



# City of Chula Vista

## Staff Report

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**File#:** 16-0222, **Item#:** 7

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REPORT AND RECOMMENDATION BY THE CHARTER REVIEW COMMISSION REGARDING A PROPOSED CHARTER AMENDMENT TO REQUIRE THAT THE ELECTED CITY ATTORNEY BE A CITY RESIDENT

### **RECOMMENDED ACTION**

Staff recommends that the City Council consider the Charter Review Commission's recommendation and take action as it deems appropriate.

### **SUMMARY**

The City's Charter Review Commission is recommending that the City Charter be amended to require that the City Attorney be a City resident.

### **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 Development Services Director has reviewed the proposed activity, Recommendation by the Charter Review Commission Regarding a Proposed Charter Amendment to Require that the City Attorney be a City Resident, 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)(4) of the State CEQA Guidelines because it involves only a recommendation that the City Charter be amended to require that the City Attorney be a City resident, and does not involve a potential physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA.

### **BOARD/COMMISSION RECOMMENDATION**

The Charter Review Commission recommends that the City Council take action to place a measure on the November 8, 2016 ballot amending the Charter to require that the City Attorney be a City resident.

### **DISCUSSION**

The City's Charter Review Commission is an independent advisory commission. One of its stated purposes is to, "work to identify language to amend the City Charter to clarify or improve the workings of the City government." The Commission recently took up discussions regarding Charter section 503, "City Attorney; Election, Powers and Duties." Specifically, the Commission is recommending that

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the section be amended to require that the City Attorney be required to be a resident of the City. On April 13, 2016, the Commission voted 6-1 to recommend that the City Charter be amended to add the residency requirement. A letter from the Commission and proposed amendment language are included as Attachment 1. It is anticipated that members of the Commission will also be in attendance at the City Council meeting to address the City Council members.

The member who voted against the recommendation, Robert Ross, submitted a letter to the City Council explaining his position. That letter is included as Attachment 2.

#### **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. Council's consideration of the Charter Review Commission's recommendation relates to its goal to stay connected to the community, in that, the Charter Review Commission is made up of residents of the City.

#### **CURRENT YEAR FISCAL IMPACT**

If the City Council determines to proceed with implementing the Charter Review Commission's recommendation, it would require a ballot measure be submitted to the electorate to amend the City Charter. This could not be done in the current fiscal year; if it were added to the November 2016 ballot, the estimated cost would be approximately \$50,000.

#### **ONGOING FISCAL IMPACT**

There is no anticipated ongoing fiscal impact associated with this item.

#### **ATTACHMENTS**

Attachment no. 1: Letter from Charter Review Commission, dated May 11, 2016

Attachment No. 2: Letter from Charter Review Commissioner, Robert Ross, dated May 23, 2016

*Staff Contact: Jill Maland, Assistant City Attorney*