



CITY COUNCIL AGENDA STATEMENT



November 13, 2018

File ID: 18-0497
18-0504

TITLE

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 2.63 - "MEASURE A" CITIZENS' OVERSIGHT COMMITTEE TO ADD ONE DESIGNATED MEMBER FROM THE CHULA VISTA MIDDLE MANAGEMENT/PROFESSIONAL (MM/PROF) EMPLOYEE GROUP (SECOND READING AND ADOPTION)

RECOMMENDED ACTION

Council adopt the ordinance.

SUMMARY

On June 5, 2018, the City's electorate approved the passage of Measure A, which implemented a one-half cent general transactions and use tax. Measure A also required the ordinance creating a citizens' oversight committee be adopted by the City Council no later than 150 days following the date of the election at which Measure A was approved by the voters. The Measure A Citizen Oversight Committee Ordinance was adopted by the City Council on August 14, 2018. The item presented herein would amend the Measure A Citizens Oversight Committee Ordinance 3438, Municipal Code Chapter 2.63 by adding one designated member from the Chula Vista Middle Managers/Professional bargaining group.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that this activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change to the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

On June 5, 2018, the City of Chula Vista submitted to the voters a measure to approve an ordinance enacting a one-half cent general transactions and use tax, including provisions for citizens' oversight, separate accounting, and independent audits ("Measure A"). The voters approved the passage of Measure A, which resulted in the adoption of Ordinance No. 3415 ("Ordinance 3415"). Ordinance 3415 enacted the

general transaction and use tax, required the implementation of the oversight, accounting and audit provisions. Ordinance 3415 specifically required the establishment of a Citizens' Oversight Committee ("COC"), by ordinance, no later than 150 days from the date of the election at which Measure A was approved by the voters.

Ordinance 3415 provided that the COC would function to review and report on City compliance with the terms of Ordinance 3415 as follows: (i) public review and report on each year's City Council Intended Public Safety Expenditure Plan, Measure A Spending Plan, and Auditors Report; and (ii) preparation of an annual report regarding same for presentation to the City Council at a public meeting. It also set forth the following regarding the COC (i) the members would be appointed by the City Council in accordance with existing City policies and (ii) the meetings would be conducted in accordance with the Ralph M. Brown Act.

The adopted ordinance stated that designated members would be nominated (one each) by the following Nominating Authorities: (i) the Chula Vista Chamber of Commerce; (ii) the Chula Vista Police Officers Association (POA); (iii) the Chula Vista International Association of Fire Fighters (IAFF); (iv) the Growth Management Oversight Commission (from this commission); (v) Association of Chula Vista Employees (ACE), (vi) Chula Vista Fire Chief, and (vii) Chula Vista Police Chief.

The proposed change to Ordinance 3438, Municipal Code Chapter 2.63 would add one more designated member from the Chula Vista Middle Management/Professional Employees. The total number of designated members would be eight. There are no proposed changes to the four at-large members which apply directly to the City Council as stated in the ordinance. Please refer to the amended Ordinance, attached, for further details.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site- specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Councilmember, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. This ordinance would serve these goals, in that, the ordinance is necessary to meet the requirements of the Measure passed by the voting community and forming the COC will assist in assuring that the tax revenues from Measure A will be expended in accordance with the Measure, thereby assisting the City in obtaining operational excellence and strong and secure neighborhoods with respect to the accounting and expenditure of the funds.

CURRENT-YEAR FISCAL IMPACT

There will be no current year general fund impacts as a result of this item. All staff time to prepare for this item was included within the fiscal year 2018-19 adopted budget.

ONGOING FISCAL IMPACT

No anticipated future fiscal impact as a result of this action. All Measure A fiscal impacts will be taken as separate items to the City Council.

ATTACHMENTS

1. Chula Vista Municipal Code Section 2.63 - Ordinance 3438 (Amended)

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