

**DRAFT**  
MINUTES OF A REGULAR MEETING OF THE  
CHARTER REVIEW COMMISSION  
OF THE CITY OF CHULA VISTA

May 8, 2019

6:00 p.m.

A Regular Meeting of the Charter Review Commission of the City of Chula Vista was called to order by Chair O'Donnell at 5:59 p.m. in Conference Room C-103, located in Building A at 276 Fourth Avenue, Chula Vista, California.

**ROLL CALL**

PRESENT: Commissioners Buddingh, Ross, Vice Chair Felber and Chair O'Donnell

ABSENT: Hopida and McDonald

CITY STAFF: Marketing & Communication Manager Anne Steinberger, DCA  
Simon Silva, Secretary Marisa Aguayo

**PUBLIC COMMENTS**

Chair O'Donnell called for public comments on matters not listed on the agenda. There being no members of the public who wished to speak, Chair O'Donnell closed public comments.

**ACTION ITEMS**

**1. Approval of February 13, 2019 Minutes.**

**ACTION:** Vice Chair Felber made a motion to approve the February 13, 2019 minutes. Commissioner Buddingh seconded and motion passed as follows:

**Yes:** 4 (Buddingh, Ross, VC Felber and Chair O'Donnell)

**No:** 0

**Abstain:** 0

**2. Report, Discussion and Possible Action on the Results of the Survey Regarding Potential Charter Amendments.**

Anne Steinberger presented on survey results, including a handout of results and comments by the public. Commission discussed results and how to proceed. Chair O'Donnell and Commissioner Buddingh volunteered to be part of an ad hoc committee to prepare a presentation and report for City Council. Silva to assist in drafting a report to present to City Council.

**ACTION:** Created ad hoc sub committee for preparation of presentation and report to City Council regarding survey.

**OTHER BUSINESS**

1. STAFF COMMENTS – Thank you.
2. CHAIR’S COMMENTS – Next meeting to take place on June 12, 2019.
3. COMMISSIONERS’/BOARD MEMBERS’ COMMENTS – No comments.

**ADJOURNMENT:** Meeting adjourned at 6:30 p.m.

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Marisa Aguayo, Secretary

# Chula Vista Charter Review Committee (CRC) Citizen Survey

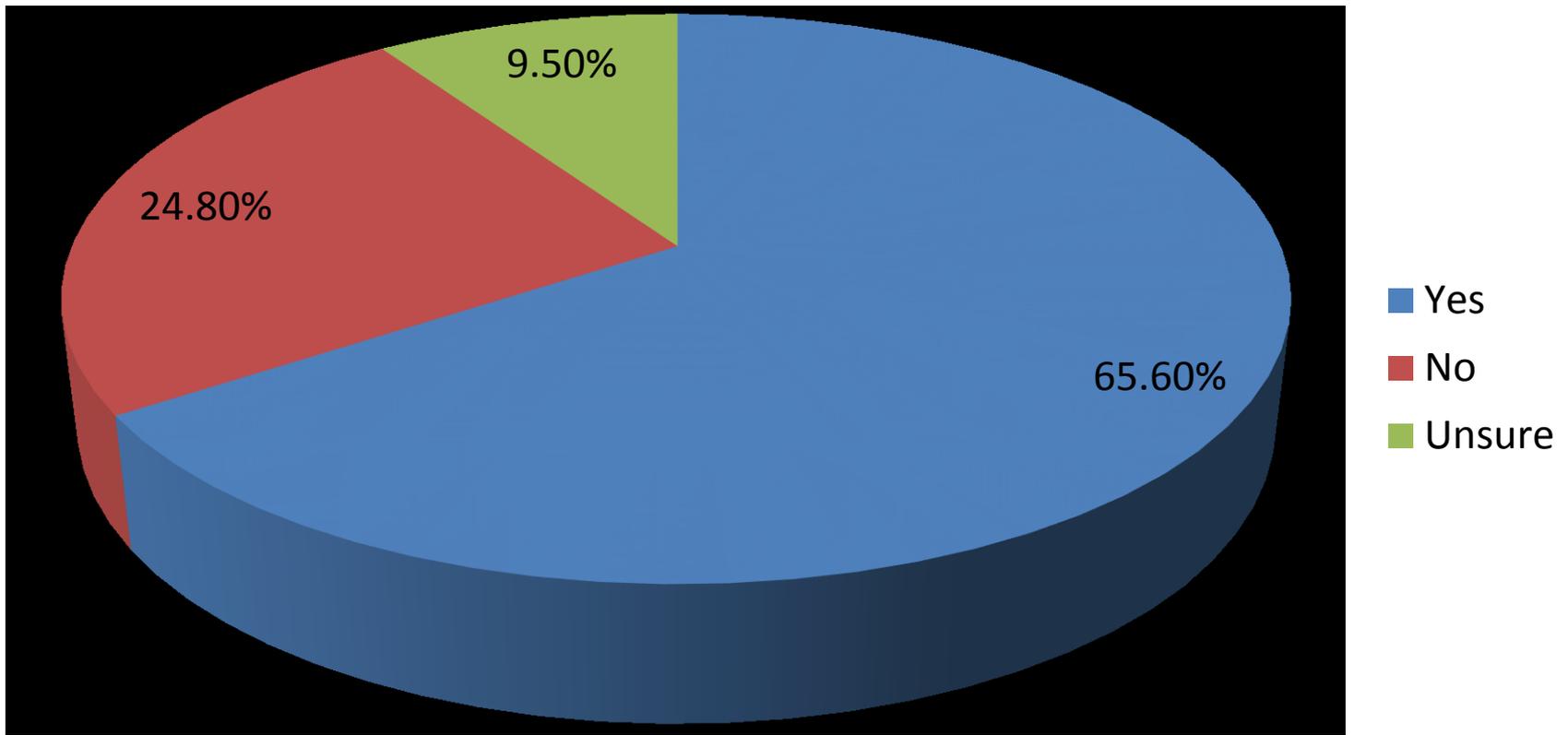
- Conducted March 1<sup>st</sup> thru 27<sup>th</sup> 2019
  - Term Limits, Mayor & Council Salary, Vote by Mail Special Elections, City Attorney Residency, Suspension of Felony Indicted Elected Officials
- Awareness of Survey
  - City Newsletter, Social Media Platforms, City Commissions, Press Release to Local Media
- Feedback
  - 500 Hits on Website, 189 Survey Respondents, 47 Comments

