Chapter 2.25

GENERAL RULES FOR BOARDS AND COMMISSIONS

2.25.010 Applicability.
Unless otherwise specially stated in this chapter or in the ordinance or Charter provision creating the particular board or commission, this chapter applies to all boards and commissions, whether created by City Charter, ordinance, state or other law. If there is a conflict between the Charter and the Municipal Code, Charter provisions shall prevail. (Ord. 3251 § 1, 2013; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.020 Definitions.
For purposes of this chapter, the following words are defined:

~~A. "Abandonment" means the intentional relinquishment of voting membership on a board or commission without a formal resignation having been submitted to the City.~~

[Rationale for above revisions: Consolidated under proposed section 2.25.105.]

~~B.~~ "Boards and commissions" include boards, commissions, and committees established by the Chula Vista Charter or ordinance.~~: (1) boards and commissions established by the Chula Vista Charter: Board of Library Trustees, Civil Service Commission, Parks and Recreation Commission, and Planning Commission; and (2) boards and commissions established by the City Council: Access Appeals Board, Board of Appeals and Advisors, Board of Ethics, Charter Review Commission, Child Care Commission, Commission on Aging, Cultural Arts Commission, Economic Development Commission, Growth Management Oversight Commission, Housing Advisory Commission, Human Relations Commission, International Friendship Commission, Mobilehome Rent Review Commission, Safety Commission, Sustainability Commission, Veterans Advisory Commission, and other boards or commissions subsequently created by City Charter or ordinance.~~

[Rationale for above revisions: Simplify language.]

~~C.~~ "Brown Act" means the Ralph M. Brown Act, Government Code Section 54950 et seq., commonly referred to as the Brown Act or the California Open Meeting Law.

~~D. "Cause" includes:~~

~~1. Conviction of a felony or crime involving moral turpitude;~~

~~2. Absence from three regular, consecutive meetings of the board or commission, unless excused by majority vote of its members, as expressed in its official minutes;~~

~~3. Absence from more than 50 percent of the regularly scheduled meetings of the board or commission in one calendar year, whether or not excused by a majority vote of its members;~~

~~4. Abandonment;~~

~~5. Failure to attend training sessions mandated by the City;~~

~~6. Violation of any City policies or City, state or federal regulations that are the subject of mandatory training sessions; or~~

~~7. Violation of the City's code of ethics.~~

[Rationale for above revisions: Consolidated under proposed section 2.25.105.]

~~E.~~ "Entire voting membership" or "entire membership" means those individuals who have been appointed to, have been sworn in to serve on, have not been removed from, have not vacated their seat on, and who are eligible and

entitled to vote as members of a board or commission. It does not include ex officio members and does not include any seat specified in the Charter provision or ordinance creating the board or commission that is unfilled due to a~~n "event of vacancy,"~~vacancy, pursuant to ~~sub~~section 2.25.105~~(J) of this section~~. Notwithstanding the foregoing, at least one-half of the seats specified in the Charter provision or ordinance creating the board or commission must be filled in order for the board or commission to act. For example, if a seven-member board has two vacancies, the remaining five members constitute the "entire membership." Accordingly, an action that requires a majority vote could be taken if at least three of the board members vote in its favor. The City Council intends that this definition clarify the term "entire membership" as used in Section 603 of the City Charter.

~~F.~~ "Ex officio members" means the individuals who are appointed by the City Council to serve in an advisory capacity on a board or commission, but who are not entitled to vote or to make motions. "Ex officio members" do not include City staff who provide information to or sit with a board or commission.

"Interview" means the process by which applicants are given an opportunity to present themselves to the City Council, or other interview panel, and the City Council or other panel questions and evaluates the applicants. Should an applicant be unable to attend an interview, the Council or panel 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.

[Rationale for above revisions: Definition added for clarification of the existing procedures.]

~~G.~~ "Member" means an individual who has been appointed to, has been sworn in to serve on, has not been removed from, and who has not vacated his or her seat on a board or commission. "Members" includes voting members and ex officio members.

~~H.~~ "Registered voter" means an individual who is registered to vote in City of Chula Vista elections.

~~I. "Resignation" means a formal renouncement or relinquishment of voting membership on a board or commission.~~

~~J. "Vacancy" or "event of vacancy" means any of the following events:~~

~~1. Expiration of a member's term of office;~~

~~2. The death of a member;~~

~~3. A member has been removed for cause by three affirmative votes of the City Council;~~

~~4. The disability of a member that renders the member incapable of performing the duties of his or her office;~~

~~5. A member's conviction of a felony or crime involving moral turpitude;~~

~~6. A member's abandonment of office;~~

~~7. A member's absence from three regular, consecutive meetings of the board or commission, unless excused by majority vote of the members and expressed in its official minutes;~~

~~8. A member's absence from 50 percent of the regularly scheduled meetings in one calendar year, whether or not excused by majority vote of the board or commission;~~

~~9. A member has submitted a resignation that has been accepted by the City Council;~~

~~10. A member ceases to be a registered voter of the City when that criterion is required for membership on a board or commission;~~

~~11. A member loses the status or classification that qualified the individual to become a member of a particular board or commission; or~~

~~12. A member becomes a salaried officer or employee of the City.~~

[Rationale for above revisions: Consolidated under proposed section 2.25.105.]

~~K.~~ "Voting member" means an individual appointed by the City Council who is entitled to vote and make motions in his or her capacity as a member of a board or commission. (Ord. 3380 § 1, 2016; Ord. 3268 § 3, 2013; Ord. 3251 § 1, 2013; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.030 Membership – Qualifications and eligibility ~~as voting member.~~
Member qualifications and eligibility shall be in accordance with Chula Vista Charter section 602 and this section:

~~This section implements City Charter Section 602(d) and policies consistent with other portions of the Charter pertaining to qualifications for voting membership and eligibility to serve on boards and commissions.~~

~~A. Except as provided in subsection (B) of this section, voting members of boards and commissions shall be registered to vote in City of Chula Vista elections.~~

~~B. Voting members of boards and commissions who are advisory only and whose duties involve regional issues are not required to be registered to vote in City of Chula Vista elections; however, the appointment of individuals who are not registered voters must be approved by four affirmative votes of the City Council.~~

[Rationale for above revisions: Proposed changes strike rules that are redundant with Chula Vista Charter section 602 and incorporate that section by reference instead.]

~~C~~A. An individual is eligible to serve on only one board or commission at a time, unless the member is filling a seat on another board or commission that was specifically created to represent the board or commission to which he or she was originally appointed.

~~D~~B. A paid ~~salaried~~ officer or employee of the City is not eligible to be appointed to or to serve on a board or commission.

[Rationale for above revisions: Subsections C and D revised for clarification.]

C. A member is ineligible to be appointed to another board or commission during the first twelve months of his or her term; this prohibition does not apply to appointments to serve as a representative member on another board or commission, pursuant to subsection A., above. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Proposed changes are intended to reduce member turnover and the significant staff time required to process appointments and orient new members to their specific board or commission.]

D. The City Council may appoint ex officio members to any board or commission because of particular background or experience that the City Council deems will assist a particular board or commission in handling a discrete set of issues. Ex officio members are not required to be registered voters and are subject to term limits as described in the Charter and CVMC 2.25.080 and 2.25.100. Ex officio members are not entitled to vote or to make motions.

[Rationale for above revisions: Consolidated from section 2.25.040, below.]

~~**2.25.040 Membership – Qualifications and eligibility as ex officio member.**~~
~~The City Council may appoint ex officio members to any board or commission because of particular background or experience that the City Council deems will assist a particular board or commission in handling a discrete set of issues. Ex officio members are not required to be registered voters and are subject to term limits as described in CVMC 2.25.080, 2.25.090, and 2.25.100. Ex officio members are not entitled to vote or to make motions. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).~~

2.25.050 Membership – Applications – Interview, nomination and appointment process.
A. The City Clerk shall maintain applications for prospective membership on boards and commissions for a period of one year from the date of application. 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.

[Rationale for above revisions: Revisions are intended to streamline appointment processes. Applications are currently maintained for two years by internal process; however, individuals who applied more than a year earlier are frequently difficult to reach or no longer interested in serving. In a poll of other cities, retaining applications for one year was most common.]

B. An individual who has submitted an application for appointment as a voting or ex officio member of any board or commission may be ~~i~~Iinterviewed 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, ~~i~~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. If a vacancy occurs on any board or commission within one year of interviews being conducted for that board or commission, interviews are not required if all of the following criteria are met: 1) the vacancy was properly noticed and new applications solicited; 2) no new, qualified applications were received; 3) one or more qualified applicants from the original interviews remain eligible and interested in being appointed; and 4) the appointment process for the board or commission does not specifically prohibit this subsection.

[Rationale for above revisions: Revisions intended to streamline appointment processes.]

~~E~~F. 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.

[Rationale for above revisions: Revisions are intended to streamline the appointment process for the Cultural Arts Commission by no longer requiring interview of the full Council. The revised appointment process is proposed in subsection H, below.]

~~F~~G. The nomination and appointment process for the three remaining Civil Service Commission seats that are not appointed by the City Council directly shall be conducted in accordance with Charter Section 609 and CVMC 2.43.050.

[Rationale for above revisions: Subsections revised for clarification.]

~~G~~H. 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, ~~i~~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 ~~i~~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.

I. The nomination and appointment process for the Cultural Arts Commission shall be conducted in accordance with Chapter 2.33.040 and this subsection.

1. The Cultural Arts Commission may recommend guidelines to be used during the application and appointment processes, which may include relevant questions to be included on the application, a checklist of qualifications, and definitions of terms referenced in Section 2.33.040, related to the qualifications of members.

2. When a vacancy occurs on the Cultural Arts Commission, the City Clerk shall forward applications received for the vacant position to the Mayor and Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.

3. Throughout the review of applications, selection of applicants to be interviewed and Interviews of selected applicants, the Mayor shall consider guidelines developed by the Cultural Arts Commission, as well as recommendations for interviews or appointments that may be made by the Cultural Arts Commission, City Councilmembers, and the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission.

4. The Mayor shall review the forwarded applications and select applicants to be interviewed. The Mayor shall Interview selected applicants and provide the opportunity for the Cultural Arts Manager or other staff assigned to the Cultural Arts Commission to attend and assist with the Interviews. The Mayor shall make nominations for appointment, subject to the City Council's approval.

[Rationale for above revisions: Proposed subsection H is intended to streamline the appointment process for the Cultural Arts Commission by no longer requiring interviews before the full Council. The Cultural Arts Commission discussed the proposed revisions to the appointment process (minutes are provided as Attachment 2).]

J~~H~~. Members of each board and commission shall be appointed by at least three affirmative votes of the City Council. (Ord. 3393 § 1, 2016; Ord. 3370 § 2, 2016; Ord. 3253 § 1, 2013; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.055 Membership – Reappointment process.

A. In the year of the expiration of a member's term, unless otherwise requested by the nominating authority for the particular board or commission seat, the City Clerk shall schedule the reappointments for eligible and interested members at a meeting of the City Council in July~~ne~~, or as soon as practicable thereafter, for all boards and commissions~~, except members of the following commissions who will have served more than one year as of the date of their term expiration: Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two members of the Civil Service Commission who are appointed by the City Council directly.~~.

B. Prior to reappointment, if a majority of the City Council so desires, the Mayor and City Council ~~shall~~ may ~~i~~Interview interested and eligible members of the following commissions who will have served more than one year as of the date of their term expiration: Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and the two members of the Civil Service Commission who are appointed by the City Council directly. Following the interviews, the Mayor and City Council shall vote whether or not to reappoint the incumbents.

[Rationale for above revisions: Revisions to subsections A & B above are based on a 6/13/2017 referral from Council to no longer require certain members seeking reappointment to be interviewed. Under the proposed process, a majority of the Council may elect to interview members seeking reappointment, but it would not be required.]

~~C. In addition to the attendance reports provided under CVMC 2.25.120, the City Clerk shall provide the Mayor and City Councilmembers a report on members' compliance with mandatory training required by CVMC 2.25.160 for consideration during the reappointment process.~~

[Rationale for above revisions: In an effort to streamline reappointments, reports on compliance with mandatory ethics training is consolidated with annual membership reports under 2.25.120. These reports are due July 1 and are provided to Council prior to reappointments so that the Council may consider members' compliance with mandated training.]

~~D~~C. Regardless of the applicable reappointment process, each member of a board or commission shall be reappointed by at least three affirmative votes of the City Council. When an incumbent is not reappointed, the seat shall be filled using the applicable appointment process. (Ord. 3366 § 1, 2016).

2.25.060 Membership – Oath of office – Effective date of taking office.
The City Clerk or his or her designee shall administer the oath of office to newly appointed voting and ex officio members. Newly appointed voting members must take the oath of office before they may vote as a member of the board or commission to which they have been appointed. Voting members assume their office on the date they take the oath of office. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

~~**2.25.070 Membership – Terms – Initial terms for new boards and commissions.**~~
~~Initial terms of office for newly established boards or commissions shall be determined in accordance with City Charter Section 602(b). (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).~~

2.25.080 Membership – Terms – Standard term of office – Holdover office.
A. The standard term of office for board and commission members is four years. The standard term begins July 1st and ends June 30th four years later.

B. At the end of any voting member's term, he or she shall be permitted to continue to exercise the privileges of his or her former office until the office is filled by the appointment of a qualified successor. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

~~**2.25.090 Membership – Terms – Two-consecutive-term limit for voting and ex officio members – Exceptions.**~~
~~A. Members are limited to serving a maximum of two consecutive terms, except as provided in CVMC 2.25.100(C).~~

~~B. An individual who has served two consecutive terms may be reappointed to the same board or commission after an interval of two years has passed. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).~~

[Rationale for above revisions: Rules in the sections above are provided in the Charter.]

2.25.100 Membership – Terms – Filling unexpired terms.
Member terms shall be in accordance with Chula Vista Charter section 602 and this section:

~~A. If a vacancy on any board or commission occurs prior to the expiration of a term of office, any appointment to fill the vacancy shall be for the remaining unexpired term of office.~~

~~B~~A. A voting member who currently sits on a particular board or commission may not be appointed to fill the unexpired term of another voting member's vacated seat on that same board or commission. An individual who currently sits as an ex officio member of a board or commission may be appointed to fill the unexpired term of a voting member's vacated seat on the same board or commission if the ex officio member meets the eligibility criteria for voting membership. The appointment process shall be the same as provided for in CVMC 2.25.050.

