

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

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS CHAPTERS OF TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE TO REVISE BOARD AND COMMISSION APPOINTMENT PROCESSES, SPECIFY A PROCESS AND CONSOLIDATE RULES REGARDING MEMBER ASSIGNMENTS WHEN BOARD OR COMMISSION SEAT QUALIFICATIONS CHANGE, ADD PROVISIONS FOR BOARD AND COMMISSION REGULATIONS IN EMERGENCY SITUATIONS, AND MAKE MINOR CLARIFICATIONS TO RELATED REGULATIONS

WHEREAS, in 2008, the Council adopted Ordinance 3111, which added Chula Vista Municipal Code chapter 2.25, General Rules for Boards and Commissions, and consolidated prior rules and regulations that had been contained in the Municipal Code, City Charter, Council policies, and City Council minutes; and

WHEREAS, in 2011 and 2018, the Council adopted Ordinances 3211, 3212, 3213, and 3435 to remove additional redundant and inconsistent rules from each of the chapters of the Municipal Code, codify rules for the City's charter-created boards and commissions, and update established meeting schedules; and

WHEREAS, further revisions to the rules governing appointment processes for the City's boards and commissions are necessary in response to referrals from the City Council, as well as a desire to streamline processes and further reduce redundancies and inconsistencies among the City's Municipal Code and Charter; and

WHEREAS, the City Council may revise seat requirements for boards and commissions when necessitated by changing practices or situations, such as Ordinance 3435 which converted seats on the Growth Management Oversight Commission from seats determined by specified geographical boundaries to the boundaries matching the established City Council districts; and

WHEREAS, seated members, who met the qualifications when initially seated, may or may not qualify under new requirements; and

WHEREAS, the City Council desires to establish procedures for the City Clerk to follow to address these scenarios that is both equitable and avoids disruption of the board or commission to the extent possible; and

WHEREAS, both the Measure P Citizens' Oversight Committee and Measure A Citizens' Oversight Committee currently have provisions related to redistricting, which the Council desires to consolidate with the general rules for boards and commissions; and

WHEREAS, in the current COVID-19 pandemic, due to nationwide stay-at-home orders, various requirements related to boards and commissions cannot be met, including meeting frequency and deadlines for reports; and

WHEREAS, the City Council desires to enact provisions to allow the City Manager, after consulting with the City Attorney and City Clerk, to waive these requirements during a declared emergency; and

WHEREAS, the City Council also desires to make minor clarifications to the Definitions section of the General Rules of Boards and Commissions to clarify the number of voting members who must be seated in order for a board or commission to take action; and

WHEREAS, the City Council also desires to clarify that boards and commissions may hold meetings from time to time in locations outside of the City, in accordance with state and local laws.

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

**Section I.** Various chapters of Title 2 of the Chula Vista Municipal Code are hereby amended as follows:

*[Sections in Chapter 2 not listed below remain unchanged.]*

## Chapter 2.25 - GENERAL RULES FOR BOARDS AND COMMISSIONS

*[Sections 2.25.010 remains unchanged.]*

### 2.25.020 Definitions.

*[Only the below definition is revised, as indicated; all other definitions remain unchanged.]*

“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 vacancy, pursuant to CVMC 2.25.105. Notwithstanding the foregoing, at least one-half of the voting 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 voting members constitute the “entire membership.” Accordingly, an action that requires a majority vote could be taken if at least three of the voting 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.

*[Sections 2.25.030 remains unchanged.]*

### 2.25.035 Membership – Changes to Seat Qualifications.

- A. If changes are made to the qualifications for one or more seats on a board or commission, including redistricting having occurred, seats being changed from at-large to district-based, qualifications being changed for a seat, or a similar event, the City Clerk shall recommend to the City Council for approval the assignments of the seated members to the seats, with the intent of reducing disruption to the board or commission, to the extent possible.
- B. When a member is reassigned, the member shall retain the term dates they were originally assigned. Reassigning a seat shall not extend a term or allow a member to serve more consecutive terms than the member would otherwise be entitled to serve.
- C. Notwithstanding subsection A, above, if a member does not qualify under the new requirements for the seat to which the member has been assigned, the member nonetheless shall be entitled to serve out the remainder of the member's term, with a qualified replacement to be appointed and seated for the succeeding term.

