council place the ordinance on first reading.

## **SUMMARY**

Adoption of the ordinance would revise the appointment processes for specified board and commission seats in order to streamline the appointment processes, consolidate and better define rules regarding member seat assignments when changes are made to a seat's qualifications or district boundaries, add provisions for board and commission operations during emergencies, and clarify other related provisions.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **DISCUSSION**

### **Background**

In response to past referrals and feedback from the City Council, as well as continued efforts to streamline processes related to boards and commissions, staff is recommending changes to some processes related to City boards and commissions. The proposed changes include restructuring certain sections of Chapter 2.25, "General Rules for Boards and Commissions," adding sections to streamline appointment processes and addressing situations in which seated members no longer qualify for their seats, due to revisions to the seat qualifications and in anticipation of future redistricting. The new processes will result in faster appointments to lessen disruption on boards and commissions as they wait for a member to be appointed, as well as conserve time and resources. Provisions are also added to address board and commission operations in emergencies.

## **APPOINTMENT PROCESSES**

Changes proposed in the ordinance include restructuring the "Membership – Applications, Interview, nomination and appointment Process" section in Chapter 2.25 General Rules for Boards and Commissions to

separate membership rules from board and commission appointment processes; thus adding a “Membership – Appointment Processes” section to define and streamline commission appointment processes. Currently, six commissions have one or more seats that are filled through a process requiring interviews by the full City Council. The steps in the current process are:

1. Identify the vacant position, set application deadline, and update webpages
2. Contact current applicants to confirm interest
3. Collect new or revised applications and materials
4. Schedule City Council agenda item to conduct nominations
5. Contact all applicants with nomination results
6. Schedule a special City Council meeting or meetings to conduct interviews
7. Schedule applicants for interviews
8. Conduct interviews at special City Council meeting
9. Contact all interviewed applicants with results

The proposed ordinance has organized the boards and commissions appointment processes into the following categories: General, Full Council Interview, District-Based, Designated Members, and Other. Proposed appointment processes are described below in Table 1:

**Table 1 – Appointment Process Types and Descriptions**

	<b>Appointment Process Category</b>	<b>Nominating Authority &amp; Appointment*</b>
A.	General Appointment Process	Mayor conducts interviews and makes nominations to fill vacancies; City Council ratifies the appointments
B.	Full Council Interview Appointment Process	The full City Council interviews applicants and makes the appointments
C.	District-Based Appointment Process	Councilmember for a specified district interviews and makes nominations; City Council ratifies the appointments
D.	Designated Member Appointment Process	Specified Nominating Authority submits nominees for consideration, Mayor conducts interviews and makes nomination; City Council ratifies the appointments

*\*Appointments are subject to at least three affirmative votes of the City Council. CVMC 2.25.050(j)*

Further, the ordinance proposes moving special or combined appointment processes that apply only to one board or commission, such as the processes used for the Board of Ethics and the Healthy Chula Vista Advisory Commission, from the General Rules section (CVMC 2.25) to the membership section of the Municipal Code for the specific board or commission for clarity.

A detailed summary of changes specific to each board and commission is provided on the following pages.