~~C. An unexpired term with fewer than two years remaining is not considered a "term" for purposes of the two-consecutive-term limit set forth in CVMC 2.25.090. Therefore, an individual appointed to fill an unexpired term of less than two years may subsequently be appointed to two full terms.~~

~~D. An unexpired term of two years or more is considered a "term" for purposes of the two-consecutive-term limit set forth in CVMC 2.25.090. Therefore, an individual appointed to fill an unexpired term of two years or more may subsequently be appointed to only one additional, consecutive term.~~

~~E~~B. For purposes of determining whether the unexpired term of a vacated seat is less than, more than, or equals two years, the starting date of the unexpired term shall be the date the new appointee takes the oath of office, and the end date of the unexpired term shall be the expiration date of the vacating member's term of office. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Redundant rules from the Charter are removed.]

2.25.105 Membership – Vacancies.

A. Vacancies mandated by the City Charter.
If the City Clerk determines that a vacancy has occurred pursuant to Charter Section 602(c), the Clerk shall agendize the matter for City Council action. Between the occurrence of vacancy and the Council declaration of vacancy, the member shall be unable to continue serving as a board or commission member and shall have no duties of the office. The vacancy shall be effective on the date the Council declares the office vacant.

B. City employee. If a member becomes a paid employee of the City, the member's status as a board or commission member shall automatically terminate. The effective date of vacancy shall be the date of hire.

C. Member no longer qualified. If a member loses the status or classification that qualified the individual for his or her seat on a particular board or commission, unless otherwise provided in the board or commission membership rules, the City Clerk shall schedule the declaration of vacancy on an agenda of the City Council as soon as practicable after being informed of a qualifying circumstance. The vacancy shall be effective on the date the Council declares the office vacant.

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.
3. A Council subcommittee comprised of the Mayor and Deputy Mayor shall monitor attendance and training records submitted pursuant to CVMC 2.25.120 and reports of situations described in subsections (2)(b) through (d), above. The subcommittee may make recommendations to the full Council for a vote on the removal of a member for cause.
4. Prior to the subcommittee making a recommendation to the full Council for a vote on the removal of a member for cause, the member shall be notified and be provided a reasonable opportunity to submit an explanation for the subcommittee and Council's consideration.
5. Should the Council vote affirmatively to remove the member for cause, the vacancy shall be effective on the date of the Council's action.

E. Resignation. A member may resign by providing notice to the Chair, City staff, or the City Clerk. The resignation shall be effective on the date provided by the member, or, if no such date was provided, on the date the notice was given.

[Rationale for above revisions: This section is intended to consolidate and clarify the rules surrounding a seat becoming vacant and the vacancy effective date due to various circumstances.]

2.25.110 Attendance requirements – Excused absences~~— Removal for cause.~~

A. The City Council relies on advice of the City's boards and commissions that grows from discussions among appointed members. The City Council anticipates that members appointed to the City's boards and commissions will make every reasonable effort to attend all regular meetings of their respective boards or commissions, to attend special meetings, and to be prepared to discuss matters on their respective agendas.

B. The City Charter requires that any board or commission member who is absent from three consecutive, regular meetings will be deemed to have vacated his or her membership on the particular board or commission, unless his or

her absence is excused by a majority vote of the other members, as reflected in the official minutes of the board or commission.

C. Board and commission members, by a majority vote, may excuse a fellow board or commission member's absence from meetings for any of the following reasons:

1. Illness of the member, family member of the member, or personal friend of the member;

2. Business commitment of the member that interferes with the attendance of the member at a meeting;

3. Previously scheduled vacation of the member, notice of which was provided to the respective board or commission in advance of the meeting;

4. Attendance of the member at a funeral, religious service or ceremony, wedding, or other similarly significant event;

5. Unexpected, emergency situation that prohibits the member's attendance; or

6. Other reason for which the member has given notice to the ~~chair or~~ secretary of his or her unavailability at least 7~~15~~ days in advance of the meeting.~~, as long as the unavailability is not expected to last for longer than 30 days.~~

[Rationale for above revisions: Revision intended to simplify excused absence reason, while also providing a reasonable timeframe for notice of an absence to be given.]

D. Members shall vote on excusing a member's absence from a regular meeting. The vote shall be reflected in the official minutes for the meeting at which the vote was taken. A member may vote to excuse his or her own absence.

[Rationale for above revisions: Language added for clarification.]

E. The secretary of each board or commission shall notify the City Clerk if a voting member misses three regular, consecutive meetings of the board or commission without being excused by a majority vote of the board or commission as expressed in its official minutes. The City Clerk shall proceed according to CVMC 2.25.105(A).

[Rationale for above revisions: Subsection E above replaces procedure of the board or commission chair notifying the City Clerk under section 2.25.290(A).]

~~E. A Council subcommittee comprised of the Mayor and Deputy Mayor shall monitor the attendance records of board and commission members submitted by board and commission chairs pursuant to CVMC 2.25.290. The subcommittee may make recommendations to the full Council for a vote on the removal of a member for cause. A voting or ex officio member may be removed for cause by three affirmative votes of the City Council.~~ (Ord. 3306 § 1, 2014; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Process for monitoring attendance records and making recommendations for removal of a member is moved to Section 2.25.105. In addition, the subcommittee may also monitor members' compliance with required training.]

2.25.120 Attendance and training reports required annually.

The secretary for each board and commission shall prepare an annual written report of attendance on a form developed by the City Clerk, which includes ~~, noting~~ the percentages of absences of members for both regular and special meetings during the preceding fiscal year, the total number of meetings held by the board or commission, the number of meetings missed by each member for the preceding fiscal year, and each member's compliance with mandatory training as required by Section 2.25.160. The report shall be delivered to the City Clerk no later than June 30th of each year. The City Clerk shall forward the report to the Mayor and City Councilmembers~~, who may use this information in considering reappointment to second terms~~. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Reports on compliance with mandatory ethics training is consolidated with annual attendance reports and other clarifications made.]

2.25.130 Code of ethics.
Voting and ex officio members of boards and commissions are public officials and, therefore, act as agents for the public's purpose and hold office for the public's benefit. As public officials, they are bound to uphold the law, observe in their official acts a high standard of morality and discharge faithfully the duties of their office, recognizing that the public interest must be a primary concern. Members of boards and commissions are expected to conform to the City's code of ethics, found in Chapter 2.01 CVMC. If a board or commission member is in doubt about whether the code of ethics applies to a particular situation, the member may request in writing an advisory opinion from the Board of Ethics. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.140 Compensation and expenses – Use of business cards.
A. Members of boards and commissions shall serve without compensation for their services.

B. Members of boards and commissions may receive reimbursement for necessary travel and other expenses incurred on official duty to the extent that appropriations for such expenses have been provided by the City Council in approving the board or commission's budget.

C. Members of boards and commissions are authorized to use business cards showing their affiliation with their particular board or commission only if:

1. Business cards are used in relation to the duties and functions of the particular board or commission;

2. City funds are used to pay for the business cards; and

3. Appropriations for such expenses have been provided by the City Council in approving the budget for the particular board or commission. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.150 Conflicts of interest – Recusal from discussion and voting.
A. Voting and ex officio members of certain boards and commissions may be required to file statements of economic interest as determined in the City's conflict of interest code. The City Clerk will notify members who are required to file the statements.

B. The state's Political Reform Act and the City's conflict of interest code state that no person shall make or participate in the making of a governmental decision that he or she knows, or has reason to know, will have a reasonably foreseeable material financial effect on him or her distinguishable from its effect on the public generally. The Political Reform Act and implementing regulations require a public official diligently to monitor his or her business interests, real property, sources of income, gifts, and personal finances to ensure that he or she does not participate in an action in which he or she has a conflict of interest.

C. When a member has a conflict of interest, or the appearance of a conflict of interest, he or she must publicly state the nature of the conflict. Unless the item is on the consent calendar, the member must step down from the dais or table and leave the room until consideration of the particular item is finished. Additionally, the disqualified member may not be counted toward achieving a quorum while the item is being discussed. A member may consult the City Attorney if he or she has a question about whether or not a conflict exists and whether or not he or she should disqualify himself or herself from discussing or voting on an issue. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.160 Mandatory training sessions.
A. Board and commission members are required to attend periodic training sessions on ethics laws as specified in California Government Code Section 53234 *et seq.* ~~Board and commission members shall participate in mandatory training sessions in the first year of appointment to their particular board or commission, and at least once every two years thereafter. The City Attorney or his or her designee will provide sufficient opportunities to board and commission members to allow them to fulfill this requirement. The City Attorney or his or her designee shall monitor members' attendance at mandatory training sessions within the required time period. The City Attorney or his or her designee shall notify the City Clerk, who shall notify the Mayor, if a member fails to attend mandatory~~

~~training sessions within the required time period~~ A member's failure to comply with this training requirement, may be a cause for removal from office, pursuant to Section 2.25.105.

[Rationale for above revisions: Process for monitoring compliance with mandatory training is streamlined and consolidated under Sections 2.25.105 and 2.25.120.]

B. Board and commission members may be required to attend periodic additional training sessions on the City's code of ethics, Brown Act requirements, sexual harassment laws and policies, and other laws or City policies as may be determined.

C. The secretary of each board or commission shall be responsible for notifying members in writing of dates, times and locations of training sessions.

~~D. The failure of a board or commission member to attend a mandatory training session may be considered cause for removal from the particular board or commission to which he or she has been appointed.~~ (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Consequences of failing to attend mandatory training are included in 2.25.105.]

2.25.170 Operations – Bylaws may be adopted.
Boards and commissions may adopt bylaws governing the internal conduct of their affairs. The bylaws must be consistent with the City Charter, the Municipal Code, and applicable state law and shall include the method for their amendment. The original bylaws and any amendments to the bylaws shall be delivered to the City Clerk for preservation. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.180 Operations – Election of chair and vice chair.
At the first regular board or commission meeting following July 1st of every year, or as soon as practicable thereafter, each board or commission shall elect a chair from among its voting members. Each board and commission may also elect a vice chair from among its voting members. The chair and any vice chair thus selected shall serve for a period of one year. The secretary shall notify the City Clerk whenever there is a change in chair or vice chair. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.190 Operations – Duties of chair, vice chair and chair pro tem.
The chair shall serve as presiding officer at meetings. In the absence of the chair, the vice chair, if any, shall serve as presiding officer. In the absence of the chair and the vice chair, if any, the secretary shall call the meeting to order, and the voting members shall select a chair pro tem from any of the board or commission's voting members for purposes of conducting business at that meeting. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.200 Operations – Regular meetings required – Special meetings allowed – Time and location to be established by resolution – Brown Act requirements.
A. ~~As required by the City Charter, boards and commissions shall hold regular meetings. Except as otherwise stated in this section, each board or commission shall hold its regular meetings at least monthly.~~ Each board or commission shall establish the day, time and location for its regular meetings by written resolution, so long as such meetings comply with state and local laws, including applicable provisions of the municipal code. A board or commission may change its regular meeting day, time or location only by a written resolution.

> ~~1. The Access Appeals Board shall meet on an as-needed basis, as determined by the filing of disabled access complaints, but shall hold no more than one meeting each month at a time designated by the chair, or at 4:00 p.m. on the second Monday of each month, immediately prior to the meeting of the Board of Appeals and Advisors.~~
>
> ~~2. The Board of Ethics shall hold meetings at the call of the chair or a majority of its members. The Board shall hold at least one meeting annually.~~
>
> ~~3. The Charter Review Commission shall hold at least one regular meeting annually. Additionally, during years when regularly scheduled general municipal elections are held, the Commission shall meet no later than the~~

~~first Wednesday of the seventh month preceding the next regularly scheduled general municipal election. By written resolution, the Commission may establish other regular meeting times.~~

~~4. The Growth Management Oversight Commission shall hold meetings at the call of the chair and shall meet no later than the first week of January of each year. By written resolution, the Commission may establish other regular meeting times.~~

B. When the day for any regular meeting of a board or commission falls on a City holiday, no meeting shall be held on such holiday.

~~B~~C. In addition to regular meetings, boards and commissions are authorized to call and hold any special meetings they deem necessary.~~, as long as the meetings are properly noticed. No written resolution is required to call a special meeting.~~

~~C~~D. As a general rule, boards and commissions shall hold their regular and special meetings at a City facility. Boards and commissions may hold their meetings from time to time in other locations within the City, as long as meetings are properly noticed.

~~D~~E. All board and commission meetings shall be noticed and held in accordance with the requirements of the Brown Act. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Changes to section 2.25.200 simplify language and remove redundancies with the Brown Act. Meeting schedules are also recommended to be provided in specific board or commission resolutions only to avoid outdated information in the Municipal Code. The frequency of regular meetings (e.g. monthly, quarterly, etc.) is now provided in each board and commission's individual section.]

2.25.205 Operations – Conduct of meetings.
Pursuant to City Charter Section 603, board and commission meetings shall be open to the public. The rules applicable to City Council meetings regarding oral communications, addressing members, presiding officer powers and duties, and decorum and order, set forth in CVMC 2.04.130, 2.04.170, 2.04.210, 2.04.320, 2.04.330, and 2.04.340, shall apply to board and commission meetings. In applying those code provisions to board and commission meetings, the terms "City Council," "City Clerk," "Council meeting," and "Councilmember" shall be replaced with "board or commission," "board or commission secretary," "board or commission meeting," and "board or commission member," respectively. (Ord. 3251 § 1, 2013).

2.25.210 Operations – Agenda preparation~~, posting, and availability~~ and distribution.
A. Agendas must be prepared, distributed and posted for all meetings in accordance with Brown Act requirements.

B. Items may be placed on the agenda by the chair, by majority vote of the members, or by City staff. The secretary for each board or commission shall prepare meeting agendas in consultation with the chair. ~~The secretary shall forward the agenda and supporting documents and materials to members in sufficient time in advance of a meeting to allow them to review the materials prior to the meeting. Agendas and supporting documents shall be made available to the public at the same time they are provided to the board or commission.~~

~~B. The board or commission secretary shall post agendas for regular meetings at least 72 hours prior to the meeting in a place visible and accessible to the public 24 hours each day. The secretary shall post agendas for special meetings at least 24 hours prior to the meeting in a place visible and accessible to the public 24 hours each day.~~

C. The board or commission secretary shall forward agendas to the Mayor, City Council, and City staff designated to assist a particular board or commission~~, and individuals who have submitted a written request for meeting information, at least 72 hours in advance of regular meetings and at least 24 hours in advance of special meetings. Agendas shall be made available to the public at least 72 hours in advance of regular meetings, and at least 24 hours in advance of special meetings, and at all meetings.~~.