*[Sections 2.25.040 remains unchanged.]*

### 2.25.050 Membership – Applications and Appointments – General

- 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.
- B. An individual who has submitted an application for appointment as a voting or ex officio member of any board or commission may be interviewed as part of the nomination and selection process.
- C. 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.
- D. Members of each board and commission shall be appointed by at least three affirmative votes of the City Council.

### 2.25.052 Membership – Appointment Processes

Processes described in this section apply to seats on one or more boards or commissions, as indicated in the board or commission chapter within this code. If no appointment process is specified for a board or commission, the General Appointment Process in subsection (A), below, will apply.

A. **General Appointment Process.** When a vacancy occurs, the City Clerk shall forward applications received for the vacant position to the Mayor, who shall review the forwarded applications, select applicants to be interviewed, Interview selected applicants, and make nominations for appointment, subject to the City Council's approval.

B. **Full Council Interview Appointment Process.** When a vacancy occurs, members shall be appointed in accordance with Chapter [2.53](#) CVMC.

C. **District Based Appointment Process.** Seats on applicable boards and commissions for which this process applies are tied to a particular Council district seat. When a vacancy occurs, the City Clerk shall forward applications to the Councilmember filling the corresponding district seat. The Councilmember shall review the applications, select applicants to be interviewed, Interview selected applicants, and make nominations for appointment, subject to the City Council's approval.

**D. Designated Member Appointment Process.**

1. When a vacancy occurs, designated members shall be selected for nomination by the Nominating Authorities specified in the applicable Commission section in accordance with policies and procedures that each Nominating Authority establishes for itself. Up to three nominees may be presented for consideration. If any of the listed Nominating Authorities decline to exercise their nominating authority in a timely fashion, or if any ceases to function or exist, that party's nominating authority shall pass to a substantially similar organization selected by the City Council.
2. Nominating Authorities shall submit the names and contact information for their nominee(s) ("Designated Nominees") to the City Clerk on a form prescribed by the City Clerk. The City Clerk shall provide the Designated Nominees with instructions to complete and submit applications to the City Clerk within a specified time period. Completed applications timely received by the City Clerk shall be forwarded to the Mayor.
3. The Mayor shall Interview all Designated Nominees who timely completed applications, and make nominations for appointment, subject to the City Council's approval.
4. If a Nominating Authority presents the Mayor with two or three nominees for consideration, and those nominees properly apply, the Mayor shall make the nomination by choosing among the two or three nominees presented. If a Nominating Authority presents the Mayor with only one nominee, the Mayor may reject such nomination and request an alternative submittal. Once rejected, a nominee may not be re-submitted for the term at issue, but may be submitted for consideration for future terms.

E. **Administration.** The City Clerk shall administer the appointment processes set forth above, including the development and publication of all necessary forms. The City Clerk shall have the authority to develop additional administrative policies and procedures to the extent necessary to implement the terms of this chapter and other chapters within this code related to board and commission appointments.

(Ord. 3449 § 1, 2019; Ord. 3435 § 1, 2018; 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, or as soon as practicable thereafter, for all boards and commissions.

B. Prior to reappointment, if a majority of the City Council so desires, the Mayor and City Council may interview members who are interested in and eligible to be reappointed, whose seats would be otherwise be appointed using the Full Council Interview Appointment Process described in CVMC 2.25.052(B).

Following the interviews, the Mayor and City Council shall vote whether or not to reappoint the incumbents.

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. 3435 § 1, 2018; Ord. 3366 § 1, 2016).

***[Sections 2.25.060 through 2.25.080 remain unchanged.]***

### 2.25.085 Emergency Operations.

During a period of public emergency, as declared in a proclamation of a local emergency, requirements related to boards and commissions described in this code, including frequency of meetings and specified activity deadlines, may be temporarily revised or suspended in the discretion of the City Manager, after consultation with the City Attorney and City Clerk.