# CRC Survey Genesis

- Source of CRC Survey Questions
  - City Council/CRC Workshop Sep 2017
  - CRC Open Meeting Citizen Input
  - CRC Member Input

# CRC Survey Results

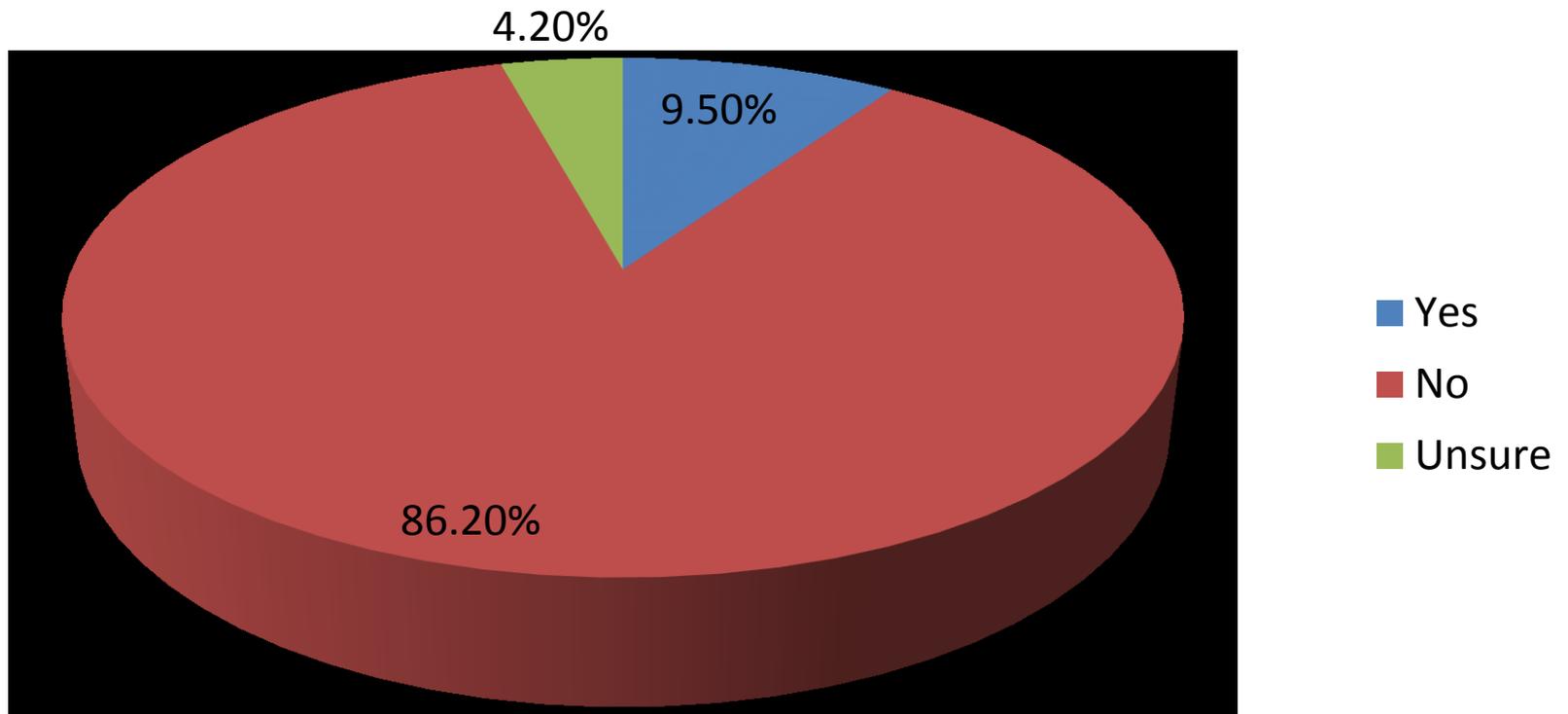
## Continue w/Current Term Limits



189 Respondents

