



City of Chula Vista

Staff Report

File#: 14-0083, **Item#:** 2.

ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE CHAPTER 2.51 - "DISTRICTING COMMISSION" (FIRST READING)

RECOMMENDED ACTION

Council place the ordinance on first reading.

SUMMARY

In 2012, the City's Charter was amended to provide that City Councilmembers be elected by district. District elections are scheduled to commence with the 2016 City Council elections. Part of the process of implementing district elections is establishment of a Districting Commission. That Commission was established by Charter section 300.5. A. Charter section 300.5.B. directs the City Council to adopt necessary ordinances to implement the powers and duties of the Commission. Accordingly, this ordinance is presented to the City Council for consideration.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378(b)(5) of the State CEQA Guidelines because it involves only the establishment of a new Commission and therefore is an organizational or administrative activity of government that will not result in a direct or indirect physical change in 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 RECOMMENDATION

The draft ordinance was presented to the Charter Review Commission at its meetings on February 5, 2014 and February 26, 2014. The ordinance being presented to the City Council reflects the Charter Review Commission's comments.

DISCUSSION

I. Background

The City Charter was amended in 2012 to provide that City Councilmembers be elected by district. That amendment included the addition of Charter section 300.5, which establishes a Districting Commission (the "Commission"). The purpose of the Commission is to make recommendations to the City Council regarding establishment of the districts, and periodic adjustments to the district boundaries. The Charter requires that the districts be established no later than February 1, 2016, for use in the 2016 general municipal election. However, because candidates for that election can begin receiving campaign funds as early as July 2015, staff is recommending that the Commission be seated by July 2014, with a goal of establishing the districts by July 2015. Adoption of the proposed ordinance will assist in accomplishing this goal.

II. The Commission

Charter Section 300.5. establishes the Commission and sets forth the composition, eligibility requirements and the selection process. That process is summarized below:

- a. Interested persons submit applications to serve.
- b. The Charter Review Commission reviews and verifies the applications.
- c. The Charter Review Commission selects a pool of ten from the verified applications.
- d. From the pool of ten, the Charter Review Commission randomly selects four applicants to be appointed to the Commission.
- e. Those four Commission members select three additional members from the pool of ten, based on enumerated goals for the make-up of the Commission, for a total of seven members.
- f. The City Council approves the nominees for selection to the Commission unless, by the affirmative vote of at least four members, it determines that appointment of one or more of the nominees would be inconsistent with the enumerated goals, in which case, the City Council approves one or more applicants from the remaining pool.

The Charter also directs the City Council to adopt ordinances as necessary to “provide for and support the Commission, and to ensure timely selection of Commission members and full implementation of the Commission’s powers.” Accordingly, staff has prepared the attached ordinance for the City Council’s consideration.

III. The Ordinance

The proposed ordinance is included as Attachment 1 to this Agenda Statement. The ordinance is intended to provide additional details on the process for establishing the Commission and the rules applicable to it. The entire ordinance is provided in Attachment 1. For the City Council’s convenience, we have also summarized some of its key provisions below:

- a. The Commission will be governed by the same general rules applicable to other City boards and commissions (CVMC Chapter 2.25), unless provided otherwise.
- b. The application shall be a form specific to the Commission, developed by the City Clerk, with approval by the City Attorney.
- c. The City Clerk shall conduct a prima facie review of the applications and redact personal information before forwarding to the Charter Review Commission.
- d. If there are less than ten total applicants, the City Clerk shall extend the application period, legal and time constraints permitting.
- e. The Charter Review Commission shall consider the applications at an open session, shall consider the factors in Charter section 300.5.D.3. in selecting the pool of ten.
- f. The four randomly chosen applicants shall be sworn-in by the City Clerk.
- g. The four randomly chosen members shall then select three more members from the remaining six in the pool. They must be chosen by the affirmative vote of at least three members of the Commission.
- h. The City Council shall appoint those three members.
- i. If the City Council determines, upon four affirmative votes, that the appointment of one or more of the selected applicants would be inconsistent with the goals stated in the Charter, it may select another applicant from the pool.

The above provisions of the ordinance are rounded out by remaining general provisions regarding the application of the general rules governing boards and commissions, and the Charter provisions specific to the Districting Commission.

IV. Conclusion

City staff and the Charter Review Commission are prepared to proceed as necessary with a goal of having the Districting Commission seated by July 2014. Although the Charter provides authority for doing so, adoption of the proposed ordinance will provide additional detailed guidance to assist with that process.

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 section 18704.2 (a)(1), is not applicable to this decision. Staff is not independently aware, and has not been informed by any City Council member, 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. Adoption of this ordinance would support the Connected Community goal by establishing the framework by which members of the community are selected to serve on the Districting Commission.

CURRENT YEAR FISCAL IMPACT

There is no fiscal impact in the current year. The Districting Commission is proposed to be seated in July 2014.

ONGOING FISCAL IMPACT

It is anticipated that the Districting Commission will require a consultant to assist in drawing district lines at an estimated cost of \$75,000. The budget for the consultant services will be included as part of the City Manager's Fiscal Year 2015 Proposed Budget and will be considered by the City Council as part of the normal budget process.

Attachment 1: Draft Chula Vista Municipal Code Chapter 2.51 - Districting Commission