### 2.25.100 Membership – Terms – Filling unexpired terms.

Member terms shall be in accordance with Chula Vista Charter Section [602](#) and this section:

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 the applicable membership section for the board or commission.

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. 3435 § 1, 2018; Ord. 3213 § 1, 2011; Ord. 3111 § 1, 2008).

***[Sections 2.25.105 through 2.25.190 remain unchanged.]***

2.25.200 Operations – Regular meetings required – Special meetings allowed – Time and location to be established by resolution – Brown Act requirements.

***[Only subsection (D) is revised, as indicated; all other subsections remain unchanged.]***

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, as long as meetings are properly noticed and held in accordance with state and local laws.

***[Sections 2.25.205 through 2.25.300 remain unchanged.]***

## Chapter 2.28

### BOARD OF ETHICS\*

***[Sections 2.28.010 through 2.28.040 remain unchanged.]***

#### 2.28.050 Membership.

A. The Board of Ethics shall be composed of seven members, to be nominated and appointed in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

1. When a vacancy occurs, the City Clerk shall forward applications for membership on the Board of Ethics for review by a panel consisting of one Charter Review Commission member appointed by the Charter Review Commission and one Board of Ethics member appointed by the Board of Ethics. The panel shall review the applications, select applicants to be interviewed, Interview selected applicants, and recommend (by unanimous decision of the panel) one applicant for each available seat to the City Council for appointment.
2. If the panel is unable to reach a unanimous decision, the panel shall notify the City Clerk, so that additional applications may be considered.
3. Irregularities in this interview process may be brought to the attention of the City Council.

***[Subsections 2.28.050 (B) through (D), and sections 2.28.060 through 2.28.170 remain unchanged.]***

## Chapter 2.31 MOBILEHOME RENT REVIEW COMMISSION

*[Sections 2.31.010 through 2.31.030 remain unchanged.]*

### 2.31.040 Membership.

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

1. All ex officio members and one voting member shall be nominated and appointed in accordance with the General Appointment Process specified in 2.25.052(A).
2. The four remaining seats are nominated by a particular Council district seat and do not require the member to reside in the specified district. All four seats shall be nominated and appointed in accordance with the District Based Appointment Process specified in 2.25.052(C).

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).

*[Section 2.31.050 remains unchanged.]*

## Chapter 2.33 CULTURAL ARTS COMMISSION

*[Sections 2.33.010 through 2.33.030 remain unchanged.]*

### 2.33.040 Membership.

A. The Cultural Arts Commission shall consist of nine voting members that represent a diversity of backgrounds, to be nominated and appointed in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

1. 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.
2. 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 CVMC [2.33.040](#), related to the qualifications of members.
3. 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.
4. 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.
5. 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.

*[Section 2.33.050 remains unchanged.]*

## Chapter 2.40

### GROWTH MANAGEMENT OVERSIGHT COMMISSION

*[Sections 2.40.010 through 2.40.030 remain unchanged.]*

#### 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 of the City Charter, 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. Those members shall reside in their respective City Council districts at the time of their appointment and shall reside in their respective City Council districts for the duration of their membership on the Commission.
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. 3435 § 1, 2018; Ord. 3211 § 14, 2011; Ord. 2447 § 1, 1991; Ord. 2129 § 1, 1985).

C. The members shall be appointed in accordance with the Full Council Interview Appointment Process specified in 2.25.052(B).

***[Section 2.40.050 remains unchanged.]***

## Chapter 2.41

### PARKS AND RECREATION COMMISSION

***[Sections 2.41.010 through 2.41.030 remain unchanged.]***

#### 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 in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

1. Three seats shall be nominated and appointed in accordance with the General Appointment Process specified in CVMC 2.25.052(A).
2. The four remaining seats are nominated by a particular Council district seat and appointed in accordance with the District Based Appointment Process specified in 2.25.052(C). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure.