# CRC Survey Results

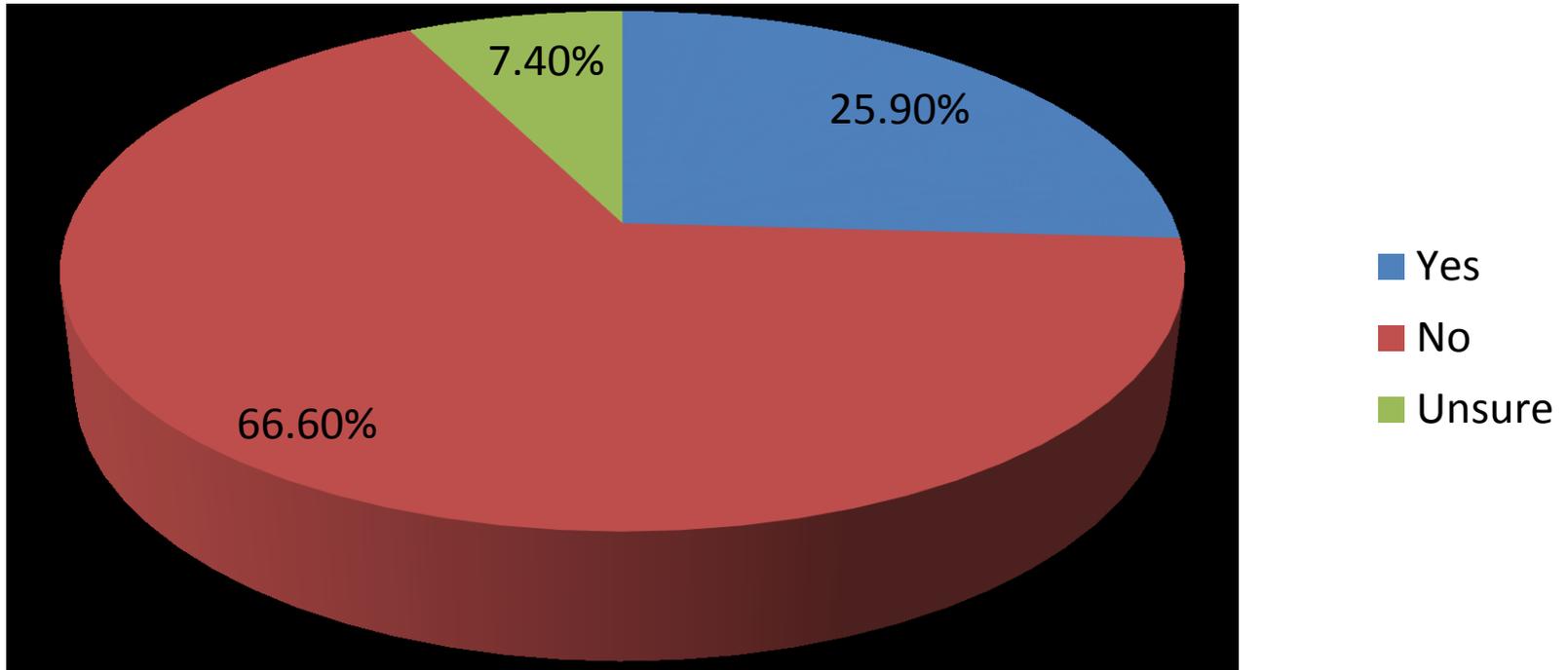
## Increase Mayor to Three Consecutive Terms



189 Respondents

# CRC Survey Results

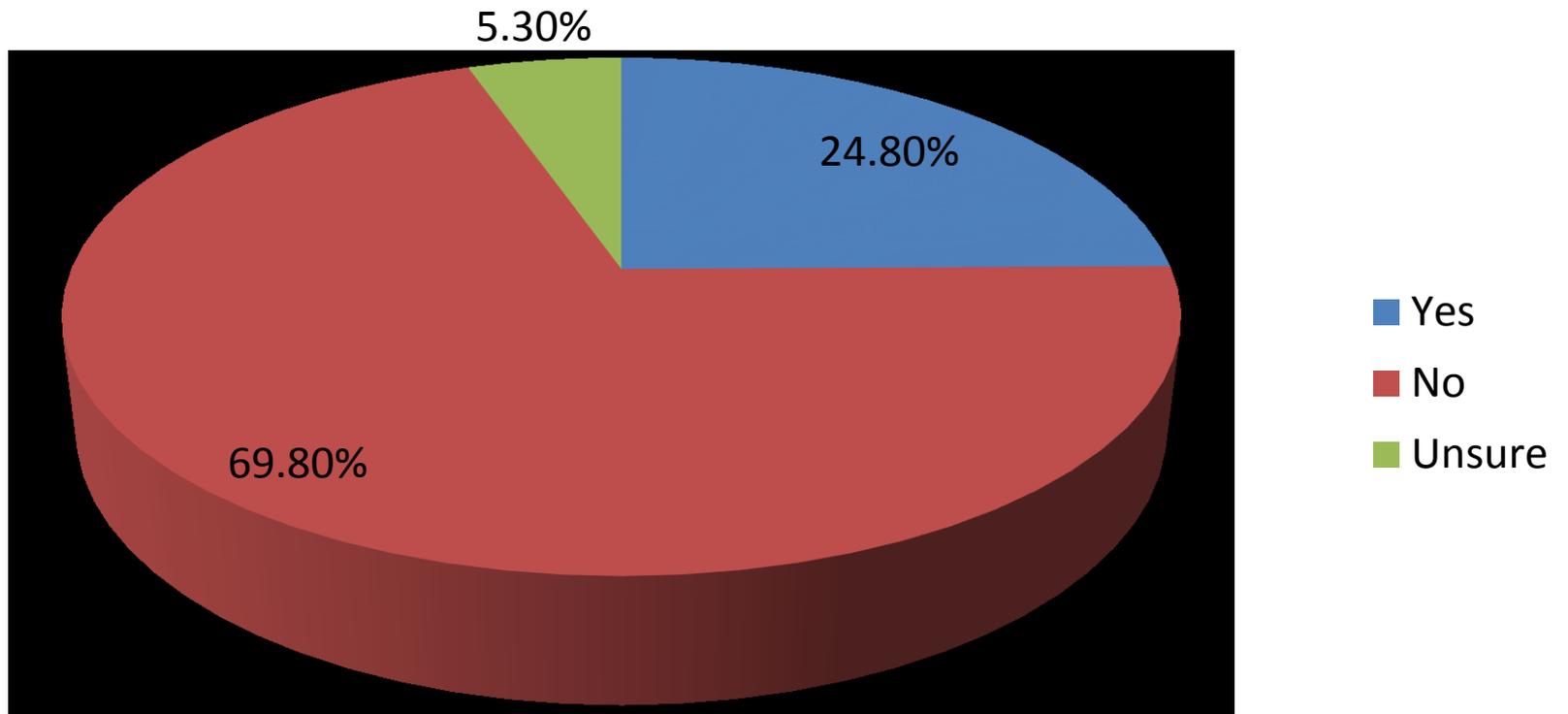
## Increase Council to Three Consecutive Terms



