

ORDINANCE NO. 2447

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 2.40 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO THE CREATION OF THE GROWTH MANAGEMENT OVERSIGHT COMMISSION

The City Council of the City of Chula Vista does ordain as follows:

SECTION I. That Chapter 2.40 is added to the Chula Vista Municipal Code to read as follows:

Chapter 2.40

Growth Management Oversight Commission

Section 2.40.010 Creation.

There is hereby created a Growth Management Oversight Commission (Commission).

Section 2.04.020 Purpose and Intent.

It is the purpose and intent of the City Council in establishing the Commission is to create an advisory body to provide an independent annual review of the effectiveness of the General Plan regarding development issues. The Commission should use the threshold criteria to make determinations regarding the impact of development on the "quality of life" in Chula Vista, publish findings and make recommendations thereon.

Section 2.40.030 Functions and Duties.

A. Consider the quality of life threshold standards set forth in the Growth Management Plan (and, when adopted, in the new Growth Management Ordinance) and make determinations, or recommendations, as appropriate, regarding the following:

1. Whether the thresholds have been complied with, on both a project and cumulative basis;
2. Whether each threshold is appropriate for its goal;
3. Whether any new threshold should be adopted for any issue;
4. Whether any new issues should be added to, or deleted from the thresholds analysis group;

5. Whether the City has been using fees and funds derived from developers for the intended purpose;
 6. Whether enforcement is being achieved.
- B. Annually, on or before June 30, make and publish its findings and recommendations, including those for imposition of a moratorium or formal "Statement of Concern" regarding water, sewer, schools, and air quality thresholds.
 - C. The Commission's annual report shall be forwarded for City Council in a timely manner through the Planning Commission, and, as to those thresholds affecting the Montgomery area, the Montgomery Planning Committee.
 - D. Annually review implementation of the Growth Management Element of the General Plan and the Growth Management Program. Such review shall include the adequacy of master facility plans to account for the effective use of public facilities required by future growth in connection with the planning and phasing of development projects.

Section 2.40.040 Membership.

A. Number of Members.

The Commission shall consist of nine (9) Voting Members, a Staff Ex-officio Member and up to three (3) General Ex-officio Members.

B. Designation of Members.

1. Voting Members.

The Voting Members shall be appointed by the City Council from the qualified electors of the City, one (1) each of whom shall be appointed from a classification consisting of residents of the four residential general plan areas (Central City, Montgomery/Otay, Sweetwater/Bonita, and the Eastern Territories) and who shall, at the time of their appointment reside in their respective area; one (1) each representing, respectively, local educational, development, environmental, and business interests and who shall, throughout their term, maintain their residency and elector status; and one (1) of whom shall be a member of the Planning Commission.

2. Staff Ex-officio Member.

The City Manager or his/her designate representative shall be an ex-officio member of the commission, who shall not be required to be a qualified elector of the City, but who shall have no vote ("Staff Ex-officio Member").

3. General Ex-officio Members.

The City Council, or its designee, may appoint not greater than three (3) additional ex-officio members of the Commission, who shall not be required to be qualified elector(s) of the City, but any such appointed ex-officio members shall have no vote ("General Ex-officio Member").

Section 2.30.050 Term of Office.

A. Term of Office--All Classes of Members.

1. Post-Initial Terms.

Except as otherwise provided in this Subsection A, the term of office of all members, and all classes of members, of said Commission shall be for a nominal period of four (4) years, and shall terminate on June 30th of the fourth year of their term, unless they shall otherwise sooner resign, die, become disqualified or incompetent to hold Office.

2. Initial Terms of Voting Members.

Notwithstanding subsection A.1., the Initial Terms shall commence upon appointment and shall conclude, for two (2) Voting Members on June 30, 1992; for two (2) Voting Members on June 30, 1993; two (2) Voting Members on June 30, 1994; and for two (2) Voting Members on June 30, 1995, unless they shall otherwise sooner resign, die, become disqualified or incompetent to hold Office. The Planning Commission position shall have no set term; the Planning Commission has the discretion to change its representative annually, except that no individual member may serve more than four (4) consecutive years.

a. Assignment to Initial Terms by Lot.

Voting Members shall be assigned to Initial Terms by lot at the first regular meeting at which all Voting Members are present, but in any event not later than the third month after initial appointment of the 9th Voting Member.

3. General Ex-officio Member.

The term of General Ex-officio members shall be for a period of four years from the time of appointment.

4. Staff Ex-officio Member.

The term of the Staff Ex-officio Member shall be indefinite.

5. Holdover Office.

Notwithstanding the end of any Member's Initial Term or Post-Initial Term as herein provided, a Member, other than the Staff Ex-officio Member, shall be permitted to continue to exercise the privileges of his former Office after the end of his term until the Office to which he was assigned is filled by his re-appointment or by the appointment of a qualified successor to his Office.