~~D. The agenda for each board or commission meeting shall provide time for the public to comment on each item on the agenda. The agenda shall also include a section for public comments on matters not listed on the agenda but within the jurisdiction of the particular board or commission.~~ (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Changes to section 2.25.210 are intended to simplify language and remove redundancies with the Brown Act.]

2.25.220 Operations – Meeting cancellation – Notice required.
A. A meeting may be cancelled because of a lack of a quorum of voting members or the lack of agenda items.

B. If the board or commission secretary has advance notice that a meeting will not be held, the secretary shall post a notice of cancellation in lieu of posting or mailing an agenda for the meeting.

C. If a quorum of voting members cannot be assembled on the date and at the time a meeting is scheduled to be held, the secretary shall declare the meeting cancelled and post a notice of cancellation of the meeting on the door of the room where the meeting was to be held. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.230 Operations – Minutes required – Form and content~~ – Retention of recordings~~.
[Rationale for above revisions: Revision to the section title is a clean-up item following adoption of Ordinance 3422.]

A. The board or commission secretary shall prepare minutes for all meetings. The secretary shall present the minutes at a subsequent meeting for approval by the board or commission members. The secretary shall transmit the original minutes to the City Clerk for permanent preservation immediately after the board or commission has approved the minutes. The secretary shall transmit copies of minutes of all meetings to the City Council within 10 days of approval.

B. Minutes shall contain a record of each particular type of business transacted, set off in paragraphs with proper subheadings. The secretary shall be required to make a record only of the business actually passed upon by a vote of the board or commission members and shall not be required to make a verbatim transcript of the proceedings. A record shall be made of the name and city of residence of persons addressing the board or commission, the title of the subject to which their remarks related, and whether they spoke in support of or in opposition to the matter. (Ord. 3422 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.240 Operations – Quorum and voting requirements.
Unless otherwise required by state law or this chapter, the affirmative vote of a majority of the entire voting membership of any board or commission shall be necessary for it to take any action except to adjourn. This provision is intended to meet the requirements of City Charter Section 603. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.250 Operations – Appointment of subcommittees.
A. Boards and commissions may appoint subcommittees that they deem appropriate to provide advice on any matter within the jurisdiction of the particular board or commission.

~~B. Subcommittees may be composed of board or commission members, as well as other residents appointed by the particular board or commission. The chair of any subcommittee shall be a voting member of the board or commission that established the subcommittee~~Subcommittees shall be created, and shall conduct themselves, in accordance with the Brown Act.

~~C. Subcommittees may be standing committees or ad hoc committees.~~

~~D. Brown Act requirements pertaining to notices of meetings, agendas and public comments shall apply to meetings of any standing subcommittee of whatever composition, and to any subcommittee that is composed of a quorum of members of the board or commission. Subcommittees may not hold closed sessions.~~

~~E~~B. The role of any subcommittee is to provide expertise and advice to its establishing board ~~and~~ or commission~~ members only~~. Subcommittees and subcommittee members ~~do not~~shall not advise the City Council directly or speak on behalf of the board or commission without prior approval of a majority of the members of such board or

commission. ~~Subcommittee members do not represent the City. Subcommittee members should make every effort to ensure that recommendations and advice are directed to the board or commission that established the subcommittee. Subcommittee members may not speak on behalf of the board or commission without prior approval of a majority of the members of the board or commission.~~ (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

[Rationale for above revisions: Changes are intended to simplify language and remove redundancies with the Brown Act.]

2.25.260 Operations – Staff support.
A. Pursuant to City Charter Section 603, the City Manager shall appoint a staff person to serve as secretary to each board and commission. In addition to other duties specified in this chapter, the secretary is responsible for finalizing resolutions and performing other administrative duties, as necessary.

B. ~~Pursuant to City Charter Section 605, the services of the Director of Public Works, the City Attorney, and the Director of Development Services shall be made available to the Planning Commission.~~

~~C.~~ The City Manager may make available other staff and clerical support as requested by a board or commission to fulfill its functions and duties, provided such staff and clerical support are available.

~~D~~C. Staff persons assigned to assist boards and commissions shall not be considered voting or ex officio members of those boards and commissions. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.270 Operations – Gifts, grants and contracts – Council approval required.
A board or commission may not accept gifts or grants from any source absent approval from the City Council. A board or commission may not commit or attempt to commit the City to any contract or other agreement without first obtaining authority from the City Council to do so. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

2.25.280 Operations – Annual activity report required – Other reports and recommendations – Individual communications by members.
A. By ~~July 1st~~ June 30th of every year, each board and commission shall prepare and submit to the City Clerk a written report of its activities during the previous fiscal year. The City Clerk shall forward copies of each report to the City Council. The annual report shall also contain other specific information or findings required by the ordinance creating a particular board or commission.

[Rationale for above revisions: Deadline changed to coincide with the deadline for attendance reports under 2.25.120.]

B. In addition to the annual report, a board or commission may make other reports to the City Council, either orally or in writing, at a public session of the City Council. Minority reports, if any, shall be submitted in writing concurrent with the majority reports.

C. Boards and commissions shall forward proposals, suggestions, or recommendations to the City Council after formal board or commission action has been taken, within 10 working days of the meeting at which the action was taken. Board and commission policy positions should be formulated and stated in such a way as to ensure understanding by the public that the stated positions are not the official policy of the City until recommended to, and adopted by, the City Council.

D. Individual board or commission members may speak on behalf of their respective board or commission only after a vote of the particular board or commission. Individual members making recommendations or expressing views that have not been officially voted on by a majority of the body shall indicate that they are expressing themselves as private citizens, not as representatives of their respective board or commission. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

~~**2.25.290 Vacancies – Written notification from chair required.**~~
~~A. The chair of each board or commission shall notify the City Clerk in writing, or cause the City Clerk to be notified in writing, if a voting member appears to have abandoned his or her office on the board or commission; if a voting member misses three regular, consecutive meetings of the board or commission without being excused by a~~

~~majority vote of the board or commission as expressed in its official minutes; or if a voting or ex officio member misses more than 50 percent of the board or commission's regularly scheduled meetings in one calendar year, whether or not excused by the other members.~~

~~B. The City Clerk shall notify the Mayor in writing of reported abandonment or missed meetings, or when a member has failed to attend mandatory training sessions. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).~~

~~2.25.300 Vacancies—Posting required.~~

~~A. In accordance with the Maddy Act, Government Code Section 54970, et seq., on or before December 31st of each year, or as soon as practicable thereafter, the City Clerk shall post a notice of vacancies that are anticipated to occur during the ensuing calendar year due to the expiration of voting members' terms of office.~~

~~B. If an unexpected vacancy occurs for a reason set forth in CVMC 2.25.020 under the definition of the term "vacancy," the City Clerk shall post a notice of vacancy and notify the City Council so that action can be taken to fill the vacancy. (Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).~~

[Rationale for above revisions: Sections 2.25.290 and 2.25.300 are simplified and consolidated under 2.25.105.]

[Rationale for revisions to specific board and commission chapters: Removing specific meeting schedules from the Municipal Code is recommended as board and commission meeting schedules are adopted by resolution of the board or commission, which leaves the Municipal Code out-of-date and potentially causes confusion. Meeting frequency is moved to individual board and commission chapters (below) from Section 2.25.200. Rationale for other changes to individual chapters is provided below.]

Chapter 2.26

BOARD OF APPEALS AND ADVISORS*

* For state law adopting building codes and other codes to apply as housing construction regulations throughout the state, see Health & Safety Code § 17922.

2.26.010 Creation.
There is hereby created a Board of Appeals and Advisors. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter shall govern this Board. (Ord. 3211 § 1, 2011; Ord. 2439 § 2, 1991; Ord. 1235 § 1, 1969; Ord. 1002 § 1, 1966; prior code § 2.91).

2.26.020 Purpose and intent.
It is the purpose and intent of the City Council in establishing the Board of Appeals and Advisors to create an advisory body to serve as a resource to advise and make recommendations to the City Council, the City Manager, the Building Official, and the Fire Chief on matters relating to building construction. The Board of Appeals and Advisors shall also, when appointed to do so by the City Manager or designee, act as an appellate body for persons affected by decisions of specified City Officers (as defined in section 2.26.030(D) of this chapter) arising out of the current California building codes as adopted and amended by the City. The Board of Appeals and Advisors shall be those appeal boards required by California Building Code section 1.8.8.2 and Health and Safety Code sections 17920.5 and 17920.6, unless otherwise agreed upon by the involved parties~~; and to act as an alternative administrative appellate review body for persons affected by decisions of those officers to abate public nuisances arising out of application of Uniform Codes~~. (Ord. 3211 § 1, 2011; Ord. 2790, 1999; Ord. 2439 § 2, 1991; Ord. 1465 § 1, 1973; Ord. 1235 § 1, 1969; Ord. 1002 § 1, 1966; prior code § 2.91(a)).

2.26.030 Functions and duties.
The function and duties of the Board of Appeals and Advisors shall be as follows:

A. Create a forum for City-wide discussions, research, and analysis of critical issues of building construction~~, including plumbing, mechanical and electrical installations~~.

B. Where authorized by a ~~Uniform Code~~ building code adopted by the City~~ to do so~~, to investigate, to ~~and~~ advise, and to act as an appellate body on decisions by City Officials ~~-~~as to the suitability of alternate materials or methods of construction~~, types of construction, and interpretation of that adopted Uniform Code~~.

C. Conduct public hearings and recommend to the City Council the passage of new legislation pertaining to the design and construction of buildings.

D. Act as an administrative appellate body, when assigned appeals by the City Manager, in lieu of the hearing officer described in ~~as an alternative to the hearing examiner specified under C~~Chapter 1.40 CVMC~~ CVMC~~, to hear and decide appeals of orders, decisions, and determinations made by ~~at the option of the City Manager, to hear appeals relating to determinations by~~ the City Manager, Code Enforcement Officer, Fire Chief, or Building Official

(collectively "City Officers" for purposes of this chapter) relative to the application and interpretation of ~~, pursuant to~~ City-adopted building codes, as adopted and amended by Title 15 of this Code, governing use (including abatement and nuisances), maintenance, and the change of occupancy. ~~Uniform Codes, that conditions or circumstances are public nuisances and should be abated. Such codes include, but are not limited to, the Uniform Building, Uniform Mechanical, Uniform Fire, Uniform Housing, Uniform Plumbing and National Electrical Codes as adopted from time to time by the City Council.~~ Hearings of the Board shall be conducted in accordance with the procedures set forth in such ~~Uniform Codes~~ building codes, ~~and~~ particularly the Uniform Code for the Abatement of Dangerous Buildings, or the provisions of Chapters 1.30 and 1.40 CVMC ~~CVMC~~. The decision of the Board shall be final. (Ord. 3211 § 1, 2011; Ord. 2790, 1999; Ord. 2718 § 1, 1998; Ord. 2439 § 2, 1991; Ord. 1235 § 1, 1969; Ord. 1002 § 1, 1966; prior code § 2.91(b)).

2.26.040 Membership.

The Board of Appeals and Advisors shall consist of no less than three, but no more than five ~~seven~~ voting members, to be appointed in accordance with Article VI of the City Charter and Chapter 2.25 CVMC and shall be qualified by training and experience to pass on matters pertaining to building construction, including applicable building codes, regulations, and ordinances. (Ord. 3211 § 1, 2011; Ord. 2439 § 2, 1991; Ord. 1235 § 1, 1969; Ord. 1002 § 1, 1966; prior code § 2.91(c)).

[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.]

2.26.050 Meeting ~~schedule~~frequency.

The Board's meeting schedule shall include at least one regular meeting per year, at the day, time, and location established by written resolution of the Board. In addition, the Board may hold special meetings, as determined by the City Manager or designee, at the noticed time and location. ~~The Board shall hold regular meetings on the second Monday of each month at 5:15 p.m., in Conference Room 137, located in Building 200 (Development Services) in the Civic Center, at 276 Fourth Avenue, Chula Vista. The Board may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200.~~ (Ord. 3211 § 1, 2011; Ord. 2439 § 2, 1991; Ord. 1235 § 1, 1969; Ord. 1002 § 1, 1966; prior code § 2.91(c)).

Chapter 2.28

BOARD OF ETHICS*

* Prior legislation: Prior code §§ 1.48 – 1.51; Ords. 1040, 2297, 2453, 2629, 2630 and 2778.

For provisions of Charter law concerning appointive boards and commissions, see City Charter §§ 600 – 606.

Code reviser's note: Section 4 of Ordinance 3264 provides: "Violations of Chapter 2.28 that occurred prior to the effective date of this Ordinance, shall be subject to the provisions of Chapter 2.28 and/or Board of Ethics policies or procedures in effect before the effective date of this Ordinance."

2.28.010 Establishment of the Board of Ethics.
The Board of Ethics is hereby created. The provisions of Article VI of the Chula Vista City Charter, Chapters 2.01 and 2.25 CVMC, and this chapter shall govern the Board of Ethics. (Ord. 3264 § 1, 2013).

2.28.020 Purpose.
It is the purpose of the Board of Ethics to advise and make recommendations to the City Council of the City of Chula Vista on all matters relating to potential unethical conduct and to make such necessary and appropriate recommendations to the City Council for the implementation of the code of ethics, as set forth in Chapter 2.01 CVMC, and amendments thereto, which may become necessary from time to time. The Board of Ethics will serve as a hearing body for violations of the code of ethics, as set forth in Chapter 2.01 CVMC, and shall render impartial and objective opinions and ensure that those covered by the code of ethics are appropriately informed.

Members of the Board of Ethics should be aware that they are in a unique position of trust given their role under this chapter and as such must strive to avoid any appearance of bias or partiality. Accordingly, they should be aware that their conduct and actions will be scrutinized by the public at all times, but particularly during the election cycle. (Ord. 3264 § 1, 2013).

2.28.030 Function and duties of the Board of Ethics.
It shall be the function of the Board of Ethics to implement the code of ethics as set forth in this chapter. The duties of the Board of Ethics shall be:

A. To receive or initiate complaints of violations of the code of ethics.

B. To hear and investigate complaints and transmit the findings and recommendations to the City Council.

C. To render advisory opinions or interpretations with respect to the application of the code of ethics and this chapter, either on request or on its own initiative.

D. To propose revisions of this chapter or other City policies to assure its continuing pertinence and effectiveness. (Ord. 3264 § 1, 2013).

2.28.040 Powers of the Board of Ethics.
In order to carry out its duties, the Board of Ethics is authorized to receive complaints, conduct investigations upon complaints or information received, make referrals to other governmental agencies regarding unethical conduct, hold hearings, swear witnesses, render advisory opinions and adopt rules of procedure for the conduct of its business. (Ord. 3264 § 1, 2013).

