

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING CHAPTER 2.25.105(D) OF THE CHULA VISTA
MUNICIPAL CODE RELATED TO THE PROCESS BY
WHICH BOARD OR COMMISSION MEMBERS MAY BE
REMOVED FOR CAUSE

WHEREAS, Chula Vista Municipal Code (CVMC) section 2.25.105(D) provides reasons for which a board or commission member may be removed from their seat for cause, including excessive absences and failure to attend mandatory training sessions; and

WHEREAS, section 2.25.105(D) calls for a Council subcommittee, comprised of the Mayor and Deputy Mayor, to monitor board and commission member attendance, training records, and other situations that may be cause for a member's removal, and potentially make recommendations to the full Council to consider removing members; and

WHEREAS, the subcommittee's conduct is subject to the Brown Act, requiring its meetings to be open to the public; and

WHEREAS, due to the potentially sensitive and quasi-personnel matters that may be considered during the board and commission member review process, the subcommittee recommended revising the process by which board and commission members may be removed for cause; and

WHEREAS, the City Council desires to revise the process such that the Mayor would conduct the review and, after consulting with the staff liaison, nominating authority, the City Clerk, and City Attorney, if the Mayor found removal of a member for cause warranted, the Mayor could make a recommendation to the full Council for a vote on their removal.

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

Section I. Section 2.25.105., subsection D., of the Chula Vista Municipal Code is hereby amended read as follows [*Subsections 2.25.105.A. through C., and E., remain unchanged*] :

2.25.105 Membership – Vacancies.

D. *Removal for Cause.*

1. A member may be removed for cause by three affirmative votes of the City Council.
2. A member may be removed for cause for the following reasons:

- a. Absence from more than 50 percent of the meetings of the board or commission in one fiscal year, whether or not excused by a majority vote of its members;
 - b. Unavailability or conduct which interferes with the board or commission's ability to conduct business;
 - c. Failure to attend training sessions mandated by the City;
 - d. Violation of any City policies or City, state or federal regulations that are the subject of mandatory training sessions; or
 - e. Violation of the City's code of ethics, which shall be processed in accordance with Chapter [2.28](#) CVMC.
3. The Mayor shall monitor attendance and training records submitted pursuant to CVMC [2.25.120](#) and reports of situations described in subsections [\(D\)\(2\)\(b\)](#) through [\(D\)\(2\)\(d\)](#) of this section.
4. After consultation with the staff liaison for the subject Board or Commission, the nominating authority for the subject Board or Commission position (if any), the City Clerk and the City Attorney, if the Mayor finds removal of a member for cause is warranted, the Mayor may make recommendations to the full Council for a vote on the removal of such member for cause.
5. Prior to the Mayor making a recommendation to the full Council for a vote on the removal of a member for cause, the member shall be notified and provided a reasonable opportunity to submit an explanation for the Mayor and Council's consideration.
6. Should the Council vote affirmatively to remove the member for cause, the vacancy shall be effective on the date of the Council's action.

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