**189 Respondents**

# CRC Survey Results

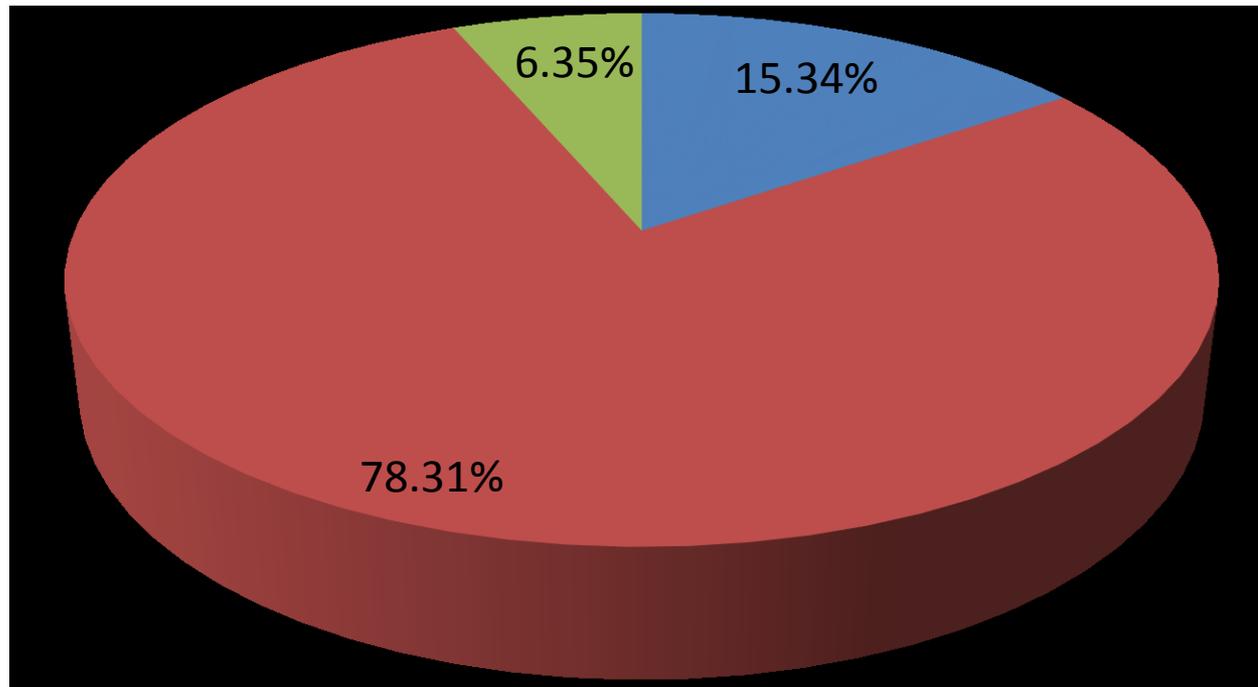
## Increase City Attorney to Three Consecutive Terms