2.28.050 Membership.
A. The Board of Ethics shall be composed of seven members, to be appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter. Irregularities in the interview process set forth in CVMC 2.25.050(D) may be brought to the attention of the City Council.

B. No person shall be appointed as a member of the Board of Ethics, or shall be entitled to retain their membership, if he or she, within the past 10 years prior to the date of appointment, has been convicted of any felony or a crime

involving moral turpitude, has been found to have committed a criminal violation of the Fair Political Practices Act, or has a conflict of interest as defined in this chapter.

C. A "conflict of interest" for purposes of this section shall mean the following:

1. The applicant or any of applicant's relatives is or has been an employee of or sought employment from any City official subject to this chapter;

2. The applicant or any of applicant's relatives is or has been supervised in an employment setting by any City official subject to this chapter;

3. The applicant has served in any capacity (including staff member, advisor, or volunteer) involving the election, selection, or appointment of any City official subject to this chapter to any public office (elected or appointed);

4. The applicant has served in any capacity (including staff member, advisor, or volunteer) opposing the election, selection, or appointment of any City official subject to this chapter to any public office (elected or appointed); or

5. The applicant is related to any City official subject to this chapter.

D. This section is not retroactive. (Ord. 3264 § 1, 2013).

2.28.060 Meeting~~s~~ frequency, notice, and staffing.
The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission. ~~The Board of Ethics will hold meetings as set forth in CVMC 2.25.200(A)(2).~~ The City Attorney or his or her appointed representative shall act as secretary to the board. The secretary shall cause notice of the meetings of the board to be kept and distributed. The secretary shall also give appropriate and required written notice of all meetings to all members and persons having business before the board. (Ord. 3264 § 1, 2013).

2.28.070 Order of business.
A. The following shall be the order of business for all meetings:

1. Roll call of members.

2. Reading of minutes of previous meeting.

3. Amendment or approval of minutes of previous meeting.

4. Consideration of matters continued from previous meeting.

5. Consideration of new complaints or requests.

6. Consideration of proposed or existing state legislation in the field of ethics and amendments to the code of ethics of the City of Chula Vista.

7. Other business.

8. Oral communication.

The aforementioned order of business may be modified by an affirmative vote of the Board of Ethics.

B. Items of business shall be placed on the agenda as set forth in CVMC 2.25.210(A). (Ord. 3264 § 1, 2013).

2.28.080 Advisory opinions.
When a City official has doubt as to the applicability of a provision of this chapter to a particular situation, he or she may make a written inquiry to the Board of Ethics for an advisory opinion. The purpose of the advisory opinion is to

assist the City official in the task of judging themselves, so as to enable them to properly carry out their responsibilities as trustees in the public interest, and to conform their conduct to the code of ethics. The City official shall have the opportunity to present their interpretation of the facts at issue and of the applicable provisions of this chapter before such advisory opinion is rendered. The Board of Ethics may also, on its own initiative, issue advisory opinions regarding the interpretation or implementation of any provision of this chapter. (Ord. 3264 § 1, 2013).

2.28.085 Board referral for investigation.
A. If an individual BOE member personally observes a violation of the code of ethics, he or she may inform the BOE and request that the matter be referred to a panel attorney ("Panel Attorney") that is serving as the enforcement authority under Chapter 2.52 CVMC for investigation.

B. If a panel to serve as the enforcement authority has not been established, the Board of Ethics shall establish, in a manner similar to the process used to create the panel for the enforcement authority, a panel of attorneys to serve pursuant to this section.

C. The Board of Ethics may refer the matter to a Panel Attorney if the BOE member presenting the request makes a prima facie showing as set forth in CVMC 2.28.110. This provision may not be used in the place of or to circumvent the other provisions in this chapter for the submission of complaints. Once a BOE member submits a request under this section and the matter is submitted to a Panel Attorney, they shall recuse themselves from voting on the complaint.

D. The BOE referral shall go to a Panel Attorney for investigation and determination if probable cause exists on the complaint. The Panel Attorney may dismiss the complaint if he determines that probable cause does not exist or if he concludes he cannot prove that probable cause exists. If he dismisses the case for lack of probable cause, he shall inform the Board of Ethics and provide a basis for the dismissal. If the panel attorney determines that probable cause exists, he shall present his case as set forth in CVMC 2.28.120 for determination by the Board of Ethics if probable cause exists. If the Board of Ethics determines that probable cause exists, another Panel Attorney will continue the investigation for submission to the BOE for a full hearing. Panel Attorneys assigned under this subsection will be assigned in the same manner they are assigned to investigate complaints for violations of Chapter 2.52 CVMC. The Panel Attorney shall present the matter for full hearing as set forth in CVMC 2.28.130. (Ord. 3264 § 1, 2013).

2.28.090 Complaints – Form, referral to other enforcement agency and requests for confidentiality.
A. All complaints regarding violations of this chapter shall be in writing, identify a person subject to the code of ethics, contain a full allegation of facts that would constitute a violation of the specific prohibitions enumerated in this chapter, and be sworn under penalty of perjury. All alleged violations must be submitted within 90 days of occurrence or when it should have been discovered with the exercise of reasonable diligence. Justification for any delay in filing complaints is the responsibility of the complainant. For complaints concerning unethical patterns of behavior, such complaints must be received by the Board of Ethics within 90 days of the most recent event comprising the pattern of behavior complained of, or within 90 days of when the last event should have been discovered with the exercise of reasonable diligence. The Board of Ethics will, in its discretion, limit the pattern of behavior to those events the Board of Ethics feels are proximately related in time to be a part of the same pattern of behavior.

B. The Board may refer the matter to a local, state, or federal enforcement agency that may have jurisdiction over the matter at any stage of the proceedings and may hold in abeyance Board action pending results of the referral. The Board of Ethics may, but is not required to, resume Board action on the matter if it has been provided notice of inaction by the agency to whom the complaint was referred, the expiration of any applicable statute of limitations, or inaction for more than one year by the agency to whom the complaint was referred. Local, state and federal enforcement agencies include, but are not limited to, the United States Attorney's Office, the California Attorney General's Office, the San Diego County District Attorney's Office, the San Diego County Grand Jury, and the Fair Political Practices Commission (FPPC). If the Board learns of misconduct during any stage of the proceedings, but the misconduct is not within the specific prohibitions set forth in this chapter, the Board of Ethics may make a referral to the appropriate local, state, or federal enforcement agency that may have jurisdiction over the alleged misconduct.

C. The name of the complainant shall be disclosed unless the complainant has requested that their name be kept confidential and there is good cause to withhold such name. Requests for confidentiality shall be addressed as follows:

1. To request that their name be kept confidential, the complainant must provide, with their complaint, a detailed factual statement, sworn under penalty of perjury, that they would suffer harm or retaliation if their name were to be disclosed. Facts that may be considered to determine if good cause exists may include, but are not limited to:

a. The existence of an employer/employee or supervisor/subordinate relationship between respondent and complainant or the existence of such a relationship between complainant's spouse or immediate relative(s) and respondent or respondent's spouse or immediate relative;

b. Facts that show that complainant would be shunned, ostracized, or rebuked by any organization or group to which they belong if their name were to be made public;

c. Evidence of prior acts of retaliation or harm by respondent against complainant or any other person;

d. The existence of criminal convictions for crimes of violence by or the existence of any restraining orders against respondent.

Conclusionary or speculative statements of harm or retaliation are insufficient to establish good cause.

2. Upon a request for confidentiality, the Chair and two Board members, chosen by the Chair on a rotating basis, shall form an ad hoc subcommittee within two business days of being informed by the City Attorney's Office of a request for confidentiality and, after consideration of the request, determine if good cause exists to withhold disclosure of the name. The Chair shall inform the complainant of its decision within five business days.

3. If the decision is to deny the request for confidentiality, complainant shall have five business days to withdraw their complaint. If complainant requests that the complaint be withdrawn, the entire complaint shall be returned to complainant and their complaint shall not be disclosed. The complaint and complainant's name shall be not disclosed during this evaluation process.

4. Upon a finding of good cause by the ad hoc subcommittee formed under this section, the name of the complainant shall be kept confidential unless and until a finding of probable cause is made. The complaint shall also be redacted accordingly. (Ord. 3264 § 1, 2013).

2.28.100 Complaint procedures – Receipt of complaint.

A. The following procedures will be followed upon receipt of a complaint:

1. The complaint will be assigned a case number.

2. The complainant ("complainant") will be sent a letter that provides notice that the complaint was received, the date of the next hearing in which the complaint will be addressed, and which generally explains the procedures that will be followed.

3. The subject of the complaint (hereinafter "respondent") will be sent a letter that provides notice that a complaint has been received naming them as the subject, the date of the next hearing in which the complaint will be addressed, and which generally explains the procedures that will be followed. The respondent will also be sent a copy of the complaint with the letter. The complaint may be redacted as provided for in CVMC 2.28.090(C) (related to confidentiality requests).

4. The Chair of the Board of Ethics shall be notified that a complaint has been received. Notwithstanding any other time frames, the Chair may set a special meeting on the complaint.

5. A preliminary review (hereinafter "prima facie review") of the complaint will be set within 30 days of receipt of the complaint. If the complaint is received within 90 days of a municipal election in which a City

official is a candidate, the prima facie review of the complaint will be set within 15 days of the receipt of the complaint. The Chair and members shall be sent copies of the complaint for their review prior to the hearing. The Chair and members receiving copies of the complaint shall not discuss the complaint nor disclose the complaint to any person outside of the hearing. (Ord. 3264 § 1, 2013).

2.28.110 Complaint procedures – Prima facie review.

The Board of Ethics will conduct a prima facie review ("prima facie review") of the complaint. The purpose of prima facie review is to determine if the complainant has made a prima facie showing that the complaint complies with the requirements in CVMC 2.28.090(A) (Complaints – Form, referral to other enforcement agency, and request for confidentiality), thereby establishing jurisdiction. A prima facie review may result in the following:

A. No Prima Facie Showing Made – Dismissal. After completing the prima facie review, the Board may dismiss the complaint for any of the following reasons:

1. The complaint is not in writing or is not made under penalty of perjury;

2. The respondent is not a City official within the meaning of this chapter;

3. The complaint does not contain a full allegation of facts that would constitute a violation of the specific prohibitions enumerated in this chapter;

4. The complaint restates other complaints containing essentially similar or identical allegations that have already been disposed of, and the evidence presented does not warrant reopening of the previous case;

5. The allegations contained in the complaint are already under investigation by the Board of Ethics;

6. The complaint consists of speculation, opinion, frivolous contentions, or absurd accusations; or

7. The Board of Ethics determines other good cause requires dismissal. If the dismissal is for this reason, the good cause must be set forth in the minutes of the preliminary review.

If the complaint is dismissed, the Board shall issue a letter to the complainant and respondent as soon as possible, indicating the reason for the dismissal of the complaint. Such letter is not a conclusive finding and is not intended to be evidence in any enforcement action initiated by another agency.

B. Prima Facie Showing Made – Further Action. If the Board determines that a prima facie showing has been made, then the Board shall determine the appropriate course of action, including the following:

1. The Board may request additional information from complainant or the respondent. The Board shall endeavor to complete this action within 45 days from the prima facie finding. If the information is not received within the 45 days, such fact shall be reported to the Board. After this stage is complete, the matter should be set for a probable cause hearing within 30 days.

2. The Board may create an ad hoc subcommittee comprised of one to three board members to conduct further investigation. The ad hoc subcommittee shall endeavor to complete its investigation within 90 days of the prima facie finding. If the investigation is not completed within the 90 days, such fact shall be reported to the Board. After this stage is complete the matter should be set for a probable cause hearing within 30 days.

3. The Board may hire an individual from a list of prequalified investigators to conduct an investigation. This provision is subject to available funding. The investigator shall endeavor to complete the investigation within 90 days of the prima facie finding. If the investigation is not completed within the 90 days, such fact shall be reported to the Board. After this stage is complete the matter should be set for a probable cause hearing within 30 days.

The Board of Ethics shall establish a written policy for the selection of prequalified investigators. In determining qualifications, the Board of Ethics shall consider, but is not limited to, the following:

a. Professional licensing;

b. Experience in conducting investigations;

c. Area or areas of expertise required for the investigation;

d. Available support staff;

e. Reasonable costs;

f. The existence of conflicts of interest;

g. Proven ability to timely complete tasks.

4. The Board may set the matter for a probable cause hearing. The Board shall endeavor to set the probable cause hearing within 45 days of the prima facie finding. (Ord. 3264 § 1, 2013).

2.28.120 Complaint procedures – Probable cause hearing.
The purpose of the probable cause hearing is to determine if there are facts and circumstances, of a reasonably trustworthy nature, sufficient to justify a person of reasonable caution or prudence in the belief that a violation of the specific prohibitions has occurred ("probable cause"). To find probable cause, there must be an affirmative vote of the majority of the entire voting membership. The following procedures shall be followed in the conduct of a probable cause hearing:

A. Both parties shall be provided notice that the probable cause hearing has been set.

B. The complainant and respondent shall be informed that they may lodge with the Board 10 days before the hearing additional evidence and a statement on their behalf for the Board's consideration. If such evidence is not provided to the Board within the time frame indicated, the Board may, but is not required to, exclude such evidence. As soon after receipt of such evidence by the Board, the Board should endeavor to provide the opposing party a copy thereof.

C. At the hearing, the Board shall review, but is not limited to, the following: the complaint, including any supporting documents, that was filed; information acquired during any Board-ordered investigation or request for information; and any other documents or evidence provided to the Board before the probable cause hearing.

D. The Board, in its discretion, may permit additional documents or evidence to be admitted into the probable cause hearing. The Board, in its discretion, may also permit witnesses to testify. Witnesses may be subject to cross-examination, as permitted by the Board.

E. Both parties may comment on the issue of probable cause, as permitted by the Brown Act.

F. If the Board determines that probable cause does not exist, the Board shall dismiss the complaint.

G. If the Board determines that probable cause exists, the Board should set a hearing on the merits within 45 days thereafter. (Ord. 3264 § 1, 2013).

2.28.130 Complaint procedures – Hearing on the merits.
If probable cause is determined to exist by the Board, then the Board shall conduct a hearing on the merits ("hearing on the merits") as set forth herein:

A. Prior to the hearing on the merits, the Board may request additional information as set forth in CVMC 2.28.110(B). The Board should set a date by which a request for additional information should be completed.

B. Both parties shall be provided notice of the hearing on the merits. The Board may provide copies of materials upon which the complaint is based to either party.