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).

*[Section 2.41.050 remains unchanged.]*

## Chapter 2.42

### PLANNING COMMISSION

*[Sections 2.42.010 through 2.42.020 remain unchanged.]*

#### 2.42.030 Membership.

A. In accordance with Charter Section [605](#), the Planning Commission shall consist of seven members to be nominated and appointed by the City Council from the registered voters of the City in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

B. The members shall be appointed in accordance with the Full Council Interview Appointment Process specified in 2.25.052(B).

C. 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).

*[Sections 2.42.040 through 2.42.050 remain unchanged.]*

## Chapter 2.43

### CIVIL SERVICE COMMISSION

*[Sections 2.43.010 through 2.43.040 remain unchanged.]*

#### 2.43.050 Membership.

A. In accordance with City Charter Section [609](#), the Civil Service Commission shall consist of five members nominated and appointed by the City Council from the registered voters of the City in accordance with Article VI of the City Charter, Chapter [2.25](#) CVMC, and this chapter.

1. 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. Following receipt of the list of four persons, seats shall be nominated and appointed in accordance with the General Appointment Process specified in CVMC 2.25.052(A).
2. Two members shall be nominated and appointed in accordance with the General Appointment Process specified in CVMC 2.25.052(A).
3. The fifth member shall be appointed by the City Council from a list of three persons nominated by the four thus appointed. Following receipt of the list of three persons, seats shall be nominated and appointed in accordance with the General Appointment Process specified in CVMC 2.25.052(A).

B. 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 2.47

### HEALTHY CHULA VISTA ADVISORY COMMISSION\*

*[Sections 2.47.010 through 2.47.030 remain unchanged.]*

#### 2.47.040 Membership.

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

1. 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. These members shall be nominated and appointed in accordance with the General Appointment Process specified in CVMC 2.25.052(A).

2. The four remaining seats shall be nominated by a particular Council district seat and appointed in accordance with the District Based Appointment Process specified in 2.25.052(C). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure. (Ord. 3364 § 1, 2016).

*[Section 2.47.050 remains unchanged.]*

## Chapter 2.53

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

*[Sections 2.53.010 through 2.53.020 remain unchanged.]*

#### 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 elsewhere in this code, in the chapters and code provisions specifically applicable thereto.

E. *Vacancy (or Vacancies)*. For specified City commission seats, “vacancy” is defined in accordance with CVMC [2.25.105](#). For City Council seats, “vacancy” is defined in accordance with Charter Section 303(A). (Ord. 3435 § 1, 2018; Ord. 3393 § 1, 2016; Ord. 3370 § 1, 2016).

*[Sections 2.53.040 through 2.53.060 remain unchanged.]*

## Chapter 2.61

### “MEASURE P” CITIZENS’ OVERSIGHT COMMITTEE

*[Sections 2.61.010 through 2.61.040 remain unchanged.]*

#### 2.61.050 Composition – Qualifications – Nomination.

A. *Members.* The COC shall be comprised of 16 members, each with equal rights and standing to act and vote on COC matters.

B. *Qualifications Applicable to All Members.* Per Charter Section 602(d), all COC members must be “qualified electors” of the City. A “qualified elector” of the City is a City resident that is qualified and registered to vote as a City resident. COC members must be “qualified electors” at the time they apply and must maintain such status throughout their tenure. No COC member may be a current City employee or current elected City official per the requirements of Measure P (CVMC [3.33.160\(D\)](#)).