189 Respondents

# CRC Survey Results

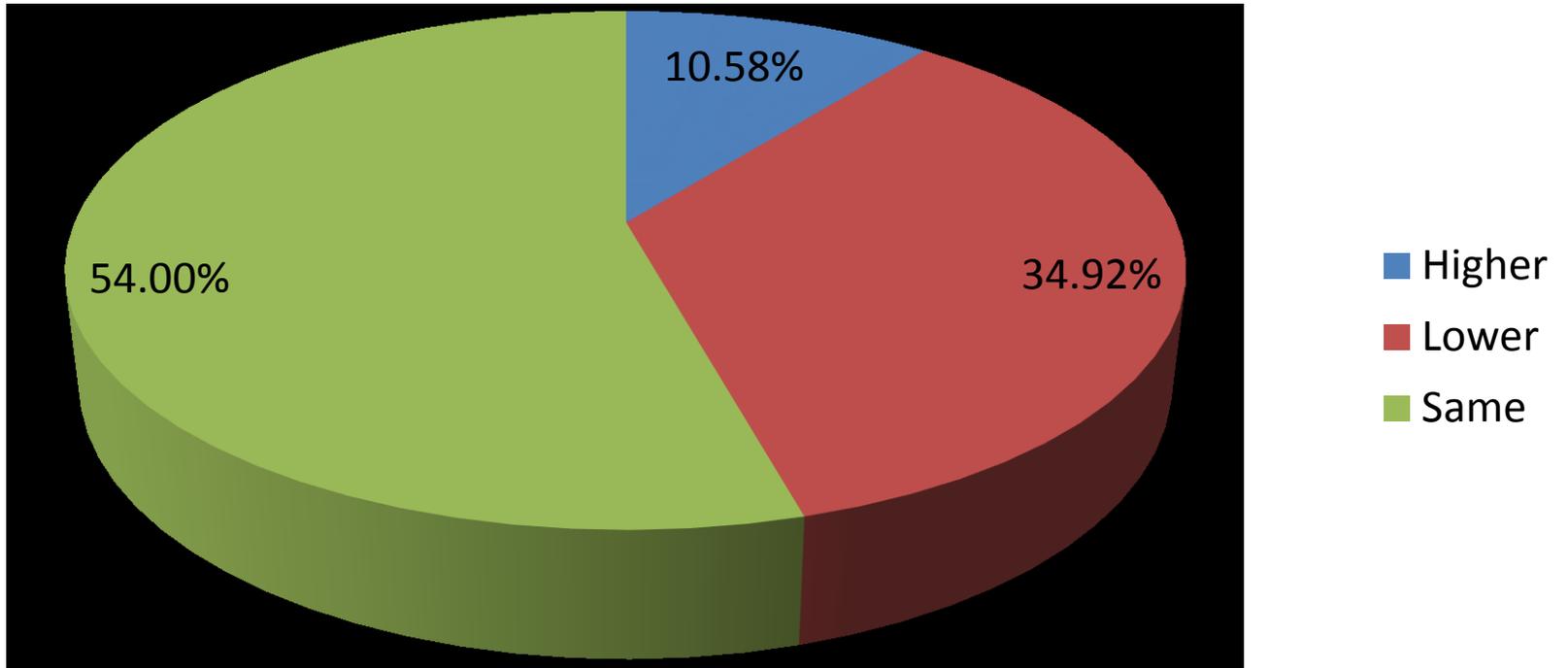
**Should City Attorney be Appointed vice Elected**



**189 Respondents**

# CRC Survey Results

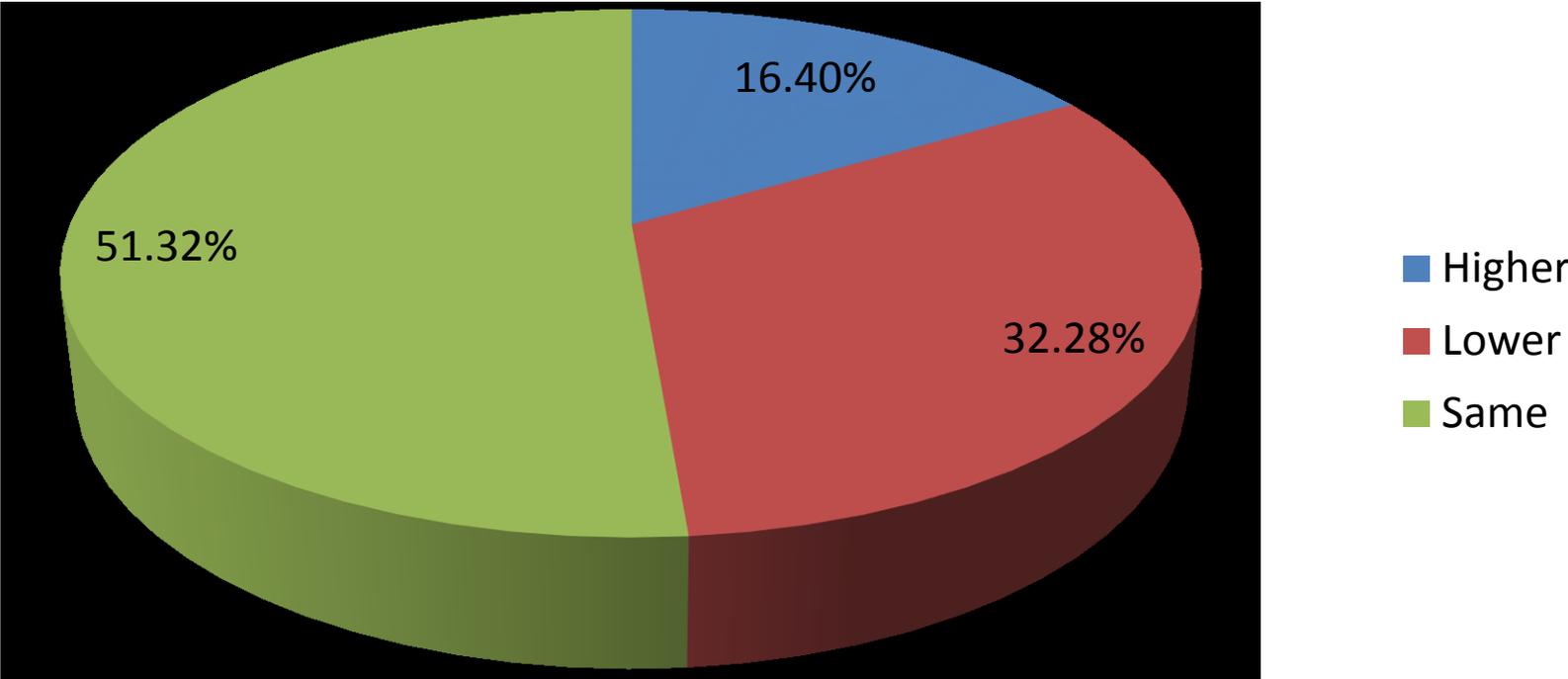
Should Mayor Salary be Higher, Lower, Same