C. In the discretion of the Board, complainant may present an opening and closing statement, present additional evidence and witnesses, including rebuttal evidence and witnesses, and cross-examine witnesses.

D. In the discretion of the Board, the respondent may present an opening and closing statement, present additional evidence and witnesses, including rebuttal evidence and witnesses, and cross-examine witnesses.

E. The Board may admit, but is not limited to, evidence provided at the hearing on the merits, information provided with the complaint, information provided pursuant to CVMC 2.28.110(B), or subsection (A) of this section, information provided at the probable cause hearing, and any other evidence it determines should be considered.

F. The hearing on the merits is not a formal judicial proceeding, but the Board will exercise control over the hearing to ensure that it is conducted in an orderly and expeditious manner. While the technical rules of evidence are not applicable and hearsay is admissible, evidence that is admitted should bear indicia of reliability. (Ord. 3264 § 1, 2013).

2.28.140 Complaint procedures – Decision after hearing on the merits.
The Board shall document its decision in a written statement of decision. A vote of five board members is required to make a finding of misconduct. Each finding of misconduct must be supported by a preponderance of the evidence. The statement of decision should be prepared expeditiously and shall be served upon both parties via certified mail with a certificate of mailing.

A. Misconduct Found – Declaration of Misconduct. If the Board makes a finding of misconduct, the statement of decision shall contain, and be labeled as such, a declaration of misconduct. The declaration of misconduct shall detail the misconduct that has been found to be true and the supporting evidence. The declaration of misconduct shall be a final decision on the merits and shall not be changed by the City Council. The declaration of misconduct may contain a recommendation of sanctions against the City official found to have engaged in misconduct, including, but not limited to, the following: a reprimand, censure, or removal from office. The declaration of misconduct may also recommend remedial actions to prevent misconduct in the future.

Government Code Sections 3250 et seq. (Firefighter Procedural Bill of Rights Act) and 3300 et seq. (Public Safety Officers Procedural Bill of Rights Act) provide appeal rights for the Police and Fire Chief. The Police and Fire Chief shall be provided the appeal rights required under the aforementioned Government Code sections and City Council shall act as the body hearing any such appeal.

B. No Misconduct Found – Declaration of No Misconduct. If the Board makes a finding of no misconduct, the statement of decision shall contain, and be labeled as such, a declaration of no misconduct. The declaration of no misconduct shall detail the basis for its finding. (Ord. 3264 § 1, 2013).

2.28.150 Conflicts.
City officials subject to the specific prohibitions set forth in this chapter should not participate in or influence the complaint process as set forth in CVMC 2.28.090 to 2.28.140 in their official capacities. To this end, when a complaint involves a Board of Ethics member, a Councilmember (including the Mayor) or the City Attorney, the following procedures shall be followed:

A. If a complaint involves a Board of Ethics member, then the named Board of Ethics member shall recuse himself or herself.

B. If a complaint involves a Councilmember, including the Mayor, then the named Councilmember shall recuse himself or herself.

C. If the complaint involves the City Attorney, the City Attorney and his or her office shall recuse themselves. Outside counsel shall be appointed by the Board of Ethics to advise the Board of Ethics regarding a complaint alleging misconduct by the City Attorney. The Board of Ethics may establish procedures for the selection of such counsel. (Ord. 3264 § 1, 2013).

2.28.160 Disclosure of Board records.
The purpose of this section is to advance the public's interest under the Public Records Act to access information concerning the conduct of the Board in a manner that will not compromise the Board's ability to conduct effective and confidential investigations into alleged violations of the City of Chula Vista's code of ethics. The Board and its staff shall not make public comments regarding a pending matter until the Board has made a final decision on the

merits or until the matter is otherwise closed. The complaint may be released to the public. The complaint may be redacted consistent with CVMC 2.28.090 (regarding requests for confidentiality). The Board may release its records unless they fall within, but not limited to, the categories that follow:

A. Preliminary or draft memoranda, documents, or records not kept in the ordinary course of business.

B. Personnel, medical, or other similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

C. Documents or records protected under any law (state or federal) related to privilege.

D. Records exempt from disclosure under the California Public Records Act (Government Code Section 6250 et seq.).

E. Documents or records where the public interest against disclosure outweighs the public interest served by disclosure. Such documents may include, but are not limited to, the following:

1. The names of juvenile witnesses; or

2. Personal or otherwise private information related or unrelated to the investigation if the disclosure would constitute an unwarranted invasion of privacy; or

3. The identity of a confidential source; or

4. Information, which, if disclosed, would create a credible risk of endangering any individual; or

5. Information, which, if disclosed, would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite. (Ord. 3264 § 1, 2013).

2.28.170 Severability.

If any provision of this chapter, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this chapter to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this chapter are severable. (Ord. 3264 § 1, 2013).

Chapter 2.29

CHARTER REVIEW COMMISSION

2.29.010 Creation.
There is hereby created a Charter Review Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

2.29.020 Purpose and intent.
It is the purpose and intent of the City Council in establishing the Charter Review Commission to create an advisory body to serve as a resource to advise and make recommendations to the City Council and the City Manager on issues affecting the provisions of the City Charter. The Commission will review the organizational framework of City government, work to identify language to amend the City Charter to clarify or improve the workings of the City government, and recommend changes sufficiently in advance of elections to allow thoughtful City Council review and determination of whether to place the matter on the ballot. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

2.29.030 Functions and duties.
The functions and duties of the Charter Review Commission shall be as follows:

A. Constitute a forum for City-wide discussions, research and analysis of matters relating to current or proposed provisions of the City Charter, and amendments thereto.

B. Help coordinate citizen and staff ideas with regard to potential Charter changes.

C. Formulate specific language for proposed Charter changes to be submitted to the City Council in a form appropriate for placement on the ballot at an election wherein the proposed Charter changes can be submitted to the electorate.

D. Provide analyses and reports to the City Council in connection with said recommendations.

E. Prepare and submit proposed ballot arguments in favor of or against proposed Charter changes. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

2.29.040 Membership.
The Commission shall consist of seven voting members, to be appointed in accordance with Article VI of the City Charter and Chapter 2.25 CVMC. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

2.29.050 Meeting frequency and schedule.
A. Regular Meetings. The Commission's meeting schedule shall include at least one regular meeting per year, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings at least once per year, on the date and at the time as called by the chair or a majority of the Commission,~~ Additional meetings may be held as called by the chair or a majority of the Commission. ~~in the Community Room, located in the Chula Vista Police Department at 315 Fourth Avenue.~~

B. Pre-Election Meetings. The Commission shall meet no later than the first Wednesday of the seventh month preceding the next regularly scheduled municipal election, at which time the Commission shall assign duties to its members as may be necessary; and consider agenda issues for further deliberation and discussion by the Commission. If a pre-election meeting is the Commission's first meeting held during the City's fiscal year, it shall constitute a "regular meeting," as that term is used in CVMC 2.25.180.

~~C. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200.~~ (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

Chapter 2.31

MOBILEHOME RENT REVIEW COMMISSION

2.31.010 Creation.
There is hereby created a Mobilehome Rent Review Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 5, 2011; Ord. 2451 § 1, 1991).

2.31.020 Purpose and intent.
It is the purpose and intent of the City Council, in establishing the Commission, to create an advisory body to provide an independent review of the disputes over rent increases in mobilehome parks within the City of Chula Vista under Chapter 9.50 CVMC. (Ord. 3211 § 5, 2011; Ord. 2451 § 1, 1991).

2.31.030 Functions and duties.
The functions and duties of the Commission shall be as follows:

A. Pursuant to Chapter 9.50 CVMC, act as the "due process," unbiased decision maker regarding mobilehome park rent disputes.

B. Adopt rules and regulations to procedurally administer hearings under Chapter 9.50 CVMC to determine whether the park owner's rent increase is in excess of the applicable cost of living increase or is a fair return on the park owner's property.

C. Consult with and provide advice to the City Council and City Manager on matters relating to mobilehome parks. (Ord. 3211 § 5, 2011; Ord. 2451 § 1, 1991).

2.31.040 Membership.
A. The Commission shall consist of five voting members and up to two ex officio members, to be appointed in accordance with Article VI of the City Charter, CVMC 2.25.050(G), and this chapter.

B. The members shall be appointed in accordance with subsection (A) of this section and as follows:

1. No member shall own or be a tenant in a mobilehome park.

2. One ex officio member shall be a tenant in a mobilehome park within the City at the time of appointment and throughout the member's term.

3. One ex officio member shall be an owner of a mobilehome park within the City at the time of appointment and throughout the member's term. (Ord. 3211 § 5, 2011; Ord. 2804, 2000; Ord. 2502 § 3, 1992; Ord. 2451 § 1, 1991).

2.31.050 Meeting ~~schedule~~frequency.
The Commission's meeting schedule shall include at least one regular meeting per quarter, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings quarterly on the third Thursday of July, October, January, and April at 6:00 p.m. in the Council Chambers, located in Building 100 (City Hall) in the Civic Center at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200.~~ (Ord. 3211 § 5, 2011; Ord. 2502 § 2, 1992; Ord. 2451 § 1, 1991).

Chapter 2.32

SUSTAINABILITY COMMISSION*

* For provisions of the Environmental Quality Act of 1970 generally, see Public Resources Code 21000, et seq.; for provisions authorizing attorney general intervention in matters of environmental concern, see Gov. Code § 12600, et seq.

Prior legislation: Prior code § 1.718, Ords. 1299 and 1310.

2.32.010 Creation.
The Resource Conservation Commission was created by ordinance in 1980; that Commission has been renamed the Sustainability Commission (the "Commission"). The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3380 § 1, 2016; Ord. 3211 § 6, 2011; Ord. 3198 § 3, 2011; Ord. 1928 § 2, 1980).

2.32.020 Purpose and intent.
It is the purpose and intent of the City Council, in establishing the Commission, to create a broadly based multifunctional commission to provide citizens' advice to the City Council in the areas of energy and water conservation, resource recovery, environmental sustainability, and other related fields as determined by the City Council. The Commission shall also provide citizens' advice to the other boards and commissions, the City Manager and members of the City Manager's staff on these matters. (Ord. 3380 § 1, 2016; Ord. 3211 § 6, 2011; Ord. 3198 § 3, 2011; Ord. 1928 § 2, 1980).

2.32.030 Statement of City goals and policies.
The goals and policies of the City that relate to the duties of the Sustainability Commission are:

A. Create and maintain sustainable conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations;

B. Take all actions necessary to provide the people with clean air, land, and water, enjoyment of aesthetic, natural and scenic qualities, and freedom from excessive noise;

C. Prevent the elimination of fish or wildlife species due to population intrusion, assist in assuring that these populations do not drop below self-perpetuating levels, and preserve for future generations representations of indigenous plant and animal communities;

D. Ensure that the long-term protection of the environment shall be the guiding criterion in decisions by the City;

E. Maximize the conservation and efficient utilization of nonrenewable energy resources, and encourage the utilization of renewable energy sources;

F. Maximize the recovery, recycling and reuse of discarded resources and minimize waste generation through City action and cooperation with other public agencies and private concerns;

G. Seek the fair treatment and meaningful involvement of all Chula Vista citizens with respect to the development, implementation and enforcement of environmental laws, regulations and policies;

H. Minimize any conflict with any national, state, regional or local environmental goals. (Ord. 3380 § 1, 2016; Ord. 3211 § 6, 2011; Ord. 3198 § 3, 2011; Ord. 1928 § 2, 1980).

2.32.040 Functions and duties.
A. The Commission shall provide the City Council with a citizens' assessment of the following:

1. The effectiveness of proposed goals, policies, procedures and regulations of the City in accomplishing the purpose, intent and goals of this chapter;

2. The extent to which the capital improvement program implements this chapter;

B. The Commission may submit to the City staff, other boards or commissions, or the City Council recommendations concerning existing or new goals, policies, procedures or regulations necessary to implement this chapter;

C. The Commission may recognize individuals or groups in the community who have implemented notable measures to foster the purpose, intent and goals of this chapter;

D. The Commission may hold hearings relating to any matter under investigation or in question before this Commission;

E. With regard to energy and water conservation and resource recovery:

1. The Commission shall review and make a recommendation to the City Council for the disposition of appeals regarding the administration of CVMC Title 20, Energy and Water Conservation, except those portions which are within the scope of the Board of Appeals and Advisors and the Planning Commission.

2. The Commission shall review and make a recommendation to the City Council for the disposition of appeals regarding the administration of Chapter 8.24 CVMC, Solid Waste and Litter, and Chapter 8.25 CVMC, Recycling, except those portions which are within the scope of the Planning Commission. (Ord. 3380 § 1, 2016; Ord. 3211 § 6, 2011; Ord. 3198 § 3, 2011; Ord. 1928 § 2, 1980).

2.32.050 Administrative functions.
A. In the event that private funds or funds from other governmental agencies are made available for special projects, surveys, educational programs or general program support, the City Manager is authorized, upon recommendation of the Commission and approval of the Council, to enter into appropriate contracts for the utilization of such funds in furtherance of the purpose and intent of, and the duties and functions of, the Commission.

B. The Sustainability Commission shall have no power or right to acquire any property for or on behalf of itself or the City, nor shall it acquire or hold any money for itself or on behalf of the City. (Ord. 3380 § 1, 2016; Ord. 3211 § 6, 2011; Ord. 3198 § 3, 2011; Ord. 1928 § 2, 1980).

2.32.060 Membership.
The Sustainability Commission shall consist of seven members, to be appointed in accordance with Article VI of the City Charter and Chapter 2.25 CVMC. (Ord. 3380 § 1, 2016; Ord. 3211 § 6, 2011).

2.32.070 Meeting ~~schedule~~ frequency.
The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold its regular meetings on the second Monday of each month at a place and time determined by resolution of the Commission. The Commission may change its regular meeting day, time, or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3380 § 1, 2016; Ord. 3211 § 6, 2011).

2.32.090 Historical site permit process.
Repealed by Ord. 3198 § 3, 2011. (Ord. 1928 § 2, 1980).

2.32.100 Implementation of sustainability commission functions in designated areas by Chula Vista redevelopment corporation.
Repealed by Ord. 3153 § 2 (Exh. B), 2010. (Ord. 3009 § 2, 2005).

Chapter 2.33

CULTURAL ARTS COMMISSION

2.33.010 Creation.
There is hereby created a Cultural Arts Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990).

2.33.020 Purpose and intent.
It is the purpose and intent of the City Council in establishing the Cultural Arts Commission to create an advisory body to serve as a resource to advise and make recommendations to the City Council and the City Manager on cultural arts issues affecting the citizens of the City. The focused efforts of the Cultural Arts Commission will be to identify cultural arts needs and issues.

