



# CITY COUNCIL AGENDA STATEMENT



December 18, 2018

File ID: 18-0330

## **TITLE**

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS CHAPTERS OF TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE, RELATED TO THE BOARD OF ETHICS APPOINTMENT PROCESS AND THE FUNCTIONS AND DUTIES OF THE BOARD OF ETHICS AND CHARTER REVIEW COMMISSION (FIRST READING)

## **RECOMMENDED ACTION**

Council place the ordinance on first reading.

## **SUMMARY**

Adoption of the proposed ordinance would revise the appointment process for the Board of Ethics. Instead of interviews being conducted by a panel of local city managers, the interview panel would consist of one member of the Board of Ethics and one member of the Charter Review Commission, who would review applications, select applicants to be interviewed, interview selected applicants and recommend one applicant per vacancy to the City Council for ratification. The ordinance also includes a minor cleanup item to add the Charter Review Commission's duty to participate in the appointment process of the Districting Commission, consistent with Charter section 300.5.

## **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**

In response to a referral from Council on June 13, 2017, staff is proposing an alternative appointment process for the Board of Ethics. The current process calls for a panel consisting of two local city managers to interview applicants and make recommendations for appointments to the Council. Local city managers have requested to be removed from involvement in the appointment process.

The proposed revision to the process replaces the two local city managers with one member of each the Board of Ethics and the Charter Review Commission to sit on the panel. The panel would review

applications, select applicants to be interviewed, interview selected applicants and recommend one applicant per vacancy to the City Council for ratification. A unanimous decision of the panel would be required in order to make an appointment recommendation to the Council. If the panel is unable to reach a unanimous decision, the panel will work with the City Clerk's office to consider additional applicants.

In addition to the proposed process, staff considered other options, such as including a member of the Civil Service Commission on the panel and variations on the number of members from the Board of Ethics and Charter Review Commission. Of the options considered, the proposed appointment process is most similar to the current process and staff anticipates it will increase efficiency and reduce the overall time necessary to gather the panel, review applications, interview applicants, and make a recommendation for appointment.

The ordinance also includes a minor cleanup item to add the Charter Review Commission's duty to participate in the appointment process of the Districting Commission, consistent with Charter section 300.5.

#### **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Board of Ethics: On January 10, 2018 and May 16, 2018, the Board of Ethics discussed the composition of the panel charged with making recommendations to Council for appointment to the Board. At the May 16, 2018 meeting, the Board of Ethics voted to support the concept of a panel consisting of members of the Board of Ethics and the Charter Review Commission participating in the selection process of members of the Board of Ethics (CVMC 2.25.050(C)). Minutes of the meetings are included as Attachments 2 and 3.

Charter Review Commission: On June 13, 2018, the Charter Review Commission passed a motion to participate in the Board of Ethic's interview process that would include one member of the Charter Review Commission and one member from the Board of Ethics. Minutes of the meeting are included as Attachment 4.

#### **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.

#### **ATTACHMENTS**

1. Ordinance revisions in redline format
2. Board of Ethics Commission Minutes – Jan 2018
3. Board of Ethics Commission Minutes – May 2018
4. Charter Review Commission Minutes

*Staff Contact: Kerry Bigelow, City Clerk*