189 Respondents

# CRC Survey Results

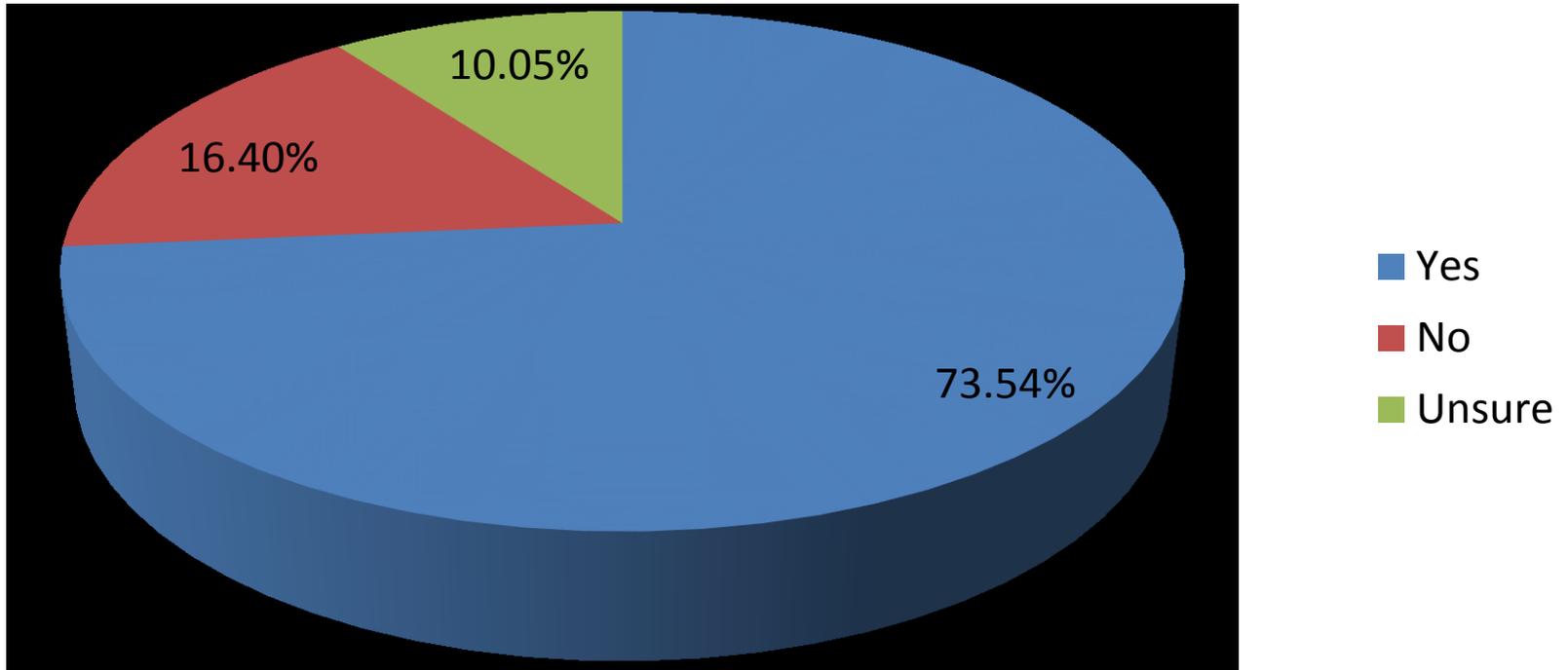
Should Council Member Salary be Higher, Lower, Same



189 Respondents

# CRC Survey Results

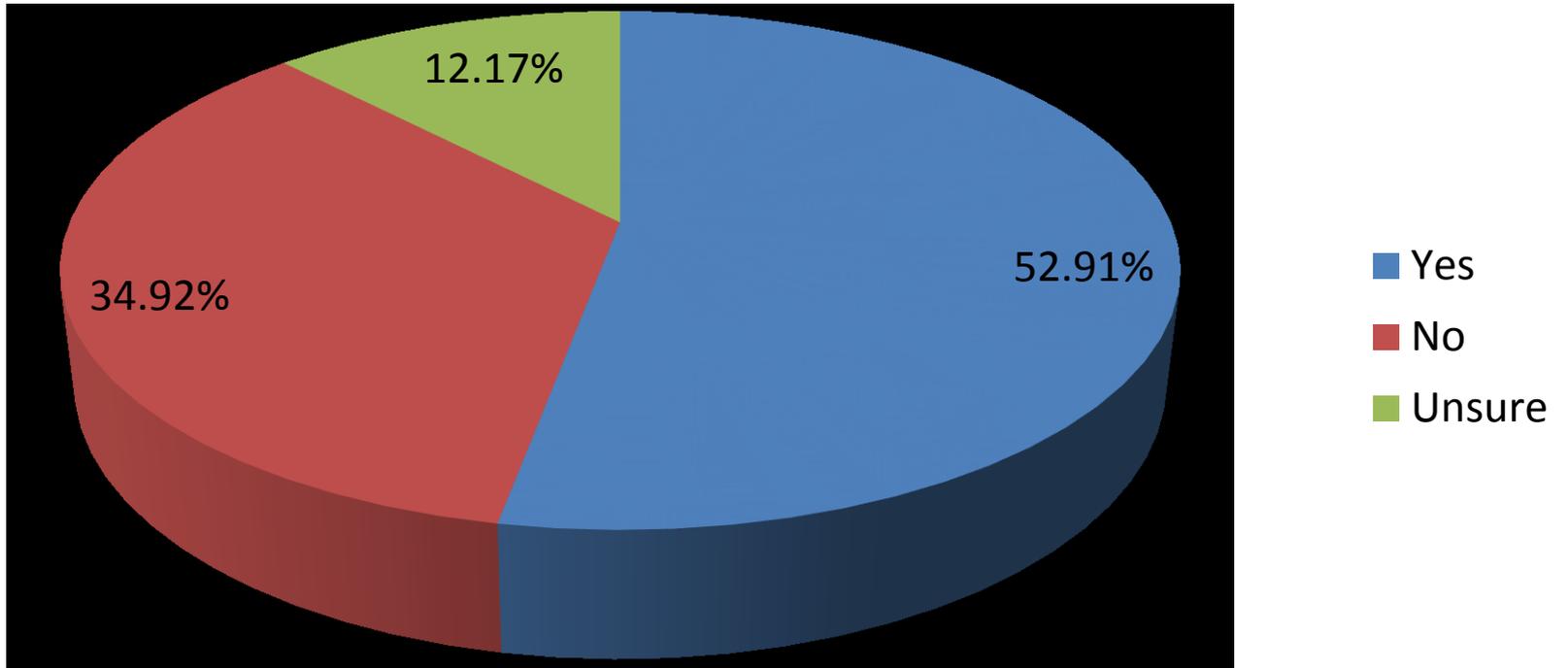
## Suspend Felony Indicted Elected Officials