The purpose of the Commission is to focus community energies and resources on developing a highly visible City with a cultural arts personality and to develop, support, and nurture those ideas that expand and enrich arts and cultural opportunities for the entire community. (Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

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.

F. The Commission may develop guidelines for consideration during the application and appointment processes for new members, which may include relevant questions to be included on the application, recommended considerations when making an appointment, and definitions of terms referenced in Section 2.33.040, related to the qualifications of members. (Ord. 3393 § 1, 2016; Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

[Rationale for above revisions: Duties added to account for revised Cultural Arts Commission appointment process.]

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 Chapter 2.25 CVMC. Further, all nine members shall demonstrate competence, knowledge and experience in cultural arts; and a minimum of six 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. (Ord. 3393 § 1, 2016; Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

2.33.050 Meeting frequency ~~schedule~~.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.~~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.~~ (Ord. 3393 § 1, 2016; Ord. 3211 § 7, 2011; Ord. 2403 § 1, 1990; Ord. 2362 § 1, 1990).

Chapter 2.35

HOUSING ADVISORY COMMISSION

2.35.010 Creation.
Pursuant to Section 34291 of the California Health and Safety Code, there is hereby created a Housing Advisory Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 9, 2011; Ord. 2586 § 1, 1994).

2.35.020 Purpose and intent.
It is the purpose and intent of the City Council, in establishing the Commission, to create an advisory and coordinating body which is to serve as a resource, to advise and to make recommendations to the Housing Authority, Redevelopment Agency, City Council, and City Manager on housing issues and opportunities that would benefit the community. (Ord. 3211 § 9, 2011; Ord. 2586 § 1, 1994).

2.35.030 Functions and duties.
The functions and duties of the Housing Advisory Commission shall be as follows:

A. Serve as an advisory body to the Housing Authority, City Council, Redevelopment Agency, and City Manager.

B. Periodically assess the housing needs of the residents of Chula Vista and review housing policies and strategies, including the Housing Element of the General Plan, the Comprehensive Housing Affordability Strategy, and the Redevelopment Agency Housing Plan; and to make recommendations to improve said plans to address identified community housing needs.

C. Review and make recommendations on all matters to come before the housing authority, except emergency matters and matters which the housing authority, by resolution, excludes from its review.

D. Review all proposed affordable housing projects to be assisted with public funds or incentives and make recommendations concerning said projects.

E. Review all affordable housing projects proposed under the City's affordable housing program and related development agreements and make recommendations concerning said projects.

F. Review ongoing housing programs of the Housing Authority, City, and Redevelopment Agency and make recommendations for improvement thereof, including efforts to publicize the availability of housing opportunities to City residents.

G. Perform such others functions or duties as may be delegated by the Housing Authority. (Ord. 3211 § 9, 2011; Ord. 2586 § 1, 1994).

2.35.040 Membership.
A. The Housing Advisory Commission shall consist of seven voting members and up to two ex officio members, to be appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter.

B. The voting members shall be appointed according to the following specifications:

Three members shall have expertise and experience in at least one of the following fields: lending, urban planning, real estate development, and real estate brokerage; two members shall be appointed as representatives of tenants of the Housing Authority, and shall, at the time of their appointments and throughout their terms, reside in assisted housing or receive Section 8 rental housing assistance from the Housing Authority; one of these two members shall be 62 years of age or older; and two members shall be residents of the City at large, and shall, throughout their terms, maintain their residency and elector status. (Ord. 3211 § 9, 2011; Ord. 2586 § 1, 1994).

2.35.050 Meeting ~~schedule~~ frequency.

The Commission's meeting schedule shall include at least one regular meeting per quarter, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings quarterly on the fourth Wednesday of July, October, January, and April at 3:30 p.m., in the Council Conference Room (C-101), located in Building 100 (City Hall) in the Civic Center at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200.~~ (Ord. 3211 § 9, 2011; Ord. 2586 § 1, 1994).

Chapter 2.36

HUMAN RELATIONS COMMISSION*

* For statutory authority for cities to act on behalf of interracial, interethnic and interreligious peace, see Gov. Code § 50261, et seq.

2.36.010 Creation.
There is created a Human Relations Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3405 § 1, 2017; Ord. 3211 § 10, 2011; Ord. 1857 § 1, 1979; Ord. 1120 § 1, 1968; prior code § 1.4.2).

2.36.020 Purpose and intent.
A. It is the purpose and intent of the City Council to redefine and broaden the duties and functions of the Human Relations Commission as an advisory body, to make recommendations and offer advice to the Mayor, City Council and the City Manager on the rights of every inhabitant of the City of Chula Vista and in the improvement and effectiveness of the interrelationships between the various groups based on race, religion, color, ancestry, socioeconomic, age, sex (including gender identity, gender expression, transgender, pregnancy and breastfeeding), sexual orientation, place of birth, citizenship/immigration status, marital status, military service, disability, medical condition, genetic characteristics or information, or any other characteristic protected by federal, state, or local laws of citizens forming the social body of the City and to advise the City on how it may best proceed in the realization of its stated goals to support a healthy community, strong and secure neighborhoods and a connected community as it seeks to promote ways in which the community welcomes and embraces its diversity and safeguards equal opportunity for everyone and to accomplish, among other things:

1. The development of a mutual understanding and respect among all such groups in the City and to help eliminate prejudice and discrimination;

2. The establishment and maintenance of contacts with groups in the community which are concerned with protection of civil liberties of all people, resolution of conflict, and interracial and intercultural understanding, and to report to the Mayor, City Council and City Manager regarding the activities of these groups;

3. The promotion of new and improved programs of services to all local citizens in cooperation with peer boards and commissions as well as the City Manager to increase intergroup relations and harmony;

4. The encouragement of citizen participation in local government by providing a forum for discussion as a means of resolving community relationship problems;

5. The protection and strengthening of the rights of all groups to ensure the enjoyment of their constitutional privileges and the elimination thereby of prejudice, discrimination or bigotry in this community;

6. The advancement of programs to assist senior citizens in the realization and satisfaction of their needs and other social concerns;

7. The encouragement of policies and programs to fully integrate persons with disabilities into the mainstream of community life in the City;

8. The encouragement of the Mayor, City Council, City Manager and all officers, agencies, boards, departments, and employees of the City of Chula Vista to take steps to enhance peace and good order, and provide equal opportunity for and good will toward all people;

9. Prepare a written report of its activities to the Mayor, City Council, and City Manager annually to include summaries of recommendation for development of policies, procedures and legislation deemed to be necessary.

B. It is the intent of the City Council to create healthy, enlightened attitudes, policies and practices by establishing this Commission as an official body, not primarily as an enforcement or audit agency, but as a commission which

will conduct careful surveys, advise intelligently, and use the tools of education and motivation to the realization of the objectives stated herein, which are the fulfillment of democracy's promises and realization of constitutional guarantees. (Ord. 3405 § 1, 2017; Ord. 3211 § 10, 2011; Ord. 2543 § 1, 1993; Ord. 1909 § 1, 1980; Ord. 1857 § 1, 1979; Ord. 1120 § 1, 1968; prior code § 1.4.1).

2.36.030 Functions and duties.
In cooperation with other relevant boards and commissions and the Chief's Community Advisory Board, the Human Relations Commission shall perform the following duties and functions:

A. Foster mutual understanding, respect and good will among all groups identified in CVMC 2.36.020(A);

B. The first duty of the Commission shall be to assist the City, by completing all required steps, to become a Certified Welcoming City;

C. Enlist the cooperation of the various groups, fraternal and benevolent associations and other groups in Chula Vista in programs and campaigns devoted to eliminating group prejudice, intolerance, bigotry and discrimination;

D. Study the problems in the event of civil unrest and examine the causes;

E. Study, review, analyze, and report to the Mayor, City Council and the City Manager the studies of state and federal agencies, and legislative enactments of state and federal governments, including but not limited to the several civil rights acts of the United States government and the state;

F. Work together with City, state and federal agencies in developing programs and events showing the contributions of the various groups to the culture and traditions of the City, state and nation;

G. Promote the establishment of local community organizations in building and strengthening relationships with community groups and nonprofits;

H. Work with relevant boards and commissions, including the Chief's Community Advisory Board, as needed to explore ways to improve municipal services and community relations within the scope of the commission's purpose as stated in CVMC 2.36.020(A);

I. Advise the City Council and the City Manager of policies and programs of a formal and informal nature that will aid in eliminating all types of discrimination based on race, religion, color, creed, national origin, ancestry, age, gender, sexual orientation, disability, medical condition, place of birth, citizenship/immigration status, marital status, or military service, and secure the furnishing of equal services to all residents and maintain the quality of opportunity for employment and advancement in the City government.

The Commission shall be advisory in its function, and shall have no police or enforcement powers. It shall issue no reports or recommendations except through the City Council and the City Manager. (Ord. 3405 § 1, 2017; Ord. 3211 § 10, 2011; Ord. 2543 § 2, 1993; Ord. 1909 § 2, 1980; Ord. 1857 § 1, 1979; Ord. 1120 § 1, 1968; prior code § 1.4.3).

2.36.040 Membership.
A. The Human Relations Commission shall consist of 11 members, to be appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter.

B. The members shall be: (1) representative of the diversity of the City; (2) specifically chosen to reflect the interests and concern with protection of civil liberties of all people which make up the City's residents; (3) committed to fostering better human relations in the City of Chula Vista; and (4) associated with the business and/or civic activities of the City. (Ord. 3405 § 1, 2017; Ord. 3211 § 10, 2011).

2.36.050 Funding.
In the event that private funds or funds from other governmental agencies are made available for special projects, surveys, educational programs or general program support, the City Manager is authorized, upon recommendation of the Commission and approval of the Council, to enter into appropriate contracts for the utilization of such funds in furtherance of the purposes and intent of, and the duties and functions of, the Commission. (Ord. 3405 § 1, 2017; Ord. 3211 § 10, 2011; Ord. 1857 § 1, 1979; Ord. 1120 § 1, 1968; prior code § 1.4.4).

2.36.060 Meeting frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.37

COMMISSION ON AGING*

* Prior legislation: Ord. 2105.

2.37.010 Creation.
There is hereby created a Commission on Aging. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).

2.37.020 Purpose and intent.
A. It is the purpose and intent of the City Council to establish the Commission on Aging to make recommendations and advise the City Council and the City Manager on all matters affecting the older residents of the City, who constitute nearly 16 percent of the population of the City.

B. It is the intent of the City Council to create healthy, enlightened attitudes, policies and practices by establishing this Commission as an official body, not as an enforcement or reviewing agency, but as a commission that will carefully survey, intelligently plan and use the tools of education and motivation to the realization of the objectives stated in this chapter. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).

2.37.030 Functions and duties.
A. The Commission shall undertake investigations and studies for the purpose of making recommendations to the City Council concerning, but not limited to, the following:

1. Social service and/or human service programs and facilities;

2. Leisure time activities and recreational and social programs;

3. Development of part-time employment opportunities;

4. Programs for the understanding of the problems of senior citizens.

B. In addition to investigative research activities, the Commission on Aging is specifically charged with a responsibility to:

1. Take such steps as are necessary based upon their analysis of the current situation to develop a mutual understanding and respect between seniors and the balance of the community;

2. Promote new and improved programs of service to older residents in cooperation with peer boards and commissions as well as the City Manager;

3. Review the effectiveness of programs presently being used and, when necessary, recommend modification, redirection, and use of alternate or additional resources;

4. Work together with City, county, state and federal agencies in developing programs for the older residents;

5. Actively encourage local retirement clubs, churches and senior groups to exchange ideas on programs, activities and social action which will benefit seniors and decrease their isolation from the community;

6. Promote intergenerational programs that will cause and result in an interchange of ideas and activities between the elderly and the youth of our community;

7. Determine the extent of, and make recommendations with regard to, senior citizen involvement and participation in the processes of government;

8. Provide a forum for senior citizens to bring specific problems;

9. Periodically prepare comprehensive reports to the City Council describing the Commission's activities, accomplishments and recommendations as to future efforts;

10. Establish a list of priorities on needs and programs and to advocate appropriate action by the City Council in accordance with the list of needs and programs. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).

2.37.040 Membership.
The Commission on Aging shall consist of seven members, to be appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter. The members shall be representative of the total racial, religious, ethnic and social spectrum of the senior citizens. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).

2.37.050 Meeting ~~schedule~~ frequency.
The Commission's meeting schedule shall include at least one regular meeting every two months, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings on the second Wednesday of January, March, May, July, September, and November at 2:45 p.m. in Conference Room C-106, located in Building 100 (City Hall) in the Civic Center at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3211 § 11, 2011).

2.37.060 Funding.
In the event that private funds or funds from other governmental agencies are made available for special projects, surveys, educational programs or general program support, the City Manager is authorized, upon recommendation of the Commission and approval of the City Council, to enter into appropriate contracts for the utilization of such funds in furtherance of the purpose and intent and the duties and functions of the Commission. (Ord. 3211 § 11, 2011; Ord. 2016 § 1, 1982).

Chapter 2.38

INTERNATIONAL FRIENDSHIP COMMISSION

2.38.010 Creation.
There is created the International Friendship Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 12, 2011; Ord. 2085 § 1, 1984; Ord. 1206 § 1, 1969; prior code § 2.9).

2.38.020 Functions and duties.
The functions and duties of the International Friendship Commission shall be as follows:

A. Recommend to the City Council a city (or cities) in a foreign land or lands, with which, in its opinion, it would be appropriate for the City of Chula Vista to carry on and promote cultural and economic interchange. Such city or cities, when finally chosen by the City Council, may be referred to as a sister city;

B. Further the economic cooperation, cultural interchange and mutual understanding on the basis of mutual friendship and amity between the City and such sister city or cities, as well as other foreign communities both local and national wherein the City has economic and cultural interests;

C. Plan, develop and carry out mutual economic and cultural activities with the counterpart commission in the foreign land or lands, and with the officials and citizens of such sister city or cities, and such other local and national foreign communities. (Ord. 3211 § 12, 2011; Ord. 1206 § 1, 1969; prior code § 2.10).

2.38.030 Membership.
The International Friendship Commission shall consist of nine members, to be appointed by the City Council in accordance with the provisions of Article VI of the City Charter and Chapter 2.25 CVMC. (Ord. 3211 § 12, 2011).

2.38.040 Meeting ~~schedule~~ frequency.
The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.~~The International Friendship Commission shall hold regular meetings on the third Wednesday of each month at 6:00 p.m. in the Civic Center library at 365 F Street. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3211 § 12, 2011; prior code § 2.12).

