



# City of Chula Vista

## Legislation Details (With Text)

<b>File #:</b>	16-0335	<b>Name:</b>	Appointment Process for Vacancies on Council and Certain Commissions
<b>Type:</b>	Action Item	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
<b>On agenda:</b>	7/12/2016	<b>Final action:</b>	7/12/2016
<b>Title:</b>	CONSIDERATION OF AN ORDINANCE AMENDING TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE TO ADOPT AND INCORPORATE AN APPOINTMENT PROCESS FOR SPECIFIED COMMISSION AND CITY COUNCIL VACANCIES		
	ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE CHAPTER 2.53, APPOINTMENT PROCESS TO FILL VACANCIES ON THE CITY COUNCIL AND SPECIFIED COMMISSIONS, AND AMENDING SECTIONS 2.25.050 AND 2.43.050 ACCORDINGLY (FIRST READING)		

### Sponsors:

**Indexes:** 1. Operational Excellence, 5. Connected Community

**Code sections:** 02.25 - General Rules for Boards and Commissions, 02.43 - Civil Service Commission

**Attachments:** 1. Item 12 - Chapter 2.pdf, 2. Item 12 - Attachment 1- Amended 2.25.050, 3. Item 12 - Attachment 2 - Amended 2.43.050, 4. Item 12 - Ordinance - Appointment Process

Date	Ver.	Action By	Action	Result
7/12/2016	1	City Council	approve	Pass

CONSIDERATION OF AN ORDINANCE AMENDING TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE TO ADOPT AND INCORPORATE AN APPOINTMENT PROCESS FOR SPECIFIED COMMISSION AND CITY COUNCIL VACANCIES

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### RECOMMENDED ACTION

Council place the ordinance on first reading.

### SUMMARY

Staff recommends adoption of an ordinance that will incorporate in the Chula Vista Municipal Code the previously approved Interim Appointment Process for Members of the Growth Management Oversight, Parks & Recreation, Planning, and Civil Service Commissions, and that will extend the same process to the appointment of City Council members.

### ENVIRONMENTAL REVIEW

#### Environmental Notice

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental

review is required.

### **Environmental Determination**

The proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a “Project” as defined under Section 15378 of the state CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to the CEQA.

### **BOARD/COMMISSION RECOMMENDATION**

Not Applicable

### **DISCUSSION**

The City Council appoints members to four City Commissions, as well as to the City Council in certain circumstances outlined in the City Charter. Previously, on June 16, 2015, the City Council approved an Interim Appointment Process for conducting specified Commission appointments.

Staff now recommends that the Interim Appointment Process be codified in the Chula Vista Municipal Code (CVMC) as the appointment process for appointments to applicable Commission and City Council seats. The codification would be accomplished through a proposed ordinance that adds one chapter to the CVMC and amends two existing sections of the CVMC.

The proposed ordinance adds Chapter 2.53 to the CVMC to codify the Interim Appointment Process as the appointment process for both the Commission and Council seats. Chapter 2.53 defines key application terms, provides instructions for applicants, describes the process for providing complete applications to the Council, and provides for interviews of applicants at open Council meetings. For further review, please see the proposed new Chapter 2.53 attached.

In addition to adding Chapter 2.53, the proposed ordinance amends existing CVMC section 2.25.050. CVMC section 2.25.050 currently contains language outlining the City’s previous appointment process for the Design Review Board, Growth Management Oversight Commission, Planning Commission, Parks and Recreation Commission, and two seats on the Civil Service Commission. That previous appointment process was superseded by the Interim Appointment Process approved by Council in June 2015; for this reason, it is no longer applicable. The amendments to section 2.25.050 would delete the outdated appointment process language and replace it with language incorporating the appointment process specified in CVMC Chapter 2.53. The proposed amended version of CVMC 2.25.050 is attached and reflects these changes.

Finally, the proposed ordinance also amends existing CVMC section 2.43.050. CVMC section 2.43.050 describes membership on the Civil Service Commission and references the two Civil Service Commission seats that are appointed directly by the Council. The amendment of section 2.43.050 would include language explaining that the two Commission members appointed by Council shall be appointed in accordance with CVMC Chapter 2.53. Please see the proposed amended version of CVMC 2.43.050 attached.

Staff respectfully recommends that the proposed ordinance be adopted to add and incorporate the Council’s previously approved Interim Appointment Process as the codified appointment process for applicable Commission and Council seats pursuant to the Chula Vista Municipal Code. City Council approval of this appointment process would also implement a requirement of the City’s settlement

agreement with Plaintiffs in the case of *Shilling, et al. v. City of Chula Vista*.

### **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 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. The amendments to Title 2 support the City's Operational Excellence and Connected Community goals as they facilitate full council interviews and public involvement in the appointment process for specified Commission and Council Member appointments.

### **CURRENT YEAR FISCAL IMPACT**

The subject amendment to Title 2 results in no current year fiscal impact to the City.

### **ONGOING FISCAL IMPACT**

The subject amendment to Title 2 results in no ongoing fiscal impact to the City.

### **ATTACHMENTS**

1. Proposed New CVMC Chapter 2.53
2. Proposed Amended CVMC 2.25.050 with ~~strikeout~~ underline text
3. Proposed Amended CVMC 2.43.050 with ~~strikeout~~ underline text
4. Ordinance No. XXXX

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