189 Respondents

# CRC Survey Results

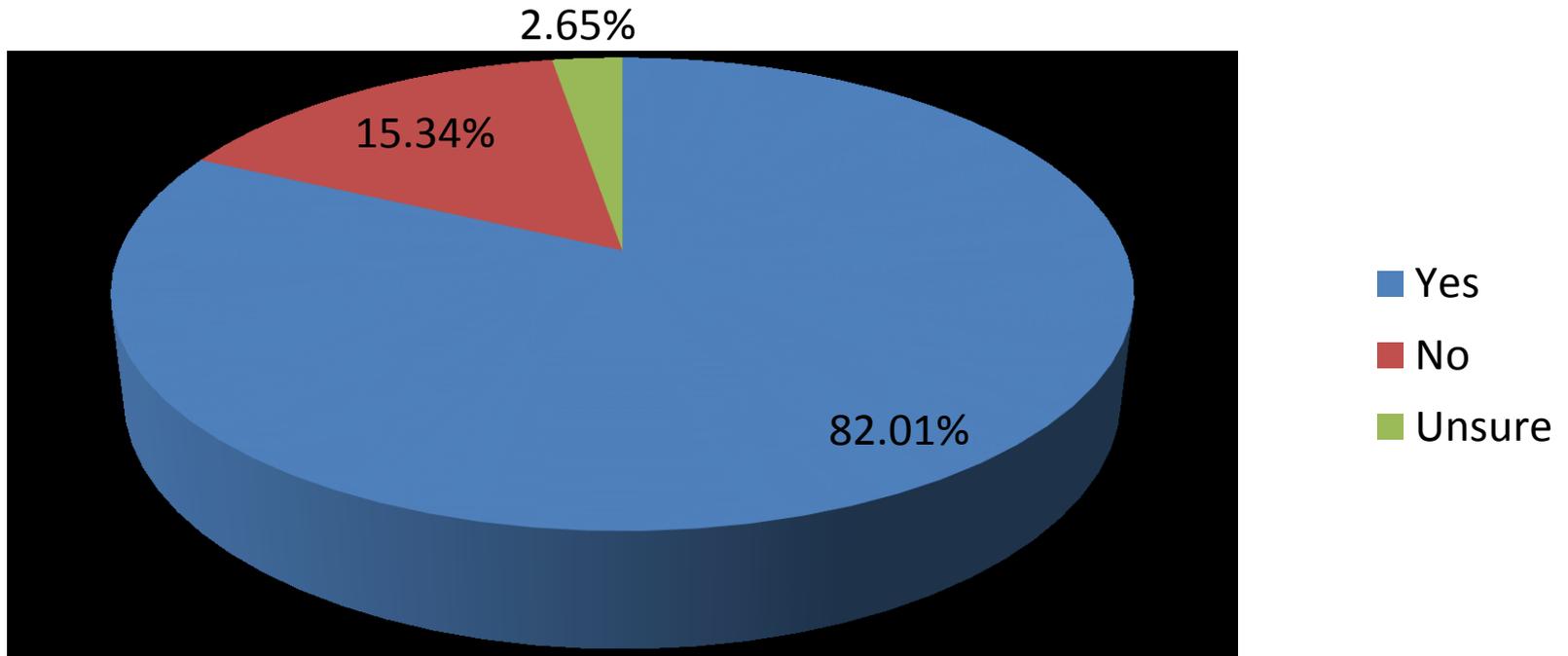
## Mail Ballot Only Option for Elected Official Vacancies



189 Respondents

# CRC Survey Results

## City Attorney Required Residency



189 Respondents



# CITY COUNCIL AGENDA STATEMENT



July 9, 2019

File ID:

## **TITLE**

PRESENTATION BY THE CHULA VISTA CHARTER REVIEW COMMISSION OF SURVEY RESULTS REGARDING PROPOSED AMENDMENTS TO CITY CHARTER AND SOLICITATION OF DIRECTION BY CITY COUNCIL ON WHICH AMENDMENTS TO PURSUE, IF ANY

## **RECOMMENDED ACTION**

Council accept the report and provide direction to the Charter Review Commission and City Staff.