2.38.050 Recommendations subject to City Council approval.
After the International Friendship Commission has submitted to the City Council the name of an appropriate city or cities in a foreign land or lands, the City Council shall have the power, upon receiving the recommendation of the Commission, to accept or reject the Commission's recommendation. (Ord. 3211 § 12, 2011; Ord. 1206 § 1, 1969; prior code § 2.13).

2.38.060 Authorized expenditures.
If sufficient funds are provided in the annual budget, the International Friendship Commission may expend funds for the following purposes:

A. Visits or expenses incurred by reason of visits by official sister city dignitaries to the City.

B. Sister city cultural visitors, such as Odawara's Lantern Dancers.

C. Sister city student visitors.

D. Gifts for official representatives of sister cities.

E. Two receptions per year for all foreign exchange students in Chula Vista.

F. Other expenditures as may be approved by the City Council on a case-by-case basis. (Ord. 3211 § 12, 2011).

Chapter 2.39

VETERANS ADVISORY COMMISSION

2.39.010 Creation.
There is hereby created a Veterans Advisory Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 13, 2011; Ord. 2593 § 1, 1994).

2.39.020 Purpose and intent.
It is the purpose and intent of the Veterans Advisory Commission to serve as a resource to provide advice and make recommendations to the City Council and the City Manager on issues affecting veterans and on matters with which veterans have special areas of knowledge and expertise, and to serve as a focal point for mustering various segments of the community to provide volunteers for various community-oriented projects. (Ord. 3211 § 13, 2011; Ord. 2593 § 1, 1994).

2.39.030 Functions and duties.
The function and duties of the Veterans Advisory Commission shall be as follows:

A. Provide advice to the City Council on matters directly relating to veterans.

B. Serve as an information resource to the City Council on matters relating to the City's policy regarding veterans' entitlement programs established by federal, state, or county legislation.

C. Promote and assist the City on Veterans Day or Memorial Day observations and other City military recognition events.

D. Encourage and promote patriotism in the City, including support as available to military services recruitment offices.

E. Provide a forum for discussion of issues relating to military veterans.

F. Coordinate with the City veterans' fraternal organizations regarding resources available for mobilization in case of a disaster or emergency, and act as liaison between the City and veterans' fraternal organizations regarding community programs.

G. Provide advice regarding matters of protocol with which veterans are especially familiar, such as flag presentation, color guard procedures and other military and paramilitary procedures; and promote interest in flag etiquette and display and represent the City in providing notices of flag use violations.

H. Coordinate individual City recognition programs for active duty military and veteran residents of the City who have achieved significant merit.

I. Provide advice and assistance to City residents when requested regarding resources available to veterans' spouses, and dependents.

J. Formulate and develop a recommended City position and endorsement regarding proposed legislation affecting veterans and military personnel.

K. Attend meetings of, and report on actions affecting the City taken by, the San Diego County Veterans Advisory Council.

L. Study future needs of veterans, including veterans' homes and veterans' halls.

M. Provide various analyses and reports to the City Council. (Ord. 3211 § 13, 2011; Ord. 2593 § 1, 1994).

2.39.040 Membership.

A. The Commission shall consist of seven voting members, to be appointed in accordance with Article VI of the City Charter and Chapter 2.25 CVMC. (Ord. 3211 § 13, 2011; Ord. 2593 § 1, 1994).

2.39.050 Meeting ~~schedule~~ frequency.

The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings on the third Tuesday of each month at 6:00 p.m., in the Chula Vista Veterans Home, located at 700 East Naples Court in Chula Vista. No regular meeting shall be held in the month of December. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200.~~ (Ord. 3211 § 13, 2011; Ord. 2593 § 1, 1994).

Chapter 2.40

GROWTH MANAGEMENT

OVERSIGHT COMMISSION

2.40.010 Creation.
There is hereby created a Growth Management Oversight Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).

2.40.020 Purpose and intent.
It is the purpose and intent of the City Council in establishing the Growth Management Commission to create an advisory body to provide an independent annual review of the effectiveness of the General Plan regarding development issues. The Commission should use the threshold criteria to make determinations regarding the impact of development on the "quality of life" in Chula Vista, publish findings and make recommendations regarding those findings. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).

2.40.030 Functions and duties.
The functions and duties of the Growth Management Oversight Commission are as follows:

A. Consider the quality of life threshold standards set forth in the growth management plan (and, when adopted, in the new growth management ordinance) and make determinations, or recommendations, as appropriate, regarding the following:

1. Whether compliance with the thresholds has been met on both a project and cumulative basis;

2. Whether each threshold is appropriate for its goal;

3. Whether any new threshold should be adopted for any issue;

4. Whether any new issues should be added to or deleted from the thresholds analysis group;

5. Whether the City has been using fees and funds derived from developers for the intended purpose;

6. Whether enforcement is being achieved.

B. Annually, on or before June 30th, make and publish its findings and recommendations, including those for imposition of a moratorium or formal "statement of concern" regarding water, sewer, schools, and air quality thresholds.

C. The Commission's annual report shall be forwarded to City Council in a timely manner through the Planning Commission.

D. Annually review implementation of the Growth Management Element of the General Plan and the growth management program. Such review shall include the adequacy of master facility plans to account for the effective use of public facilities required by future growth in connection with the planning and phasing of development projects. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).

2.40.040 Membership.
A. The Commission shall consist of nine voting members and up to three ex officio members to be appointed in accordance with Article VI, Chapter 2.25 CVMC, and this chapter.

B. The voting members shall be appointed as follows:

1. Four of the members shall be appointed based on the City Council district in which they reside. This classification of members shall be comprised of one resident from each of the four City Council districts. ~~from a classification consisting of residents of the City's four residential quadrants: (a) North of L Street/Telegraph Canyon Road/Otay Lakes Road and west of La Media Road; (b) North of L Street/Telegraph Canyon Road/Otay Lakes Road and east of La Media Road; (c) South of L Street/Telegraph Canyon Road/Otay Lakes Road and west of La Media Road; and (d) South of L Street/Telegraph Canyon Road/Otay Lakes Road and east of La Media Road~~. Those members shall reside in their respective ~~areas~~ City Council districts at the time of their appointment and shall reside in their respective ~~areas~~ City Council districts for the duration of their membership on the Commission.

[Rationale for above revisions: Revision to align the seat boundaries with Council districts is in accordance with a referral from the Council on 1/14/16.]

2. One member shall represent local educational interests.

3. One member shall represent development interests.

4. One member shall represent environmental interests.

5. One member shall represent business interests.

6. One member shall be a member of the Planning Commission. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).

2.40.050 Meeting ~~schedule~~frequency.

The Commission's meeting schedule shall include at least two regular meetings per month, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings on the first and third Thursdays of each month at 6:00 p.m. in the Executive Conference Room (C-103) in Building 100 (City Hall) of the Civic Center, located at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).

Chapter 2.41

PARKS AND RECREATION COMMISSION

2.41.010 Creation.
The Parks and Recreation Commission is created by City Charter Section 611. The provisions of Article VI of the City Charter, the general rules governing boards and commissions set forth in Chapter 2.25 CVMC, and the provisions of this chapter shall govern the Parks and Recreation Commission. (Ord. 3212 § 9, 2011).

2.41.020 Purpose and intent.
The purpose of this chapter is to supplement City Charter Section 611, establishing the Parks and Recreation Commission and setting forth its powers and duties. If there is any conflict between this chapter and the Charter, the Charter shall govern. (Ord. 3212 § 9, 2011).

2.41.030 Functions and duties.
The Parks and Recreation Commission shall have the power and duty to:

A. Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation and playgrounds.

B. Consider the annual budget for parks and recreation purposes during the process of its preparation and make recommendations regarding the budget to the City Council and the City Manager.

C. Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest in a recreation program and, to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested in a recreation program. (Ord. 3212 § 9, 2011).

2.41.040 Membership.
A. The Parks and Recreation Commission shall consist of seven members appointed by the City Council from the registered voters of the City. The City Council may change the number of members comprising the Commission by ordinance.

B. In the event the City Council contracts with other agencies interested in recreation and parks for joint exercise of any functions, the contract may provide that the other agencies may have representation on the Commission during the term of the contract. (Ord. 3212 § 9, 2011).

2.41.050 Meeting ~~schedule~~ frequency.
The Commission's meeting schedule shall include at least one regular meeting every two months, at the day, time, and location established by written resolution of the Commission.~~The Parks and Recreation Commission shall hold regular meetings on the third Thursday of the month at 6:30 p.m., in Conference Room 129, in Building 300 (Public Services), located in the Civic Center at 276 Fourth Avenue. The Board may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3212 § 9, 2011).

Chapter 2.42

PLANNING COMMISSION*

* For statutory provisions regarding local planning commissions, see Gov. Code § 65100, et seq.

CROSS REFERENCES: Community Planning Committee, see Ch. 2.48 CVMC; Zoning Administrator, see CVMC Title 19.

2.42.010 Creation.
The Planning Commission is created by City Charter Section 605. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC and this chapter shall govern this Commission. (Ord. 3211 § 15, 2011).

2.42.020 Functions and duties.
In accordance with Charter Section 606, the Planning Commission shall have the power and duty to:

A. Recommend to the City Council, after a public hearing, the adoption, amendment, or repeal of a Master Plan or any part thereof for the physical development of the City; and

B. Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance. (Ord. 3211 § 15, 2011).

2.42.030 Membership.
In accordance with Charter Section 605, the Planning Commission shall consist of seven members to be appointed by the City Council from the registered voters of the City. The number of members to comprise the Commission may be changed by ordinance of the City Council; however, the number may be set at no fewer than five and no more than nine.

A minimum of three members of the Planning Commission should be persons sensitive to design consideration and interested in townscape matters. Persons qualified for these seats should include architects, landscape architects, land planners, urban planners, civil engineers and other design professionals with suitable experience. (Ord. 3268 § 3, 2013; Ord. 3211 § 15, 2011).

2.42.040 Meeting frequency ~~schedule~~.
The Commission's meeting schedule shall include at least two regular meetings per month, at the day, time, and location established by written resolution of the Commission.~~The Planning Commission shall meet on the second and fourth Wednesdays of the month at 6:00 p.m., in the Council Chambers located in Building 100 (City Hall) at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3211 § 15, 2011; prior code § 2.2).

2.42.050 Statutory provisions applicable.
Chapter 3, excepting only Article 4 thereof, and Chapter 4 of Title 7 of the Government Code of the state, relating to conservation, planning, and zoning, are hereby adopted by and made applicable in and to the City, except insofar as the same may conflict with the Charter or the provisions of Chapter 2.55 CVMC, in which case the provisions of the Charter or Chapter 2.55 CVMC shall be controlling. (Ord. 3211 § 15, 2011; Ord. 3009 § 3, 2005; prior code § 2.1).

Chapter 2.43

CIVIL SERVICE COMMISSION

2.43.010 Creation.
The Civil Service Commission is created by City Charter Section 609. The provisions of Article VI of the City Charter, the general rules governing boards and commissions set forth in Chapter 2.25 CVMC, and this chapter shall govern the Civil Service Commission. (Ord. 3212 § 1, 2011).

2.43.020 Purpose and intent.
The purpose of this chapter is to supplement City Charter Sections 609 and 610, establishing the Civil Service Commission and setting forth its powers and duties. If there is any conflict between this chapter and the Charter, the Charter shall govern. (Ord. 3212 § 1, 2011).

2.43.030 Functions and duties.
In accordance with City Charter Section 610, the Civil Service Commission shall:

A. After a public hearing, recommend to the City Council the adoption, amendment or repeal of civil service rules and regulations not in conflict with Article VI of the City Charter.

B. Hear appeals of any person in the classified service relative to suspension, demotion or dismissal.

C. Conduct any investigation that it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council.

D. Perform other duties and powers as the City Council may, by ordinance or resolution, confer upon the Commission in order to carry out the principles of civil service in accordance with the laws of the state and the City Charter, and assist in the implementation of proper employer-employee relations. (Ord. 3212 § 1, 2011).

2.43.040 Meeting frequency ~~schedule~~.
The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings on the first Thursday of each month at 5:15 p.m. in Conference Room B129, located in Building 300 (Public Services), located in the Civic Center at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3212 § 1, 2011).

2.43.050 Membership.
In accordance with City Charter Section 609, the Civil Service Commission shall consist of five members appointed by the City Council from the registered voters of the City. Two members shall be appointed by the City Council from a list of four persons to be nominated by election of the employees in the Classified Service; two members shall be appointed by the City Council directly, in accordance with Chapter 2.53 CVMC; the fifth member shall be appointed by the City Council from a list of three persons nominated by the four thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed. (Ord. 3370 § 3, 2016; Ord. 3212 § 1, 2011).

Chapter 2.44

SAFETY COMMISSION

2.44.010 Creation.
There is created and established the Safety Commission. The provisions of Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter shall govern this Commission. (Ord. 3211 § 16, 2011; Ord. 1530 § 1, 1974; Ord. 1056 § 1, 1967; prior code § 2.92).

2.44.020 Functions and duties.
The duties of the Safety Commission shall be to conceive and develop ideas or suggestions that would specifically or generally contribute to the improvement of personal or property safety within the City area, receive and process such ideas from any individual or groups of individuals, and after such suggestions have been given careful consideration and study by members, both individually and collectively, make appropriate recommendations, by resolution, to the City Council. All recommendations shall be considered and acted upon favorably or unfavorably. The scope of the operations of the Commission may embrace any hazardous condition, whether it be physical or material, that would jeopardize human safety, or cause damage to property both within and outside the home or industry; provided, however, that the basic function of the Commission shall be related to matters of vehicular or pedestrian traffic safety within the public rights-of-way in the City and safety hazards that may exist on or about publicly owned land and facilities. (Ord. 3211 § 16, 2011; Ord. 1056 § 1, 1967; prior code § 2.93).

2.44.030 Membership.
The Safety Commission shall consist of seven members who shall be appointed in accordance with Article VI of the City Charter and Chapter 2.25 CVMC. (Ord. 3211 § 16, 2011).

2.44.040 Meeting frequency~~schedule~~.
The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.~~The Safety Commission shall hold regular meetings on the first Wednesday of each month at 6:00 p.m., in the Council Chambers, located in Building 100 (City Hall) in the Civic Center at 276 Fourth Avenue. The Commission may establish regular meeting dates by written resolution and may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~.
(Ord. 3211 § 16, 2011; Ord. 1056 § 1, 1967; prior code § 2.94).

