

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTERS 2.25, 2.33 AND 2.53 TO REVISE THE QUALIFICATION REQUIREMENTS AND APPOINTMENT PROCESS APPLICABLE TO THE CITY'S CULTURAL ARTS COMMISSION

WHEREAS, the Cultural Arts Commission ("Commission") was established to develop, support and nurture ideas that expand and enrich arts and cultural opportunities for the entire community; and

WHEREAS, in February 2012, as required by state legislation, the Chula Vista Redevelopment Agency was dissolved; and

WHEREAS, on September 13, 2016, the City Council unanimously approved the Chula Vista Cultural Arts Master Plan (Master Plan), which contemplates a qualified Cultural Arts Commission, appointed in accordance with 2.25.050 E. and H.; and

WHEREAS, to remove those terms which no longer apply as a result of dissolution of the Redevelopment Agency, and to be consistent with the Master Plan, City staff is recommending that Chula Vista Municipal Code ("CVMC") Chapters 2.25, 2.33, and 2.53 be amended; and

WHEREAS, the proposed amendments to Chapter 2.33 will update the Commissioner requirements consistent with the Master Plan, including requiring that a minimum of six Commission members be professionals in the disciplines of arts and culture, including the performing arts, fine arts, culinary arts, media arts or related arts disciplines; and

WHEREAS, the proposed amendments to CVMC Chapter 2.25 and 2.53 will require that appointments to the Commission are made pursuant to the appointment process set forth in CVMC Chapter 2.53, which is currently utilized for certain other City commissions, including the Planning Commission and Growth Oversight Commission.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

**Section I. CVMC Amendments**

Sections 2.25.050, 2.33.030, 2.33.040, 2.33.050, and 2.53 of the Chula Vista Municipal Code shall be amended to read as follows:

**2.25.050 Membership – Applications – Interview, nomination and appointment process.**

- A. The City Clerk shall maintain applications for prospective membership on boards and commissions. The application shall provide a place for an individual to state the reasons he or she seeks appointment to a particular board or commission and his or her qualifications for service on a particular board or commission.

- B. An individual who has submitted an application for appointment as a voting or ex officio member of any board or commission may be interviewed as part of the nomination and selection process.
- C. When a vacancy occurs on a board or commission, the City Clerk shall forward applications received for the vacant position to the Mayor, who shall review the forwarded applications, select applicants to be interviewed, interview selected applicants, and make nominations for appointment, subject to the City Council's approval, for all boards and commissions except for the Board of Ethics, Civil Service Commission, Cultural Arts Commission, Growth Management Oversight Commission, Mobilehome Rent Review Commission, Planning Commission, and Parks and Recreation Commission.
- D. The Mayor shall forward applications for membership on the Board of Ethics to a panel consisting of at least two city managers rotated from cities in San Diego County, excluding Chula Vista. The panel shall review the applications, interview applicants, and recommend one applicant for each available seat to the City Council for appointment.
- E. Vacancies on the Cultural Arts Commission, Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two seats on the Civil Service Commission whose members are appointed by the City Council directly shall be appointed in accordance with Chapter [2.53](#) CVMC.
- F. The nomination and appointment process for the Civil Service Commission shall be conducted in accordance with Charter Section 609 and CVMC [2.43.050](#).
- G. The nomination and appointment process for the Mobilehome Rent Review Commission shall be conducted in accordance with Chapter [2.31](#) CVMC and this subsection.
  - 1. The Mayor shall review applications for all ex officio members and one voting member, select applicants to be interviewed for those positions, interview selected applicants, make nominations for appointment subject to the City Council's approval, and schedule a vote on the nominations on the next available Council meeting's agenda.
  - 2. The four remaining voting positions are tied to a particular Council seat. When a vacancy occurs in one of the four positions, the City Clerk shall forward applications to the Councilmember filling the corresponding Council seat. The Councilmember shall review the applications, select applicants to be interviewed, and interview selected applicants. The Councilmember shall then nominate an applicant for appointment to the available position and request that the nomination be scheduled for vote on the next available Council meeting's agenda.
- H. Members of each board and commission shall be appointed by at least three affirmative votes of the City Council.

### **2.33.030 Functions and duties**

The functions and duties of the Cultural Arts Commission shall be as follows:

A. Encourage the preservation of Chula Vista’s cultural heritage and the creation of an atmosphere – a Chula Vista image – in which our citizens could take pride and have increased stature.

B. Help coordinate and marshal support for the arts.

C. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.

D. Formulate recommendations for a City arts program, including funding mechanisms, criteria for the selection and placement of public art, procedures for review plans, and guidelines to carry out a City arts program.

E. Regularly assess, review and update recommended goals and long-range plans for the City; and regularly solicit public input on the arts.

F. Encourage the development of arts and cultural programs for the youth of Chula Vista.

G. Promote the creation of a cultural environment to attract visitors and economic development.

The Commission, by having a definite focus and by demonstrating a high degree of commitment to the arts, can conduct strategic long-range planning to help reach these goals.

### **2.33.040 Membership**

The Cultural Arts Commission shall consist of nine voting members that represent a diversity of backgrounds, to be appointed in accordance with Article VI of the City Charter, and CVMC Chapter 2.25. Further, all nine (9) members shall demonstrate, competence, knowledge and experience in cultural arts; and a minimum of six (6) members shall be appointed from among artists, educators, and those with professional qualifications and experience in disciplines of arts and culture, including the performing arts, fine arts, culinary arts, media arts or related arts disciplines

### **2.33.050 Meeting schedule**

As required by the City Charter the Commission shall hold regular meetings and shall establish the day, time and location for its regular meeting in accordance with CVMC [2.25.200](#).

### **2.53.030 Definitions.**

- A. “Application period” means the time frame during which applications are accepted for a particular vacancy (defined below). The application period for City Council vacancies is defined in CVMC [2.53.040\(C\)](#). The application period for specified City commission vacancies is defined in CVMC [2.53.050\(B\)](#). Once established, the application period will be posted on the City’s website.
- B. “Interview” means the process at a public meeting by which applicants are given an opportunity to present themselves to the City Council, and the City Council questions and evaluates the applicants. Should an applicant be unable to attend the scheduled interview,

the Council may elect to consider a letter of interest or interview by other means, such as telephone or video conference, in lieu of an in-person meeting.

- C. “Qualified application” means an application received within the application period with all of the required components. The application form shall be available through the City Clerk’s office and will specify the required components for an application to be deemed a qualified application.
- D. “Specified City commissions” means those City commissions specified in CVMC [2.25.050](#)(E) as follows: Cultural Arts Commission, Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two seats on the Civil Service Commission whose members are appointed by the City Council directly.
- E. Vacancy (or Vacancies). For specified City commission seats, “vacancy” is defined in accordance with CVMC [2.25.020](#)(J). For City Council seats, “vacancy” is defined in accordance with Charter Section 303(A). (Ord. 3370 § 1, 2016).

## **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

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Eric C. Crockett  
Director of Economic Development

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Glen R. Googins  
City Attorney