CITY COUNCIL AGENDA STATEMENT

CITY OF CHULA VISTA

July 23, 2019 **File ID:19-0339**

TITLE

PRESENTATION BY THE CHARTER REVIEW COMMISSION OF SURVEY RESULTS REGARDING PROPOSED AMENDMENTS TO CITY CHARTER AND SOLICITATION OF DIRECTION BY CITY COUNCIL ON WHICH AMENDMENTS TO PURSUE, IF ANY

RECOMMENDED ACTION

Council accept the report and provide direction to the Charter Review Commission and City Staff.

SUMMARY

Pursuant to Chula Vista Municipal Code section 2.29.030, the Charter Review Commission is charged with coordinating citizen and staff ideas for proposed City Charter amendments. In accordance with that charge, the Charter Review Commission sent out a survey to the community regarding potential Charter amendments. The subjects of the survey included: (1) changes to the current term limits for the Mayor, Councilmembers, and the City Attorney; (2) returning the City Attorney to an appointed, rather than elected, position; (3) requiring that the elected City Attorney be a resident of the City; (4) creating a process to suspend an elected official, without pay, if the official is charged with a felony; (5) using mail-in ballots, only, for special elections involving the Mayor, Councilmembers, or the City Attorney; and (6) changing the salaries of the Mayor or Councilmembers. The City received 189 responses. The responses had a majority showing support for proposed Charter amendments (3), (4), and (5). The Charter Review Commission is before the City Council to present the results of the survey and to solicit direction from the City Council as to which Charter amendments to pursue, if any.

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

Pursuant to the Chula Vista Municipal Code section 2.29.030, the Charter Review Commission ("CRC") is charged with coordinating citizen and staff ideas for proposed Charter changes. As part of that charge, the CRC sought to engage the community and determine what areas of the City Charter they would be interested

in changing. Accordingly, the CRC participated in a workshop with the City Council, solicited input during public CRC meetings, and prepared and distributed a public survey.

The CRC posted the survey on the City's website from March 1-27, 2019 regarding potential Charter amendments. The public was informed of the survey via various means, including use of the March 2019 City newsletter, City social media platforms, press releases, and notification to other boards and commissions. The subjects of the survey included:

- potential changes to the current term limits for the Mayor, Councilmembers, and the City Attorney
- the return to an appointed City Attorney instead of an elected City Attorney
- the requirement that the elected City Attorney be a resident
- the creation of a process to suspend an elected official, without pay, if the official is charged with a felony
- the use of only mail-in ballots for special elections involving the Mayor, Councilmembers, or the City Attorney
- changes to salaries of Mayor and Councilmembers.

The City received 189 responses. The survey also contained comments from respondents. (The complete survey responses are included as Attachment 1 to this report.) The responses had majority support for Charter amendments in the following areas:

- a residency requirement for the elected City Attorney (82% support)
- the creation process to suspend Councilmembers charged with a felony (73.54% support)
- the use of mail-in ballots for special elections involving Mayor, City Council, or City Attorney (also referred to as "Elected Officials") (52.91% support)

Residency Requirement for City Attorney.
With regard to the residency requirement for the City Attorney, the public was asked via the survey (Question 10) the following question:

> "The City Attorney is required to be a resident of the State of California, but is not required to be a resident of the City (Charter Section 503). Of the eleven cities in California that have an elected City Attorney, all but Chula Vista require the City Attorney to be a resident. If the City Attorney stays an elected position, are you in favor of requiring the City Attorney to be a resident of the City?"

The survey results showed that 82.01% (155 respondents) favored a residency requirement, 15.34% (29 respondents) opposed the requirement, and 2.65% (5 respondents) were not sure.

Suspension of Elected Officials Charged with Felony.
With regard to the suspension process for elected officials charged with a felony, the public was asked via the survey the following question

> "Would you be in favor of changing the Charter to add a process for suspending elected City Officials from their duties, without pay, when they are charged with a felony in a court of law, until their case is resolved?"

The survey results showed that 73.54% (139 respondents) favored such a process, 16.4% (31 respondents) opposed such a process, and 10.05% (19 respondents) were not sure.

Mail Ballots, Only, for Special Elections Involving Elected Officials.
With regard to the use of only mail-in ballots for special elections involving elected officials, the public was asked via the survey the following question

> "The CRC is considering recommending to the City Council that the Charter be amended to allow only vote-by-mail balloting for the Mayor, City Council members, and the City Attorney. This would apply only to elections that are held on a date other than the regularly-scheduled election, and the City Council would be able to decide which method to use in each election. Would you be in favor of this amendment?"

The survey results showed that 52.91% (100 respondents) favored the use of only mail-in ballots as described, 34.92% (66 respondents) opposed the use of mail-in ballots as described, and 12.17% (23 respondents) were not sure.

Conclusion.
The Charter Review Commission is before the City Council to present the results of its survey regarding potential Charter amendments and to solicit direction from City Council as to which Charter amendments to pursue, if any. If City Council directs the CRC to pursue Charter amendments, the CRC would provide an analysis on each proposal and draft proposed Charter Amendment language, for the City Council's consideration.

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.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Support for boards and commissions, including executing reappointment processes, is directly related to the Connected Community goal. Members of the City's boards and commissions play a vital role by participating in the City's processes and helping influence public policy with their diverse viewpoints. Further, this item supports the goal of Operational

Excellence as several of the proposed revisions intend to streamline operations and implement improvements to existing processes.

CURRENT-YEAR FISCAL IMPACT

There is no impact on the general fund.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact related to this item. If the Council directs the Commission to return with draft Charter amendment language and determines to put proposed amendments before the voters for consideration, the estimated cost of the ballot measure will be provided at that time.

ATTACHMENTS

Attachment 1: Survey Results

Staff Contact: Jill Maland, Assistant City Attorney