Chapter 2.45

BOARD OF LIBRARY TRUSTEES

2.45.010 Creation.
The Board of Library Trustees is created by City Charter Section 607. The provisions of Article VI of the City Charter, the general rules governing boards and commissions set forth in Chapter 2.25 CVMC, and the provisions of this chapter shall govern this Board. (Ord. 3212 § 2, 2011).

2.45.020 Purpose and intent.
The purpose of this chapter is to supplement City Charter Sections 607 and 608, establishing the Board of Library Trustees and setting forth its powers and duties. If there is any conflict between this chapter and the Charter, the Charter shall govern. (Ord. 3212 § 2, 2011).

2.45.030 Functions and duties.
In accordance with City Charter Section 608, the Board of Library Trustees shall have the power and duty to:

A. Act in an advisory capacity to the City Council in all matters pertaining to City libraries.

B. Recommend to the City Council the adoption of bylaws, rules and regulations the Board may deem necessary for the administration and protection of City libraries. (Ord. 3212 § 2, 2011).

2.45.040 Membership.
The Board of Library Trustees shall consist of five members appointed by the City Council from the registered voters of the City. The City Council may change the number of members comprising the Board by ordinance. (Ord. 3212 § 2, 2011).

2.45.050 Meeting frequency~~schedule~~.
The Board's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Board.~~The Board of Library Trustees shall hold regular meetings on the third Wednesday of each month at 4:00 p.m. in the Conference Room located in the Civic Center Library at 365 F Street. The Board may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3212 § 2, 2011).

Chapter 2.47

HEALTHY CHULA VISTA ADVISORY COMMISSION*

* Code reviser's note: Chapter 2.47 formerly contained provisions concerning the Design Review Board, which were repealed by Ordinance 3268.

2.47.010 Creation.
The Healthy Chula Vista Advisory Commission was created as a result of the Healthy Chula Vista Action Plan adopted January 5, 2016. The general rules governing boards and commissions set forth in Chapter 2.25 CVMC shall govern the Healthy Chula Vista Advisory Board, except as specifically provided below. (Ord. 3364 § 1, 2016).

2.47.020 Purpose and intent.
It is the purpose and intent of the City Council, in establishing the Board, to create an advisory and coordinating body which is to serve as a resource to advise and to make recommendations to the City Council and City Manager on health related policies and opportunities under the Healthy Chula Vista Initiative that would benefit the community. (Ord. 3364 § 1, 2016).

2.47.030 Functions and duties.
The functions and duties of the Healthy Chula Vista Advisory Commission shall be as follows:

A. Serve as an advisory body to the City Council and City Manager.

B. Periodically assess the health needs of the residents of Chula Vista and review health related policies and strategies, including the General Plan and Healthy Chula Vista Action Plan, to make recommendations to improve said plans to address identified community health needs.

C. Perform such others functions or duties as may be delegated by the City Council. (Ord. 3364 § 1, 2016).

2.47.040 Membership.
A. The Healthy Chula Vista Advisory Commission shall consist of nine voting members, to be appointed in accordance with Article VI of the City Charter, Chapter 2.25 CVMC, and this chapter.

B. The voting members shall be appointed according to the following specifications:

Five members shall have expertise and experience in at least one of the focus areas of the Healthy Chula Vista Action Plan: land use, transportation, nutrition, health care, physical activity and/or environment; and the four remaining seats shall include a resident from each of the four City Council districts developed by the Chula Vista Districting Commission and approved by the Chula Vista City Council on July 14, 2015, and shall, throughout their terms, maintain their residency and elector status. The aforementioned four members from each of the four Council districts shall each be nominated by the Mayor after the Mayor consults with and receives a recommendation from the Councilmember representing the Council district. (Ord. 3364 § 1, 2016).

2.47.050 Meeting ~~schedule~~ frequency.
The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.~~The Commission shall hold regular meetings monthly on the second Thursday at 4:00 p.m., in the Council Conference Room (C-101), located in Building 100 (City Hall) in the Civic Center at 276 Fourth Avenue. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC 2.25.200~~. (Ord. 3364 § 1, 2016).

Chapter 2.49

HISTORIC PRESERVATION COMMISSION

2.49.010 Creation.
There is hereby created a Historic Preservation Commission. (Ord. 3197 § 3, 2011).

2.49.020 Purpose and intent.
It is the purpose and intent of the City Council in establishing the Historic Preservation Commission to create a commission that meets the certified local government requirements, as defined by the national Historic Preservation Act, which would serve as the authority on historic preservation matters, and that would advise the Council and other City boards and commissions, as needed, on historic preservation matters as is mandated by CVMC Title 21, Historic Preservation. (Ord. 3197 § 3, 2011).

2.49.030 Functions and duties.
The function and duties of the Historic Preservation Commission shall be as follows:

A. Uphold the goals and policies of the General Plan related to historic preservation.

B. Carry out the purpose and intent of CVMC Title 21, Historic Preservation.

C. Assist staff in the development and maintenance of a certified historic preservation program that carries out the provisions of the certified local government program.

D. Ensure that appropriate historic contexts are identified and utilized for resource interpretation, evaluation, and recognition.

E. Assist staff in the preparation and maintenance of a historical resources survey of recognized and potentially historically and architecturally significant structures and areas.

F. Approve designations of historical resources to the City of Chula Vista Register of Historical Resources.

G. Recommend to City Council delistings from the City of Chula Vista Register of Historical Resources.

H. Grant or deny applications for permits for demolition, or major alterations of historical resources.

I. Grant or deny appeals from decisions of the Zoning Administrator for applications of minor alterations of historical resources.

J. Encourage public understanding of and involvement in the unique historical, architectural, and environmental heritage of the City through educational programs.

K. Explore means and support implementation strategies for the protection, retention and use of any historical resource, historic preservation district, or potential historical resource.

L. Support the use of incentives and benefits for the protection, retention, and preservation of historical resources.

M. Make recommendations to City Council on applications for participation in City approved historic preservation incentive programs including but not limited to the Mills Act Property Tax Abatement Program.

N. Encourage cooperation between public and private historical and cultural preservation groups.

O. Advise the City Council and other boards, commissions and committees as necessary on historic preservation issues.

P. Perform other functions as appropriate to safeguard the City's historic, aesthetic, social, economic, political and architectural past. (Ord. 3197 § 3, 2011).

2.49.040 Membership.
The Historic Preservation Commission membership shall follow the provisions of CVMC 2.25.030 through 2.25.060 and shall consist of seven members to be appointed by the Mayor and confirmed by the City Council from the qualified voters of the City in a manner prescribed in accordance with the provisions of Section 600 et seq. of the City Charter. A minimum of four members shall be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, prehistoric archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines. In addition, at least one member should be a California licensed real estate agent, and all seven members shall demonstrate an interest, competence or knowledge in historic preservation. (Ord. 3197 § 3, 2011).

~~**2.49.050 Term of office.**~~
~~The members shall serve a term of office pursuant to City Charter Section 602 and CVMC 2.25.070 through 2.25.100. (Ord. 3197 § 3, 2011).~~

2.49.060 Operation of the commission.
Operation of the Historic Preservation Commission shall follow the provisions of CVMC 2.25.170 through 2.25.280.

A. Staff Support. All officers and department heads shall cooperate with, and render reasonable assistance to, the Commission. The City Manager may make available staff and clerical support to the Commission to fulfill its functions and duties, provided such staff and clerical support is available. (Ord. 3197 § 3, 2011).

~~**2.49.070 Vacancies.**~~
~~Vacancies of the Historic Preservation Commission shall follow the provisions of CVMC 2.25.290 and 2.25.300. (Ord. 3197 § 3, 2011).~~

[Rationale for above revisions: Simplify code sections; these provisions are already provided for elsewhere in the code or in the Charter.]

2.49.080 Meeting frequency.
The Commission's meeting schedule shall include at least one regular meeting per month, at the day, time, and location established by written resolution of the Commission.

Chapter 2.53

APPOINTMENT PROCESS TO FILL VACANCIES ON THE CITY COUNCIL AND SPECIFIED COMMISSIONS

2.53.010 Purpose and intent.
The purpose of this chapter is to set forth a fair and open appointment process to be used by the City Council to fill vacancies (defined below) on specified City commissions (defined below) and to fill vacancies on the City Council where such appointment is authorized by the Charter. (Ord. 3370 § 1, 2016).

2.53.020 Applicability.
This chapter applies to appointments to fill (A) any vacancy (defined below) on the City Council when the City Council has elected to fill such vacancy by appointment as permitted under Charter Section 303(C); and (B) any vacancy on specified City commissions (defined below). The appointment processes for seats on other City commissions, where either nominations for vacancies are to be made by the Mayor or where alternative appointment processes apply, are set forth elsewhere in this code, in the chapters and code provisions specifically applicable thereto. (Ord. 3370 § 1, 2016).

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. 3393 § 1, 2016; Ord. 3370 § 1, 2016).

2.53.040 City Council vacancy appointments.
A. The process for filling a vacancy by appointment to the City Council is intended to be consistent with and implementing of Chula Vista Charter Section 303(C). To the extent there is any conflict between the Charter and this chapter, the terms of the Charter shall govern.

B. In the event of a City Council vacancy, the City Clerk will work with City staff to notify the public of the vacancy in accordance with then applicable "best practices." At a minimum, notice of the vacancy will be posted on the City's website and at the City Clerk's office.

C. The application period shall commence on a date established by the City Clerk no later than five calendar days after the vacancy is declared by the City Council in accordance with Charter Section 303(A) and end on the day falling 14 calendar days after the commencement date. An individual desiring to fill a vacancy must submit a qualified application during the application period. The City Clerk will collect and provide all qualified applications

received within the application period to the Mayor and each Councilmember no later than 72 hours prior to the meeting scheduled for nominations or interviews. Such applications will be made available to the public at the same time. Applications received after the established application period shall not be accepted. The Mayor and each Councilmember shall independently review all forwarded qualified applications for the vacancy.

D. Should four or fewer qualified applications be received by the City Clerk within the application period, following the close of the application period, the appointment process shall be as follows:

1. At an open meeting of the City Council, the Mayor and City Council shall collectively set a date and time to hold an interview of all applicants who have submitted a qualified application during the specified application period.

2. At the meeting set for interviews, any member of the public shall be afforded the opportunity to speak to the item prior to commencement of the interview process.

3. The Mayor and City Council will then conduct the interviews.

4. Public comment will be solicited and allowed again after the interviews.

5. Following the interviews and any public comment, the Mayor and City Council shall publicly deliberate and select one individual for each available position. The affirmative votes of at least three Councilmembers are required for appointment.

E. Should five or more qualified applications be received by the City Clerk within the application period, following the close of the application period, the appointment process shall be as follows:

1. The City Clerk shall place an item on the agenda of an open City Council meeting, indicating that nominations by the City Councilmembers for interviews to fill the vacancy will take place. The vacancy and the names of applicants who have submitted a qualified application during the application period will be listed.

2. At the meeting for nominations, any member of the public, including any individual submitting a qualified application, shall be afforded the opportunity to speak to the nomination item.

3. Following the public comment period, the Mayor and each Councilmember will complete a form indicating one or more applicants each wishes to nominate for an interview and provide the form to the City Clerk. The forms submitted to the City Clerk shall be public record and retained on file in the office of the City Clerk.

4. The City Clerk shall then publicly announce each applicant receiving two or more nominations and indicate that each Councilmember's nomination form is available for public review.

5. The Mayor and City Council shall then collectively set a date and time to hold an open meeting of the City Council for the purpose of interviewing each applicant who received two or more nominations.

6. At the meeting set for interviews, any member of the public shall be afforded the opportunity to speak to the interview item prior to the commencement of the interview process.

7. The Mayor and City Council will then conduct the interviews.

8. Public comment will be solicited and allowed again after the interviews.

9. Following the interviews and any public comment, the Mayor and City Council shall publicly deliberate and select one individual for each available position. The affirmative votes of at least three Councilmembers are required for appointment. (Ord. 3370 § 1, 2016).

2.53.050 Specified City commission vacancy appointments.

The appointment process for filling vacancies on specified City commissions shall be consistent with the process for City Council appointments provided in CVMC 2.53.040, with the following exceptions:

A. In the event of a vacancy, the City Clerk will follow current organizational best practices to notify the public of the vacancy. Vacancies shall be noticed and filled in accordance with the requirements of Government Code Section 54970 et seq. (Maddy Act). The City Clerk will maintain applications received for prospective membership on specified City commissions for a period of one year from the date of application~~minimum of two years~~.

[Rationale for above revisions: Revisions are consistent with the application period proposed for the other boards and commissions.]

B. For vacancies that are noticed on the "local appointments list" as defined and in accordance with Government Code Section 54972, the application period shall commence on the day ~~two~~one year~~s~~ prior to the date of vacancy and end 30 days before the date of vacancy. In the event of an unscheduled vacancy, the application period shall commence on the day ~~two~~ one year~~s~~ prior to the date of the notice of vacancy, in accordance with Government Code Section 54974, and end a minimum of 21 days after such notice, on a date specified and noticed by the City Clerk. In the event that fewer than three qualified applications are received during the application period, the application period may be extended by the City Clerk~~ for an additional 14 days~~. Applications received after the established application period shall not be accepted. In the event that an applicant submits more than one qualified application for a vacancy during the application period, the last qualified application for the vacancy received by the City Clerk shall be deemed the applicant's qualified application.

[Rationale for above revisions: Revisions are consistent with the application period proposed above, as well as providing the City Clerk's office some flexibility in setting the application period and any extensions.]

C. No later than 72 hours prior to the meeting scheduled for nominations or interviews~~Within 10 business days of the close of the application period~~, the City Clerk will provide the Mayor and each Councilmember with all qualified applications received within the application period. Such applications will be made available to the public at the same time. (Ord. 3370 § 1, 2016).

[Rationale for above revisions: Revisions are consistent with section 2.53.040(C), above, as well as the Brown Act.]

D. Should four or fewer qualified applications be received by the City Clerk within the application period, the City Clerk may independently poll the City Councilmembers for their availability and subsequently set a date and time to hold interviews of all applicants who have submitted a qualified application during the specified application period.

[Rationale for above revisions: Revisions are intended to streamline the appointment process.]

2.53.060 California Public Records Act and Ralph M. Brown Act compliance.
Interviews and meetings that occur in accordance with this chapter shall comply with Government Code Sections 54950 through 54963 (Ralph M. Brown Act). Should written material be submitted, such material shall be made available for public inspection, in accordance with Government Code Sections 6250 through 6276.48 (California Public Records Act) and with the Ralph M. Brown Act. (Ord. 3370 § 1, 2016).