**PROPOSED BOARDS & COMMISSIONS APPOINTMENT PROCESS CHANGES**

<b>BOARD/ COMMISSION</b>	<b># OF SEATS AFFECTED</b>	<b>CURRENT APPOINTMENT PROCESS</b>	<b>PROPOSED APPOINTMENT PROCESS</b>	<b>NOTES</b>
<b>Civil Service Commission</b>	2	<ul style="list-style-type: none"> <li>Two (2) members are interviewed and appointed by full Council <i>(CVMC 2.43.050)</i></li> </ul>	<p><b><i>Process A - General</i></b> The two members would be nominated by Mayor; appointments ratified by full Council <i>(CVMC 2.25.052(A))</i></p>	<p>Remaining seats will continue to be appointed by Council from a list of candidates nominated by the Commission (one seat) and Classified Employees (two seats).</p> <p>Appointment process has been moved from CVMC Chapter 2.25 (General Rules chapter) to the Civil Service Commission chapter.</p>
<b>Measure A - Citizens' Oversight Committee</b>	12	<ul style="list-style-type: none"> <li>Eight (8) Designated members nominated by specified Nominating Authorities; interviewed and appointed by full Council</li> <li>Four (4) At-Large members representing each District nominated and appointed by full Council <i>(CVMC 2.63.060)</i></li> </ul>	<p><b><i>Process D - Designated Member</i></b> The eight (8) Designated members would be nominated by specified Nominating Authorities, interviewed and nominated by Mayor, ratified by full Council <i>(CVMC 2.25.052(D))</i></p> <p><b><i>Process C - District-Based</i></b> The four (4) At-Large members would be selected and nominated by corresponding District Councilmember, ratified by full Council <i>(CVMC 2.25.052(C))</i></p>	<p>Appointment processes have been added to the Measure A COC chapter.</p>
<b>Measure P - Citizens' Oversight Committee</b>	16	<ul style="list-style-type: none"> <li>Eleven (11) Designated members nominated by specified Nominating Authorities, interviewed and appointed by full Council</li> <li>Four (4) At-Large members representing each district nominated and appointed by full Council</li> <li>One (1) At-Large member representing any of the four districts, nominated and appointed by full Council <i>(CVMC 2.61.060)</i></li> </ul>	<p><b><i>Process D - Designated Member</i></b> The eleven (11) Designated members would be nominated by the specified Nominating Authorities, interviewed and nominated by Mayor, ratified by full Council <i>(CVMC 2.25.052(D))</i></p> <p><b><i>Process C -District-Based</i></b> The four (4) At-Large members would be nominated by corresponding District Councilmember, ratified by full Council <i>(CVMC 2.25.052(C))</i></p> <p><b><i>Process A - General</i></b> The one (1) At-Large member representing any of the four districts would be nominated by Mayor, ratified by full Council <i>(CVMC 2.25.052(A))</i></p>	<p>Appointment processes have been added to Measure P COC chapter.</p>

<b>BOARD/ COMMISSION</b>	<b># OF SEATS AFFECTED</b>	<b>CURRENT APPOINTMENT PROCESS</b>	<b>PROPOSED APPOINTMENT PROCESS</b>	<b>NOTES</b>
<b>Healthy Chula Vista Advisory Commission</b>	4	<ul style="list-style-type: none"> <li>Four (4) District seats nominated by the Mayor after the Mayor consults with and receives a recommendation from the Councilmembers representing the Council District (CVMC 2.47.040)</li> </ul>	<p><b>Process C – District-Based</b> The four (4) District seats would be nominated by the corresponding District Councilmember, ratified by full Council (CVMC 2.25.052(C))</p>	Appointment process has been moved to The Healthy Chula Vista Advisory Commission chapter.
<b>Parks &amp; Recreation Commission</b>	7	<ul style="list-style-type: none"> <li>Seven (7) members appointed At-Large by full Council (CVMC 2.41.040)</li> </ul>	<p><b>Process C – District-Based</b> Four (4) members would be nominated by the corresponding District Councilmembers, ratified by the full Council (CVMC 2.25.052(C))</p> <p><b>Process A – General</b> Three (3) members would be nominated by Mayor, ratified by the full Council (CVMC 2.25.052(A))</p>	<p>Four seats would need to be designated as District Representatives; designation procedures are also proposed in the ordinance.</p> <p>Appointment process has been moved to the Parks &amp; Recreation Commission chapter.</p> <p>Repetitive Charter language removed from CVMC chapter 2.41; will remain in Article VI of the Charter.</p>
<b>Cultural Arts Commission</b>	0	N/A – No changes proposed.	No change.	Recommended change consists only of moving the appointment process description from the General Rules chapter of the Municipal Code to the Cultural Arts Commission chapter.
<b>Mobilehome Rent Review Commission</b>	0	N/A – No changes proposed.	No change.	Recommended change consists only of moving the appointment process description from the General Rules chapter of the Municipal Code to the Mobilehome Rent Review Commission chapter.
<b>Board of Ethics</b>	0	N/A – No changes proposed.	No change.	Recommended change consists only of moving the appointment process description from the General Rules chapter of the Municipal Code to the Board of Ethics chapter.
<b>Growth Management Oversight Commission</b>	0	N/A – No changes proposed.	No change.	Recommended change consists only of adding the appointment process to the Growth Management Oversight Commission chapter.
<b>Planning Commission</b>	0	N/A – No changes proposed	No change.	Recommended change consists only of adding the appointment process to the Planning Commission chapter and removing repetitive language stated in the Charter.

## **PROCESS FOR ASSIGNING SEATS WHEN QUALIFICATIONS CHANGE**

The proposed ordinance would also add a section in Chula Vista Municipal Code chapter 2.25 that specifies a process by which the City Clerk would recommend to the City Council revised seat assignments when changes are made to a board or commission's seat qualifications or when redistricting occurs. Changes to a seat's qualifications could include the following:

- At-large seats being revised to include professional or other experience requirements;
- Seats changed from at-large to district-based; and
- Redistricting occurring, which may result in one or more members no longer living in the district they were appointed to represent.

