

Ordinance No. _____

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING VARIOUS SECTIONS OF CHULA VISTA
MUNICIPAL CODE CHAPTER 2.51, “DISTRICTING
COMMISSION,” TO CHANGE THE NAME OF THE
COMMISSION TO THE “REDISTRICTING
COMMISSION,” MODERNIZE LANGUAGE, AND SET
THE TARGET ADOPTION DATE OF THE FINAL
DISTRICTING PLAN TO IMPLEMENT NEW
DISTRICTS IN THE ELECTION YEAR FOLLOWING
THE RELEASE OF THE FEDERAL DECENNIAL
CENSUS RESULTS

WHEREAS, the City Charter was amended in 2012 to provide for election of City Council members by district and provides for a Districting Commission, which is responsible for recommending to the City Council the Council district boundaries following each Federal Decennial Census; and

WHEREAS, the redistricting timeline established in the Charter could result in new Council district boundaries being implemented in the 2022 or 2024 election years; and

WHEREAS, to timely revise district boundaries to reflect current population and community of interest data, the City Council desires to establish a target adoption timeline of the Final Districting Plan that would implement the updated district boundaries in the election year following the release of the Census results; and

WHEREAS, the City Council desires to make additional revisions to bring language up to date and clarify 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 amended to read as follows:

Chapter 2.51
REDISTRICTING COMMISSION

2.51.010 Creation.

The Districting Commission was created by City Charter Section 300.5; that Commission has been renamed the Redistricting Commission. 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, and state law, including Elections Code sections 21620-21629, to the extent applicable to the City, shall govern the Redistricting Commission, except as specifically provided below. For purposes of this chapter, “Districting” and “Redistricting” mean either districting or redistricting. (Ord. 3305 § 1, 2014).

2.51.020 Purpose and intent.

The purpose of this chapter is to supplement City Charter Section [300.5](#), which establishes the Redistricting Commission and sets forth its powers and duties. (Ord. 3305 § 1, 2014).

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 Chapter [2.25](#) CVMC, this chapter shall govern. (Ord. 3305 § 1, 2014).

2.51.040 Functions and duties.

The Redistricting 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 powers and duties, consistent with Charter Section [300.5](#). The purpose of the Redistricting Commission shall be to recommend to the City Council adjustments to the boundaries of the Council districts by which City Councilmembers shall be elected, based on Federal Decennial Census information, with the goals of City Council approval of the Final Redistricting Plan no later than the end of the month of August, in the year following each Federal Decennial Census.

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 redistricting process, and remain free from legislative influence.

Notwithstanding the foregoing, the Redistricting Commission shall not have the independent authority to direct the conduct of any City employee. (Ord. 3305 § 1, 2014).

2.51.045 Selection of Consultants

A. Pursuant to City Charter section 300.5, 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 redistricting plans

B. Staff shall be responsible for soliciting consultant proposals, through the City’s established procurement practices, in the time and manner staff determines necessary to support the Commission’s efforts and to ensure compliance with established timelines for the approval of the Final Redistricting Plan.

C. The Commission shall evaluate the qualified proposals and submit recommendations to the City Council for selection of the consultants.

2.51.050 Membership.

A. In accordance with City Charter Section [300.5](#), the Redistricting Commission shall consist of seven members, selected and appointed in the manner provided for in that section.

B. The members of the Redistricting Commission shall be appointed as soon as practicable, with goal of having the Redistricting Commission members determined by August of the year the Federal Decennial Census is conducted. (Ord. 3305 § 1, 2014).

2.51.060 Appointment and removal of Commission members.

Notwithstanding CVMC [2.25.050](#), the following rules and procedures for member appointment and removal shall apply to the Redistricting Commission:

A. Any person desiring to serve on the Redistricting 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 within one business day of receipt. 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 within the application submittal period. 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 fewer 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 email addresses, as permitted by law, and shall note on each application the Council district of residence 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 10 most qualified applicants, pursuant to Charter Section 300.5(D)(1). In making the determination, pursuant to Charter Sections 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 Redistricting Commission to carry out its responsibilities with a high degree of competence;
3. Demonstrated ability to serve impartially in a nonpartisan 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 individuals who are reflective of the City's gender, 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 10.

F. The Charter Review Commission shall then oversee a process whereby four applicants are selected, at random, from the pool of 10 applicants chosen pursuant to subsection (E) of this section. The City Clerk, or their 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 Redistricting 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 Redistricting 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 Redistricting Commission shall consider the remaining forwarded applications at an open meeting to select three additional members. The Redistricting Commission shall select the most qualified applicants; in doing so, the Redistricting Commission shall consider the same criteria provided for in subsection (E) above. The selection of each member shall require at least three affirmative votes of the Redistricting Commission.

J. The members of the Redistricting 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 Redistricting Commission shall be submitted to the City Council for appointment to the Commission. The three applicants 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 Charter Section 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 Redistricting Commission may be removed for cause in accordance with CVMC [2.25.105](#). (Ord. 3305 § 1, 2014).

2.51.070 Terms.

A. Notwithstanding CVMC [2.25.080](#), members of each Redistricting Commission shall serve from the time they are appointed until dissolution of the Redistricting Commission, pursuant to Charter Section 300.5(J).

B. Vacancies on a Redistricting Commission shall be handled in accordance with Charter Section 300.5(D)(6) and CVMC [2.25.105](#) (Ord. 3305 § 1, 2014).

2.51.080 Meetings.

A. Notwithstanding CVMC [2.25.200\(A\)](#), each Redistricting Commission shall establish its regular meeting day and time by written resolution, in accordance with CVMC [2.25.200](#). Regular meetings shall be held in Council Chambers, at 276 Fourth Avenue, in the City. The Redistricting Commission shall hold at least one public meeting in each of the City's Council Districts prior to the development of the Draft Districting Plan. All meetings shall be held in accordance with Charter Section 300.5 and any other applicable laws or regulations. (Ord. 3305 § 1, 2014).

B. The Redistricting 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, in accordance with Charter section 300.5 and California Elections Code section 21627.1.C. Public meetings should be scheduled in a timeframe that considers maintaining public interest and minimizing costs associated with conducting meetings.

2.51.090 Budget.

The City shall ensure that adequate funds are appropriated for the Redistricting 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 Redistricting Commission will be appointed. (Ord. 3305 § 1, 2014).

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, the City Charter, and applicable state law, for the creation, establishment and management of the Redistricting Commission. (Ord. 3305 § 1, 2014).

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