## **SUMMARY**

Pursuant to Chula Vista Municipal Code section 2.29.030, the Charter Review Commission is charged with coordinating citizen and staff ideas for proposed City Charter amendments. In accordance with that charge, the Charter Review Commission sent out a survey to the community regard potential Charter amendments. The subjects of the survey included: (1) changes to the current term limits for the Mayor, Councilmembers and the City Attorney; (2) return City Attorney to an appointed position instead of being elected; (3) requirement that the elected City Attorney be a resident of the City; (4) creation of process to suspend Mayor and Councilmembers without pay when they are charged with a felony; (5) the use of only mail-in ballots for special elections involving the Mayor, Councilmembers, and the City Attorney; and (6) changes to the salaries of council members. The City received 189 responses. The responses had a majority showing support for Charter amendments in the following areas: (1) a residency requirement for the elected City Attorney; (2) the creation of a process to suspend Councilmembers charged with a felony; and (3) the use of only mail-in ballots for special elections involving Mayor, City Council, or City Attorney. The Charter Review Commission is before the City Council to present the results of the survey and to solicit direction from City council as to which Charter amendments to pursue, if any.

## **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 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 CEQA. Thus, no environmental review is required.

## **DISCUSSION**

Pursuant to the Chula Vista Municipal Code section 2.29.030, the Charter Review Commission (“CRC”) is charged with coordinating citizen and staff ideas for proposed Charter changes. As part of that charge, the CRC sought to engage the community and determine what areas of the City Charter they would be interested in changing. As part of that engagement, the CRC conducted a workshop in September of 2017, CRC meetings open to the public (where public and CRC input was sought), and the use of a survey sent to members of the community.

The CRC posted a survey on the City’s website from March 1-27, 2019 regarding potential Charter amendments. The public was informed of the survey via various means, including use of the March 2019 City newsletter, City social media platforms, press releases, and notification to other boards and commissions. The subjects of the survey included:

- potential changes to the current term limits for the Mayor, Councilmembers, and the City Attorney
- the return to an appointed City Attorney instead of an elected City Attorney
- the requirement that the elected City Attorney be a resident
- the creation of process to suspend the Mayor and Councilmembers without pay if they are charged with a felony
- the use of only mail-in ballots for special elections involving the Mayor, Councilmembers, and the City Attorney
- changes to salaries of council members.

The City received 189 responses. The survey also contained comments from respondents. The responses had majority support for Charter changes in the following areas:

- a residency requirement for the elected City Attorney (82% support)
- the creation process to suspend Councilmembers charged with a felony (73.54% support)
- the use of mail-in ballots for special elections involving Mayor, City Council, or City Attorney (also referred to as “Elected Officials”) (52.91% support)

### **Residency Requirement for City Attorney.**

With regard to the residency requirement for the City Attorney, the public was asked via the survey (Question 10) the following question:

“The City Attorney is required to be a resident of the State of California, but is not required to be a resident of the City (Charter Section 503). Of the eleven cities in California that have an elected City Attorney, all but Chula Vista require the City Attorney to be a resident. If the City Attorney stays an elected position, are you in favor of requiring the City Attorney to be a resident of the City?”

The survey results showed that 82.01% (155 respondents) favored a residency requirement, 15.34% (29 respondents) opposed the requirement, and 2.65% (5 respondents) were not sure.

### **Suspension of Elected Officials Charged with Felony.**

With regard to the suspension process for Elected Officials charged with a felony, the public was asked via the survey the following question

“Would you be in favor of changing the Charter to add a process for suspending elected City Officials from their duties, without pay, when they are charged with a felony in a court of law, until their case is resolved?”

The survey results showed that 73.54% (139 respondents) favored such a process, 16.4% (31 respondents) opposed such a process, and 10.05% (19 respondents) were not sure.

### **Mail Ballots only for special elections involving Elected Officials.**

With regard to the use of only mail-in ballots for special elections involving Elected Officials, the public was asked via the survey the following question

“The CRC is considering recommending to the City Council that the Charter be amended to allow only vote-by-mail balloting for the Mayor, City Council members, and the City Attorney. This would apply only to elections that are held on a date other than the regularly-scheduled election, and the City Council would be able to decide which method to use in each election. Would you be in favor of this amendment?”

The survey results showed that 52.91% (100 respondents) favored the use of only mail-in ballots as described, 34.92% (66 respondents) opposed the use of mail-in ballots as described, and 12.17% (23 respondents) were not sure.

### **Conclusion.**

The Charter Review Commission is before the City Council to present the results of its survey regarding potential Charter amendments and to solicit direction from City Council as to which Charter amendments to pursue, if any. If City Council directs the CRC to pursue Charter amendments, the CRC provide an analysis on each proposal and draft proposed Charter Amendment language, including different versions for consideration (as appropriate).

### **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. Support for boards and commissions, including executing reappointment processes, is directly related to the Connected Community goal. Members of the City’s boards and commissions play a vital role by participating in the City’s processes and helping influence public policy with their diverse viewpoints. Further, this item supports the goal of Operational Excellence as several of the proposed revisions intend to streamline operations and implement improvements to existing processes.

**CURRENT-YEAR FISCAL IMPACT**

There is no impact on the general fund.

**ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact.

**ATTACHMENTS**

*Staff Contact: Jill Maland, Assistant City Attorney*