In these scenarios, existing members may not meet the new qualifications of the seat. In these cases, the City Clerk would propose revised assignments of the seated members to the new seats and would make a recommendation for City Council approval. The City Clerk would propose revised seat assignments with the intent of causing the least disruption and movement of members. Reassigned members would retain the term date they were originally assigned; reassignment would not extend, nor reduce, a member's term, and would not allow a member to serve more consecutive terms than the member would otherwise be entitled to serve. Members who are reassigned to a seat for which they do not qualify would be entitled to serve out the remainder of their term, with a qualified replacement being appointed for the succeeding term.

Currently, the Measure A and P Citizens' Oversight Committees have provisions related to redistricting (CVMC 2.61.050(D) and CVMC 2.63.050(D), respectively). The proposed ordinance would consolidate this provision into the general rules for boards and commissions, so that it would extend to applying to all applicable boards and commissions.

## **OPERATIONS IN EMERGENCIES**

The proposed ordinance introduces provisions during declared public emergency situations that would allow the City Manager, in consultation with the City Attorney and City Clerk, to temporarily revise or suspend requirements related to boards and commissions, such as meeting frequencies and activities deadlines. For example, in the current COVID-19 pandemic, boards and commissions are unable to hold meetings in the frequencies specified and cannot complete reports of activities by the deadline prescribed in the Municipal Code.

## **OTHER CLARIFICATIONS**

The ordinance also makes minor revisions to two sections to clarify the number of members required to be seated in order for a board or commission to take action and the locations in which meetings may be held.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.). Staff is not independently aware, and has not been informed by any City Councilmember, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

## **CURRENT-YEAR FISCAL IMPACT**

While there is no direct impact to the current-year budget, adoption of the ordinance would result in resource savings for several of the affected processes. For example, the proposed ordinance recommends changing the Parks and Recreation Commission appointment process from the Full Council Appointment Process to the General & District Based appointment process (Mayoral and Councilmember nomination, with final appointment approval by the full Council). An appointment process breakdown and staff cost estimate for those appointment processes are provided on the following page.

<b>Appointment Process Breakdown – Per Seat Filled</b>	<b>Hours</b>	<b>Approximate Representative Cost</b>
<b>Full-Council Appointment Process</b>		
City Clerk <i>Review of agenda items, preparation for interviews, Council meetings for nominations &amp; interviews</i>	4	
City Clerk Staff <i>Review of vacancy, news release and website update, contacting current applicants, processing new applications/resumes, preparing nomination materials, creating nomination and interview agenda items, schedule interviews for applicants, prepare Council meeting materials for interviews, contacting applicants with results, Council meetings for interviews</i>	18.5	
Mayor/Council <i>Review of applications and resumes, Council meetings for nominations &amp; interviews</i>	15	
Mayor/Council Staff <i>Review and discussion of applications and resumes</i>	5	
<b>Total</b>	<b>42.5</b>	<b>\$4278</b>
<b>General &amp; District-Based Appointment Processes</b>		
City Clerk Staff <i>Review of vacancy, prepare materials for review, create ratification agenda item</i>	2	
Mayor/Council <i>Review of applications and resumes, interview applicants</i>	1.9	
Mayor/Council Staff <i>Review of applications and resumes, interview applicants, memo preparation</i>	1.9	
<b>Total</b>	<b>5.8</b>	<b>\$539</b>

Staff salaries are based on the 2020 Fully Burdened Rate of each position.

### ONGOING FISCAL IMPACT

There is no hard cost in adopting the proposed ordinance. If adopted, the ordinance would provide considerable efficiencies. The chart below compares the estimated staff time cost to fill vacancies on the Parks and Recreation Commission from 2015-2019 to the estimated staff cost of the proposed General & District Based Appointment Processes. The Parks and Recreation Commission is used because it is an established commission with average turnover.

<b>Board/Commission</b>	<b>Current Process</b>	<b>Proposed Process</b>	<b>Savings</b>
Parks and Recreation Commission	\$25,668	\$3,234	\$22,434

### ATTACHMENTS

1. Ordinance - Redline version
2. Affected B&C Rosters

Staff Contact: Kerry Bigelow, City Clerk, and Leah Larrarte, Deputy City Clerk