6. Vacancies.

Notwithstanding the term of Office to which a Member is assigned, said Office shall be deemed vacant upon any of the following events ("Event of Vacancy"):

- a. The death or disability of said Member that renders said Member incapable of performing the duties of his Office.
- b. The termination of his status as Member of the Commission or the classification he was assigned to represent on the Commission.
- c. The member's conviction of a felony or crime involving moral turpitude.
- d. The member's absence from three (3) regular, consecutive meetings of the Commission, unless excused by majority vote of such board or commission expressed in its official minutes.
- e. The member's has submitted his resignation which resignation has been accepted by the City Council.
- f. The membership has been terminated by a majority vote of the City Council.

Upon the occurrence of an Event of Vacancy as hereinabove listed, the City Council shall so declare the Office to be vacant, and shall expeditiously take such steps as are necessary to fill said vacancy.

B. Number of Terms.

1. Voting Members.

- a. No Voting Member shall be appointed to more than two (2) terms except as herein provided.

- b. A Voting Member assigned to an Initial Term of less than two (2) years may be appointed at the natural expiration of their Initial Term of two (2) in addition to their Initial Term. A Voting Member who currently occupies an Office under an Initial Term may not be appointed to fill the Unexpired Term of another Office which has become vacant.
- c. A Voting Member appointed to the Commission to fill the unexpired term of an Office of a Voting Member which has become vacant ("Unexpired Term") which has less than two (2) years remaining on said Unexpired Term, may be appointed two (2) terms in addition to their Unexpired Term. A Voting Member who currently occupies an Office may not be re-appointed to fill the Unexpired Term of another Office which has become vacant.
- d. Any member may be re-appointed after two (2) successive years of not serving on the Commission in any Office or Membership capacity--Voting, General Ex-officio or Staff Ex-officio.

2. General Ex-officio or Staff Ex-officio.

General Ex-officio member may be reappointed without limitation as to number of terms.

3. Staff Ex-officio Member.

The Staff Ex-officio member shall serve at the pleasure of the City Council.

Section 2.40.040 Operation of Commission.

A. Time of Meetings.

1. "Organizational Meeting".

Among such other meetings as the Commission may desire to have, the Commission shall meet not later than in the first week of January each year ("Organizational Meeting"), and thereupon shall do the following:

- a. Select a Chairperson and a Vice Chairperson from among its Voting Members to serve for a period of one (1) year.
- b. Assign such duties to its members as it determines may be necessary.
- c. Deliberate upon agenda issues for further deliberation and discussion by the Commission.

2. Other Meetings.

The Commission shall meet at such other times as it shall establish by majority vote, or at such time as the Chairperson thereof may call, or at such times as a majority of the members thereof may call a meeting.

B. Place of Meetings.

Unless the Commission shall otherwise establish another regular place for its meetings and advise the City Clerk accordingly, the Commission shall meet in the Council Conference Room in the Administrative Building at the City Hall Complex located at 276 Fourth Avenue, Chula Vista, or at such other place as may be posted upon the door of said Conference Room at least thirty (30) minutes in advance of the Meeting.

C. Conduct of Meetings.

The meetings of the Commission, and notice thereof, shall be governed by the same rules and regulations by which the City Council is bound in the conduct of public meetings.

D. Quorum.

Five (5) Voting Members shall constitute a quorum for the transaction of business.

E. Resolutions.

The affirmative vote of majority of the entire membership shall be required for the passage of any resolution of the Commission.

F. Reports and Recommendations.

All reports and recommendations shall be made in writing.

G. Staff Support.

All officers and department heads shall cooperate with the render reasonable assistance to the Commission. The City Manager may make available staff and clerical support to the Commission to fulfill its functions and duties, provided such staff and clerical support is available.

H. Rules and Regulations.

The Commissions may make such rules and regulations not inconsistent with the provisions of this Chapter.

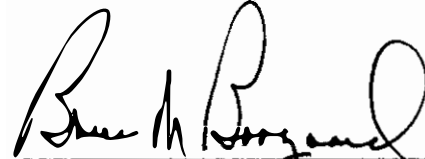
SECTION II. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by



Robert A. Leiter
Director of Planning

Approved as to form by



Bruce M. Boogaard
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 7th day of May, 1991, by the following vote:

AYES: Councilmembers: Moore, Nader, Rindone
NOES: Councilmembers: None
ABSENT: Councilmembers: Malcolm
ABSTAIN: Councilmembers: None



Leonard M. Moore
Mayor, Pro-Tempore

ATTEST:


Beverly A. Authalet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2447 had its first reading on April 23, 1991, and its second reading and adoption at a regular meeting of said City Council held on the 7th day of May, 1991.

Executed this 7th day of May, 1991.


Beverly A. Authalet, City Clerk