C. *Designated Members.* Eleven (11) of the total 16 COC members shall be nominated, apply and serve as “designated members.” “Designated members” shall be nominated, one each, by the following nominating authorities (each a “nominating authority, collectively the “nominating authorities”), subject to the additional membership qualifications, if any, specified for each:

1. Chula Vista Chamber of Commerce; nominee(s) must have expertise and experience in at least one of the following areas: accounting, finance, engineering, or a related discipline (including construction);
2. San Diego County Taxpayers Association; nominee(s) must have expertise and experience in at least one of the following areas: accounting, finance, engineering, or a related discipline (including construction);
3. Chula Vista Youth Sports Council; nominee(s) must be a Youth Sports Council Board Member;
4. Chula Vista Parks and Recreation Commission; nominee(s) must be from this Commission;
5. Chula Vista Growth Management Oversight Commission; nominee(s) must be from this Commission;
6. Sustainability Commission (formerly known as the Resource Conservation Commission); nominee(s) must be from this Commission;
7. Chula Vista Director of Public Works; nominee(s) must have expertise and experience in engineering or a related discipline (including construction);
8. San Diego and Imperial Counties Labor Council;
9. Alliance of Californians for Community Empowerment, San Diego branch;

10. Chula Vista Fire Chief; and
11. Chula Vista Police Chief.

Designated members shall be appointed in accordance with the Designated Member Appointment Process specified in 2.25.052(D).

D. *At-Large Members.* Five of the total 16 COC members shall apply and serve as representatives of the City “at-large.” Expertise and experience in accounting, finance, engineering, or a related discipline (including construction) is desirable, but is not required. “At-large members” shall be comprised of the following:

1. One member may be a resident of any one of the four districts and shall be nominated and appointed in accordance with the General Appointment Process specified in CVMC 2.25.052(A).
2. The four remaining members shall be nominated by a particular Council district seat and appointed in accordance with the District Based Appointment Process specified in 2.25.052(C). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure. (Ord. 3394 § 1, 2016).

*[Sections 2.61.070 through 2.61.110 remain unchanged.]*

## Chapter 2.63

### “MEASURE A” CITIZENS’ OVERSIGHT COMMITTEE

*[Sections 2.63.010 through 2.63.040 remain unchanged.]*

#### 2.63.050 Composition – Qualifications – Nomination.

A. *Members.* The COC shall be comprised of 12 members, each with equal rights and standing to act and vote on COC matters.

B. *Qualifications Applicable to All Members.* Per Charter Section 602(d), all COC members must be “qualified electors” of the City. A “qualified elector” of the City is a City resident that is qualified and registered to vote as a City resident. COC members must be “qualified electors” at the time they apply and must maintain such status throughout their tenure.

C. *Designated Members.* Eight of the total 12 COC members shall be nominated, apply and serve as “designated members.” “Designated members” shall be nominated, one each, by the following nominating authorities (each a “Nominating Authority,” collectively the “Nominating Authorities”), subject to the additional membership qualifications, if any, specified for each:

1. Chula Vista Chamber of Commerce; nominee(s) must be a member of the Chamber;

2. Chula Vista Police Officers Association (POA); nominee(s) must be an active member of this association;
3. Chula Vista International Association of Fire Fighters (IAFF); nominee(s) must be an active member of this association;
4. Chula Vista Growth Management Oversight Commission; nominee(s) must be from this Commission;
5. Association of Chula Vista Employee (ACE); nominee(s) must be an active member of this association;
6. Chula Vista Fire Chief;
7. Chula Vista Police Chief;
8. Chula Vista Middle Managers/Professional Employee Group (MM/PROF).

Designated members shall be appointed in accordance with the Designated Member Appointment Process specified in 2.25.052(D).

D. *At-Large Members.* Four of the total 12 COC members shall apply and serve as representatives of the City “at-large.” “At-large members” shall be comprised of one resident from each of the four City Council districts and shall be nominated by a particular Council district seat and appointed in accordance with the District Based Appointment Process specified in 2.25.052(C). Members must be a resident of the corresponding Council district and must maintain their district residency throughout their tenure. (Ord. 3444 § 1, 2018; Ord. 3438 § 1, 2018).

*[Sections 2.63.070 through 2.63.110 remain unchanged.]*

## **Section II. Severability**

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

## **Section III. Construction**

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Section IV. Effective Date**

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

**Section V. Publication**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

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Kerry K. Bigelow, MMC  
City Clerk

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Glen R. Googins  
City Attorney