



# CITY COUNCIL AGENDA STATEMENT



July 17, 2018

File ID: 18-0262

## **TITLE**

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 (FIRST READING)

## **RECOMMENDED ACTION**

Council place the ordinance on first reading.

## **SUMMARY**

Adoption of the proposed ordinance would revise regulations and processes related to the City's boards and commissions, remove redundant rules, simplify language, and make clarifications. In addition to other amendments, the proposed ordinance would (1) revise the appointment process for the and Cultural Arts Commission, (2) remove the requirement for mandatory interviews prior to reappointment for certain commissions, (3) revise the number of members appointed to the Board of Appeals and Advisors ("BOAA") and add as a duty the requirement the BOAA act as the hearing body for specified building-related appeals, and (4) revise the boundaries for specific seats on the Growth Management Oversight Commission to align with the City Council districts.

## **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 2008 and 2011, the City Council adopted several ordinances, which consolidated general rules for boards and commissions, and removed redundant and inconsistent rules. Prior to that, rules governing boards and commissions were spread among the City Charter, Municipal Code, Council Policy Manual, and City Council minutes, some of which conflicted with each other.

The changes reflected in the proposed ordinance are in response to referrals and feedback from the City Council, as well as revisions recommended by staff, to continue to streamline processes and further reduce

redundancies and inconsistencies with state law, the Chula Vista Charter, and resolutions adopted by boards and commissions.

A summary of major changes is provided below. In addition, the rationale for specific revisions is provided in blue in the redline version of the code sections, included as Attachment 1.

### SUMMARY OF MAJOR CHANGES

#	Affected Board/ Commission	Municipal Code Section	Change	Explanation
1.	All	Throughout CVMC 2.25	Removed redundant rules and regulations, simplified language, and made clarifications	Instead of reiterating state law or Charter provisions, the redundant rules and regulations have been removed and are instead incorporated by reference. Some language has also been simplified and/or clarified for easier reading and understanding.
2.	Cultural Arts Commission	2.25.050(E) & (H)	Changed appointment process for Cultural Arts Commission	Instead of requiring interviews of the full City Council, the proposed amendments to the Cultural Arts Commission would change the appointment process to a nomination by the Mayor, subject to City Council's approval. In addition, the Cultural Arts Commission could develop guidelines, such as a checklist for qualifications and questions to be included on the application, for the Mayor's consideration.
3.	Commissions requiring full Council interviews	2.25.055(A) & (B)	Removed mandatory interviews prior to reappointment for certain commissions	Pursuant to a referral from Council on 6/13/2017, the proposed changes remove the mandatory interview requirement prior to reappointment for members of boards and commissions that typically require full Council interviews for appointments. The Council <i>may</i> choose to interview the members, but it would not be required.
4.	All	2.25.105 (new section)	Consolidated and clarified processes related to vacancies	The reasons a seat may become vacant, as well as the processes for addressing vacancies, have been consolidated and clarified.
5.	All	2.25.200 & individual board and commission chapters	Removed references to meeting schedules	The Municipal Code currently describes the regular meeting schedules and allows boards and commissions to change the schedule by resolution. Many boards and commission have changed their regular meeting day, time, and/or location, making the schedule in the Municipal Code out of date. References to regular meeting schedules have been removed and require boards and commissions to establish their own regular meeting schedules by resolution.

## SUMMARY OF MAJOR CHANGES

#	Affected Board/Commission	Municipal Code Section	Change	Explanation
6.	Growth Management Oversight	2.40.040	Aligned Growth Management Oversight Commission member boundaries with Council districts	Based on a 1/14/2016 referral from the City Council, the boundaries for the seats representing the City's residential quadrants have been aligned with the Council districts.
7.	Board of Appeals and Advisors	Throughout 2.26.010	Updated language to reflect current codes, terminology, number of members, and additional duties required by law	The BOAA requires members with specified experience. As a result, recruiting and appointing BOAA members is difficult. To address this issue, the proposed amendments reduces the minimum number of members to three and maximum to five. Also, a recent Court ruling requires that the BOAA to act as the hearing body for specified appeals. The proposed amendment makes the BOAA the hearing body for said appeals.

The Council made a referral to staff on 6/13/2017, to recommend an alternative appointment process for the Board of Ethics which would no longer require local city managers to conduct interviews of applicants and make appointment recommendations. Staff anticipates bringing a recommendation to Council on this item within 90 days.

### BOARD/COMMISSION/COMMITTEE RECOMMENDATION

The Cultural Arts Commission discussed appointments to the Commission including criteria and supplemental application questions. Draft meeting minutes are included with this item as Attachment 2.

### 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

While there is no direct impact to the current-year budget, adoption of the ordinance would result in staff time savings for several of the affected processes. For example, the proposed ordinance recommends changing the Cultural Arts Commission appointment process from full Council interviews to a Mayoral nomination with approval of the Council. The proposed ordinance also removes the requirement for interviews prior to reappointment for certain commissions. An estimate of the time and staff cost for a portion of the City Clerk's involvement in those processes is provided below:

Process	Hours*	Approximate Representative Cost*
Appointment via Full-Council Interviews	33	\$1,700
Appointment via Mayoral Nomination with Approval by Council	3	\$130
Reappointments with Mandatory Interviews	27	\$1,400
Reappointments Without Interviews	13	\$630

*\* The estimated time and cost reflects only a portion of the entire processes and is intended to illustrate the differences between appointment and reappointment processes. The time required for tasks that would apply to both appointment or reappointment types have not been included. For example, the time involved in determining incumbents' interest in being considered for reappointment applies to all reappointments, whether or not interviews are mandatory, and, thus, has not been included in the total time/cost estimates shown here.*

### ONGOING FISCAL IMPACT

There is no hard cost in adopting the proposed ordinance. Please see the section above for analysis regarding staff time and representative cost.

### ATTACHMENTS

1. Ordinance revisions in redline format with explanation
2. Draft Cultural Arts Commission Minutes

*Staff Contact: Kerry Bigelow, City Clerk*